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**Datasheet for the decision  
of 6 February 2007**

**Case Number:** T 0319/06 - 3.4.01

**Application Number:** 96903854.6

**Publication Number:** 0813736

**IPC:** G10L 19/04

**Language of the proceedings:** EN

**Title of invention:**

Depth-first algebraic-codebook search for fast coding of speech

**Patentee:**

Université de Sherbrooke

**Opponent:**

Telefonaktiebolaget L M Ericsson (publ)

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108

EPC R. 65(1)

**Keyword:**

"Appeal inadmissible"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0319/06 - 3.4.01

**DECISION**  
of the Technical Board of Appeal 3.4.01  
of 6 February 2007

**Respondent:** Université de Sherbrooke  
(Patent Proprietor) Boulevard de l'Université  
Sherbrooke  
Québec, J1K 2R1 (CA)

**Representative:** Fréchède, Michel  
Cabinet Plasseraud  
52 rue de la Victoire  
F-75440 Paris Cedex 09 (FR)

**Appellant:** Telefonaktiebolaget L M Ericsson (publ)  
(Opponent) Telefonvägen 30  
S-12 625 Stockholm (SE)

**Representative:** Frank, Veit Peter  
Hoffmann Eitle  
Patent- und Rechtsanwälte  
Arabellastraße 4  
D-81925 München (DE)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 21 December 2005  
revoking European patent No. 0813736 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

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

## Summary of Facts and Submissions

- I. The appeal contests the decision of the opposition division, dispatched on 21 December 2005, rejecting the oppositions against European patent No. 0 813 736 (application number 96903854.6).

The appellant (opponent I, Telefonaktiebolaget LM Ericsson) filed a notice of appeal by a letter received on 21 February 2006 and paid the fee for the appeal on the same day.

No statement setting out the grounds of appeal was 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 4 July 2006 sent by registered letter with advice of delivery, the registry of the board informed the appellant that no written statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal be rejected as inadmissible (Article 108 EPC and Rule 65(1) EPC). The appellant was invited to file observations within two months from notification of the communication. Moreover, 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.

- III. The appellant filed no observations in response to the 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).

## **Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

R. Schumacher

B. Schachenmann