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**D E C I S I O N**  
**of 10 June 2005**

**Case Number:** T 1289/04 - 3.5.1

**Application Number:** 95117568.6

**Publication Number:** 0713337

**IPC:** H04N 7/24

**Language of the proceedings:** EN

**Title of invention:**

Apparatus for demodulating and decoding satellite, terrestrial  
and cable transmitted digital television data

**Applicant:**

THOMSON CONSUMER ELECTRONICS, INC.

**Opponent:**

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**Headword:**

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**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 1289/04 - 3.5.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.1  
of 10 June 2005

**Appellant:** THOMSON CONSUMER ELECTRONICS, INC.  
10330 North Meridian St.  
Indianapolis  
IN 46206 (US)

**Representative:** Kohrs, Martin  
Thomson multimedia  
46, quai A. Le Gallo  
F-92648 Boulogne Cedex (FR)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 27 May 2004  
refusing European application No. 95117568.6  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** S. V. Steinbrener  
**Members:** K. J. K. Bumés  
G. E. Weiss

## 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. 95 117 568.6. The decision was dispatched by registered letter with advice of delivery on 27 May 2004. The applicant filed a notice of appeal by letter received on 27 July 2004 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.

II. By a communication dated 15 December 2004 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.

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 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:

M. Kiehl

S. Steinbrener