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D E C I S I O N
of 28 July 2006

Case Number: T 0122/06 - 3.5.03

Application Number: 02292964.0

Publication Number: 1427233

IPC: H04Q 7/36

Language of the proceedings: EN

Title of invention:

Method and device for simulating operating conditions of a mobile telecommunication system

Applicant:

Mitsubishi Electric Information Technology Centren Europe BV

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 108

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0122/06 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 28 July 2006

Appellant: Mitsubishi Electric Information Technology
Centre Europe B.V.
Capronilaan 46
NL-1119 NS Schiphol Rijk (NL)

Representative: Maillet, Alain
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 21 June 2005
refusing European application No. 02292964.0
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. Clelland
Members: D. Rees
M.-B. Tardo-Dino

Summary of Facts and Submissions

I. The appeal lies from the decision of the examining division of the European Patent Office refusing European patent application No. 02 292 964.0. The decision was dispatched by registered letter with advice of delivery to the applicant on 21 June 2005.

The appellant filed a notice of appeal by a letter received on 22 August 2005. The payment of the appeal fee was recorded on the same day.

No separate statement of grounds was filed.

II. By a communication dated 1 February 2006 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 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 and as the notice of appeal contains nothing that could be regarded as statement of grounds pursuant to Article 108 EPC, 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