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**D E C I S I O N**  
**of 30 April 2003**

**Case Number:** T 0521/01 - 3.5.1  
**Application Number:** 92111815.4  
**Publication Number:** 0526764  
**IPC:** H04Q 7/38, H04B 7/26  
**Language of the proceedings:** EN

**Title of invention:**  
Method for contacting a subscriber of a mobile telephone network

**Patentee:**  
Telecom Finland Oy

**Opponent:**  
Alcatel

**Headword:**  
-

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 65(1), 84a

**Keyword:**  
"Missing statement of grounds"

**Decisions cited:**  
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**Catchword:**  
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Case Number: T 0521/01 - 3.5.1

**D E C I S I O N**  
**of the Technical Board of Appeal 3.5.1**  
**of 30 April 2003**

**Appellant:** Telecom Finland Oy  
(Proprietor of the patent) Sturenkatu 16  
FI-00510 Helsinki (FI)

**Representative:** Harrison, Michael Charles  
Albihns GmbH  
Grasserstrasse 10  
D-80339 München (DE)

**Respondent:** Alcatel  
(Opponent) 54 rue La Boétie  
F-75008 Paris (FR)

**Representative:** Brose, Gerhard, Dipl.-Ing.  
Alcatel  
Intellectual Property Department  
D-70430 Stuttgart (DE)

**Decision under appeal:** Interlocutory decision of the Opposition Division  
of the European Patent Office posted 1 March 2001  
concerning maintenance of European patent  
No. 0 526 764 in amended form.

**Composition of the Board:**

**Chairman:** S. V. Steinbrener  
**Members:** R. Randes  
P. Mühlens

## Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dispatched by registered letter with advice of delivery to the parties on 1 March 2001 and concerning maintenance of the European patent No. 0 526 764 in amended form.

The Appellant filed a notice of appeal by letter received on 3 May 2001 and paid the appeal fee on the same day. No statement of grounds was filed. The notice of appeal contained nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

- II. By a communication dated 4 November 2002, sent by registered post with advice of delivery, the Registrar 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's attention was drawn to the provision concerning the late receipt of documents pursuant to Rule 84a EPC and to the possibility of filing a request for re-establishment of rights under Article 122 EPC. The Appellant was invited to file observations within two months.
- III. No answer was received within the given time limit to the Registry's communication. Nor is Rule 84a any longer applicable.

## **Reasons for the Decision**

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

## **Order**

### **For these reasons it is decided:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

S. Steinbrener