

Internal distribution code:

- (A) [] Publication in OJ
(B) [] To Chairmen and Members
(C) [] To Chairmen
(D) [X] No distribution

D E C I S I O N
of 27 February 2002

Case Number: T 0451/01 - 3.5.1
Application Number: 91400687.9
Publication Number: 0447319
IPC: G06F 3/06, G11B 20/10

Language of the proceedings: EN

Title of invention:

A system for controlling continuous data input of an optical disk

Patentee:

LG ELECTRONICS INC.

Opponent:

Koninklijke Philips Electronics N.V

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0451/01 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 27 February 2002

Appellant: Koninklijke Philips Electronics N.V.
(Opponent) Groenewoudseweg 1
NL-5621 BA Eindhoven (NL)

Representative: Schoemaker, Maarten
International Octrooibureau B.V.
Prof. Holstlaan 6
NL-5656 AA Eindhoven (NL)

Respondent: LG ELECTRONICS INC.
(Proprietor of the patent) 20, Yoido-Dong
Yongdungpo-Ku
KR-Seoul (KR)

Representative: Fort, Jacques
CABINET PLASSERAUD
84, rue d'Amsterdam
F-75009 Paris (FR)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 8 February 2001
rejecting the opposition filed against European
patent No. 0 447 319 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: S. V. Steinbrener
Members: R. Randes
S. C. Perryman

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office rejecting the opposition against the European patent No. 0 447 319. The decision was dispatched by registered letter with advice of delivery on 8 February 2001. The Opponent filed a notice of appeal by letter received on 5 April 2001 and paid the fee for appeal on the same date. No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of Grounds pursuant to Article 108 EPC.
- II. By a communication dated 6 December 2001 and sent by registered post, the Registry of the Board informed the Appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.
- III. The Appellant filed no observations in response to said communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed within the time limit provided by Article 108 EPC in conjunction with Rule 78(2) EPC, the appeal has to be rejected as inadmissible (Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

S. Steinbrener