

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 June 2003

Case Number: T 1144/02 - 3.5.1
Application Number: 98961925.9
Publication Number: 1036461
IPC: H04M 3/22, H04M 3/42
Language of the proceedings: EN
Title of invention:
Network call trace
Applicant:
Ericsson, Inc.
Opponent:
-
Headword:
-
Relevant legal provisions:
EPC Art. 108
EPC R. 65(1), 84a
Keyword:
"Missing statement of grounds"
Decisions cited:
-
Catchword:
-



Case Number: T 1144/02 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 27 June 2003

Appellant: Ericsson, Inc.
7001 Development Drive
P.O. Box 13969
Research Triangle Park
NC 27709-3969 (US)

Representative: Forssell, Gunilla
Albihns Stockholm AB
Box 5581
S-114 85 Stockholm (SE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 11 June 2002
refusing European patent application
No. 98 961 925.9 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: S. V. Steinbrener
Members: R. R. K. Zimmermann
B. J. Schachenmann

Summary of Facts and Submissions

I. The appeal contests the decision of the Examining Division of the European Patent Office refusing the European patent application No. 98 961 925.9. The decision was dispatched by registered letter with advice of delivery on 11 June 2002. The applicant filed a notice of appeal by letter received on 9 August 2002 and paid the fee for appeal on the same date. No statement of grounds was received. 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 13 January 2003 and sent by registered post with advice of delivery, the Registrar of the Board informed the appellant that no statement of grounds has 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.

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). Rule 84a EPC is no longer applicable.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

S. Steinbrener