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**DECISION**  
of 14 October 2004

**Case Number:** T 0672/04 - 3.5.3

**Application Number:** 99903076.0

**Publication Number:** 1048124

**IPC:** H04B 1/40

**Language of the proceedings:** EN

**Title of invention:**

System and methods for wireless communications

**Applicant:**

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

**Opponent:**

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**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0672/04- 3.5.3

**D E C I S I O N**  
**of the Technical Board of Appeal 3.5.3**  
**of 14 October 2004**

**Appellant:**  
(Applicant)

MASSACHUSETTS INSTITUTE OF TECHNOLOGY  
77 Massachusetts Avenue  
Cambridge, MA 02139 (US)

**Representative:**

Naismith, Robert Stewart  
Marks & Clerk Scotland  
19 Royal Exchange Square  
Glasgow, G1 3AE Scotland (GB)

**Decision under appeal:**

**Decision of the Examining Division of the  
European Patent Office posted 25 November 2003  
refusing European patent application  
No. 99903076.0 pursuant to Article 97(1) EPC.**

**Composition of the Board:**

**Chairman:** A. S. Clelland  
**Members:** F. van der Voort  
R. A. M. Moufang

## **Summary of Facts and Submissions**

- I. This is an appeal against the decision of the examining division to refuse European patent application number 99 903 076.0, publication number 1 048 124, dispatched on 25 November 2003.
  
- II. The appellant (applicant) filed a notice of appeal on 17 December 2003. The payment of the appeal fee was recorded on 15 January 2004. No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
  
- III. By a communication dated 21 June 2004, sent by registered letter with advice of delivery, the registry 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 was invited to file observations within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.
  
- IV. No answer has been given to the registry's communication within the given time limit.

**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 according to Article 108 EPC, last sentence, in conjunction with Rule 65(1) EPC.

**Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Magliano

A. S. Clelland