

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 3 May 2006

Case Number: T 0983/04 - 3.4.03

Application Number: 95935472.1

Publication Number: 0739526

IPC: G07F 7/08

Language of the proceedings: EN

Title of invention:
Real time tele-payment system

Patentee:
Vazvan, Behruz

Opponent:
Nordea Bank Finland PLC
Siemens AG
Giesecke & Devrient GmbH
Motorola Inc.
Nokia Corporation

Headword:
Mobile payment part/VAZVAN

Relevant legal provisions:
EPC Art. 112

Keyword:
-

Decisions cited:
G 0001/97

Catchword:
-



Case Number: T 0983/04 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 3 May 2006

Appellant: Vazvan, Behruz
(Proprietor of the patent) Aitanavain 7 As 8
FI-01660 Vantaa (FI)

Representative: -

Respondents: Nordea Bank Finland PLC
(Opponent) Aleksanterinkatu 36
FIN-00020 Nordea (FI)

Representative: Slingsby, Philip Roy
Page White & Farrer
54 Doughty Street
London WC1N 2LS (GB)

(Opponent) Siemens AG
Postfach 22 16 34
D-80506 München (DE)

Representative: -

(Opponent) Giesecke & Devrient GmbH
Prinzregentenstrasse 159
D-81677 München (DE)

Representative: -

(Opponent) Motorola Inc.
Motorola European Intellectual Property
Section-Law Department
Midpoint, Alencon Link, Basingstoke
Hampshire RG21 7PL (GB)

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

(Opponent) Nokia Corporation
Keilalahdentie 4
FIN 02150 Espoo
PO Box 226 (FI)

Representative: Ruuskanen, Juha-Pekka
Page White & Farrer
54 Doughty Street
London WC1N 2LS (GB)

Decision under appeal: Decision of Technical Board of Appeal 3.4.03
dated 15 February 2006 in re appeal
No. T 0983/04.

Composition of the Board:

Chair: R. G. O'Connell
Members: G. Eliasson
P. Mühlens

Summary of Facts and Submissions

- I. This board gave a decision on 15 February 2006 in the appeal case T 983/04 to dismiss the appeal of the appellant proprietor.
- II. In a letter dated 16 February 2006 and received on 23 February 2006, the appellant proprietor argued that he had been denied his right to be heard and to submit further requests at the oral proceedings before the board.
- III. The appellant proprietor requested that the board refer the case to the Enlarged Board of Appeal and allow the appellant proprietor to be heard properly by submitting his requests.

Reasons for the Decision

1. The appellant proprietor's request to refer the case to the Enlarged Board of Appeal aims at a revision of the final decision of the present board by the Enlarged Board of Appeal. Pursuant to decision G 1/97 (OJ EPO 2000, 322) by the Enlarged Board of Appeal, such requests must be considered to be addressed to the board in question as the responsible judicial body (reasons 6).
2. As held in G 1/97, the European Patent Convention in its present version does not recognise requests for revision or reversal of decisions of the Boards of Appeal (reasons 6). In particular, the Enlarged Board of Appeal held that it is not an appeal court under the

European Patent Convention, and has no jurisdiction to hear cases relating to revision of a final decision of a board of appeal.

The request to refer the case to the Enlarged Board of Appeal must therefore be rejected as inadmissible.

Order

For these reasons it is decided that:

The request of the appellant proprietor to refer the case to the Enlarged Board of Appeal is rejected as inadmissible.

Registrar

Chair

D. Meyfarth

R. G. O'Connell