

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 6 September 2005

Case Number: T 0195/05 - 3.5.3

Application Number: 02253958.9

Publication Number: 1313246

IPC: H04L 1/06

Language of the proceedings: EN

Title of invention:

Multi-antenna diversity system with MIMO encoder/decoder

Applicant:

LUCENT TECHNOLOGIES INC.

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0195/05 - 3.5.3

D E C I S I O N
of the Technical Board of Appeal 3.5.3
of 6 September 2005

Appellant:

LUCENT TECHNOLOGIES INC.
600 Mountain Avenue
Murray Hill
New Jersey 07974-0636 (US)

Representative:

Watts Christopher Malcom Kelway
Lucent Technologies NS UK Ltd.
5 Mornington Road
Woodford Green
Essex IG8 0TU (GB)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 3 September 2004
refusing European application No. 02253958.9
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. S. Clelland
Members: D. H. Rees
R. T. Menapace

Summary of Facts and Submissions

I. The appeal lies from the decision of the examining division of the European Patent Office dated 3 September 2004 refusing European patent application No. 02253958.9. The decision was dispatched by registered letter with advice of delivery to the applicant on the day it was given.

The appellant filed a notice of appeal by a letter received on 18 October 2004 and paid the appeal fee on the same day.

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.

II. By a communication dated 14 March 2005, 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.

III. No answer has been given to the registry's communication within the 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 (Article 108 EPC 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