

**Internal distribution code:**

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

**D E C I S I O N**  
**of 22 December 2003**

**Case Number:** T 0574/03 - 3.5.3

**Application Number:** 99933922.9

**Publication Number:** 1097521

**IPC:** H04B 3/48

**Language of the proceedings:** EN

**Title of invention:**  
NETWORK AMPLIFIER MONITORING CIRCUIT

**Applicant:**  
ADC Telecommunications, 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 0574/03 - 3.5.3

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.1  
of 22 December 2003

**Appellant:** ADC Telecommunications, Inc.  
Law Department, MS 32  
13625 Technology Drive  
Eden Prairie, MN 55344-2252 (US)

**Representative:** Beresford, Keith Denis Lewis  
BERESFORD & CO.  
2-5 Warwick Court  
High Holborn  
London WC1R 5DH (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 10 December 2002  
refusing European application No. 99933922.9  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** A. S. Clelland  
**Members:** A. Madenach  
R. Moufang

## 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. 99 933 922.9. The decision was dispatched by registered letter with advice of delivery on 10 December 2002. The applicant filed a notice of appeal by fax received on 19 February 2003 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.

By a communication dated 10 July 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.

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:

D. Magliano

A. S. Clelland