

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 15 March 2006

Case Number: T 0874/05 - 3.5.01

Application Number: 94107932.9

Publication Number: 0627856

IPC: H04N 7/087

Language of the proceedings: EN

Title of invention:

Top teletext decoder with an improved device correlating the
+ and - keys to the coloured selection keys

Patentee:

EDICO S.r.l.

Opponent:

Interessengemeinschaft für Rundfunkschutzrechte GmbH
Schutzrechtsverwertung & Co. KG

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC Rule 65(1)

Keyword:

"Missing statement of grounds"
"Withdrawal of request for oral proceedings"

Decisions cited:

-

Catchword:

-



Case Number: T 0874/05 - 3.5.01

D E C I S I O N
of the Technical Board of Appeal 3.5.01
of 15 March 2006

Appellant: Interessengemeinschaft
(Opponent) für Rundfunkschutzrechte GmbH
Schutzrechtsverwertung & Co. KG
Bahnstrasse 62
D-40210 Düsseldorf (DE)

Representative: Eichstädt, Alfred
Marynick & Eichstädt
Kuhbergstrasse 23
D-96317 Kronach (DE)

Respondent: EDICO S.r.l.
(Proprietor of the patent) Via Flaminia, 366
I-00196 Roma (IT)

Representative: Eisenführ, Günther
Eisenführ, Speiser & Partner
Patentanwälte Rechtsanwälte
Postfach 10 60 78
D-28060 Bremen (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 30 March 2005
rejecting the opposition filed against European
patent No. 0627856 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: S. Steinbrener
Members: R. Zimmermann
G. Weiss

Summary of Facts and Submissions

- I. The appellant contests the decision of the opposition division of the European Patent Office dated 30 March 2005 rejecting the opposition against European patent No. 0 627 856.

The appellant filed a notice of appeal on 30 May 2005 and paid the appeal fee on the same day.

The notice of appeal contains an auxiliary request for oral proceedings.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

- II. In a communication dated 19 September 2005, the Board informed the parties that no statement setting out of the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.
- III. In a letter dated 6 March 2006 the appellant withdrew the request for oral proceedings.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 65(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

P. Guidi

S. Steinbrener