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**Datasheet for the decision  
of 24 October 2008**

**Case Number:** T 0242/08 - 3.5.03

**Application Number:** 98942269.6

**Publication Number:** 1021876

**IPC:** H04B 14/06

**Language of the proceedings:** EN

**Title of invention:**  
Signal processing method and device

**Applicant:**  
ATMEL CORPORATION

**Opponent:**  
-

**Headword:**  
-

**Relevant legal provisions:**  
EPC Art. 108, third sentence  
EPC R. 101(1)

**Relevant legal provisions (EPC 1973):**  
-

**Keyword:**  
"Missing statement of grounds"

**Decisions cited:**  
-

**Catchword:**  
-



Case Number: T 0242/08 - 3.5.03

**DECISION**  
of the Technical Board of Appeal 3.5.03  
of 24 October 2008

**Appellant:** ATMEL CORPORATION  
2325 Orchard Parkway  
San Jose  
California 95131 (US)

**Representative:** Käck, Jürgen  
Patentanwälte  
Kahler Käck Mollekopf  
Vorderer Anger 239  
D-86899 Landsberg (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 17 August 2007  
refusing European application No. 98942269.6  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** A. S. Clelland  
**Members:** T. Snell  
R. Menapace

## **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. 98942269.6. The decision was dispatched by registered letter with advice of delivery to the applicant dated 17 August 2007.

The appellant filed a notice of appeal by a letter received on 16 October 2007. The payment of the appeal fee was recorded on the same day. The notice of appeal included a conditional request for oral proceedings.

II. By a communication dated 7 February 2008 sent by registered letter with advice of delivery, the registry of the board informed the appellant that no statement of grounds of appeal 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 reestablishment 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**

1. 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 a statement of grounds of appeal pursuant to Article 108 EPC, the

appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

2. As the appellant has not replied to the communication referred to under II. above or filed a statement of grounds, it is evident that the appellant does not wish to pursue the appeal. The conditional request for oral proceedings therefore no longer has any basis.

## **Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

D. Sauter

A. S. Clelland