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D E C I S I O N
of 26 April 2004

Case Number: T 0911/03 - 3.5.1
Application Number: 99308840.0
Publication Number: 1001359
IPC: G06F 17/60
Language of the proceedings: EN

Title of invention:

Method of composing electronic mail in which expression appropriate for receiver can be inserted

Applicant:

Sharp Kabushiki Kaisha

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:

-



Case Number: T 0911/03 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 26 April 2004

Appellant: Sharp Kabushiki Kaisha
22-22, Nagaike-cho
Abeno-ku
Osaka-shi
Osaka 545-8522 (JP)

Representative: Brown, Kenneth Richard
R.G.C. Jenkins & Co.
26 Caxton Street
London SW1H 0RJ (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 12 March 2003
refusing European application No. 99308840.0
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: S. V. Steinbrener
Members: R. S. Wibergh
V. Di Cerbo

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. 99 308 840.0. The decision was dispatched by registered letter with advice of delivery on 12 March 2003. The applicant filed a notice of appeal by letter received on 20 May 2003 and paid the fee for appeal on the same date. No statement of grounds was received. The notice of appeal contains a request for reimbursement of the appeal fee but nothing which could be regarded as a statement of grounds pursuant to Article 108 EPC.

II. By a communication dated 6 November 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 EPO 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