

Internal distribution code:

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

**Datasheet for the decision
of 25 August 2006**

Case Number: T 1553/05 - 3.4.01

Application Number: 95926635.4

Publication Number: 0767976

IPC: H01Q 3/26

Language of the proceedings: EN

Title of invention:

Phased array spread spectrum system and method

Patentee:

INTERDIGITAL TECHNOLOGY CORPORATION

Opponent:

Telefonaktiebolaget LM Ericsson (publ)

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 1553/05 - 3.4.01

D E C I S I O N
of the Technical Board of Appeal 3.4.01
of 25 August 2006

Appellant: INTERDIGITAL TECHNOLOGY CORPORATION
(Patent Proprietor) Suite 527
300 Delaware Avenue
Wilmington, DE 19801 (US)

Representative: Frohwitter, Bernhard
FROHWITTER, Patent- und Rechtsanwälte
Postfach 86 03 68
D-81630 München (DE)

Respondent: Telefonaktiebolaget
(Opponent) LM Ericsson (publ)
S-12625 Stockholm (SE)

Representative: Forsberg, Ulrika S.
Ericsson AB
Patent Unit Radio Networks
S-164 80 Stockholm (SE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 13 October 2005
revoking European patent No. 0767976 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: B. Schachenmann
Members: G. Assi
H. Wolfrum

Summary of Facts and Submissions

I. The appellant (patent proprietor) lodged an appeal, received on 16 December 2005, against the decision of the opposition division, dispatched on 13 October 2005, revoking the European patent No. 0 767 976 (application number 95926635.4). The appeal fee was paid on 16 December 2005.

A statement setting out the grounds of appeal was not filed within the time limit of four months prescribed by Article 108 EPC. The notice of appeal contained nothing that could be considered as such a statement.

II. By a communication dated 12 April 2006, the Registrar of the Board informed the appellant that the written statement of grounds of appeal had not been filed and, therefore, it was to be expected that the appeal be rejected as inadmissible (Article 108 EPC and Rule 65(1) EPC). The appellant's attention was drawn to Rule 84a EPC, to the decision of the President of the EPO dated 11 December 1998 (OJ EPO 1999, 45) and to Article 122 EPC. The appellant was invited to file observations within two months from notification of the communication.

III. The appellant filed no observations in response to the communication.

Reasons for the Decision

1. 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 is 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:

R. Schumacher

B. Schachenmann