

Internal distribution code:

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

D E C I S I O N
of 27 July 2005

Case Number: T 0863/04 - 3.5.1

Application Number: 01906217.3

Publication Number: 1185919

IPC: G06F 3/00

Language of the proceedings: EN

Title of invention:

Image display method and portable terminal for displaying
selected image

Applicant:

Matsushita Electric Industrial Co., Ltd.

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1), 84a

Keyword:

"Missing statement of grounds"

"Withdrawal of request for oral proceedings"

Decisions cited:

-

Catchword:

-



Case Number: T 0863/04 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 27 July 2005

Appellant: Matsushita Electric Industrial Co., Ltd.
1006, Oaza Kadoma
Kadoma-shi
Osaka 571-0050 (JP)

Representative: Grünecker, Kinkeldey
Stockmair & Schwanhäusser
Anwaltssozietät
Maximilianstraße 58
D-80538 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 23 January 2004
refusing European application No. 01906217.3
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: S. V. Steinbrener
Members: W. E. Chandler
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. 01 906 217.3. The decision was dispatched by registered letter with advice of delivery on 23 January 2004. The applicant filed a notice of appeal by letter received on 2 April 2004 and paid the fee for appeal on the same date. No statement of grounds was received. The notice of appeal contained a request for oral proceedings but nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

II. By communication dated 13 September 2004 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. The appellant filed no observations in response to the communication, but in a letter dated 2 March 2005, confirmed that the request for oral proceedings was not maintained.

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. Sauter

S. Steinbrener