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D E C I S I O N
of 16 July 2003

Case Number: T 1187/02 - 3.5.1

Application Number: 99911255.0

Publication Number: 1062826

IPC: H04Q 7/38

Language of the proceedings: EN

Title of invention:

System and method for routing positioning requests based on mobile switching center address

Applicant:

ERICSSON INC.

Opponent:

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Headword:

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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 1187/02 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 16 July 2003

Appellant:

ERICSSON INC.
7001 Development Drive
P.O. Box 13969
Research Triangle Park, NC 27709 (US)

Representative:

Frank, Veit Peter, Dipl.-Ing.
Hoffmann Eitle,
Patent- und Rechtsanwälte
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Decision under appeal:

**Decision of the Examining Division of the
European Patent Office posted 15 May 2002
granting a European patent pursuant to
Article 97(2) EPC.**

Composition of the Board:

Chairman: S. V. Steinbrener
Members: A. S. Clelland
M. J. Vogel

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office granting European patent No. 1 062 826. The decision was dispatched by registered letter with advice of delivery on 15 May 2002. The applicant filed a notice of appeal by letter received on 25 July 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 23 January 2003 and 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.

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.

The Board is thus not in a position to examine whether the impugned decision is wrong and whether or not the appellant was adversely affected by it. The question of whether the inadmissible appeal involved a suspensive effect allowing divisional applications to be filed does not have to be decided in the present case.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

S. Steinbrener