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**Datasheet for the decision
of 26 January 2009**

Case Number: T 0496/08 - 3.5.04

Application Number: 98907662.5

Publication Number: 0914653

IPC: G11B 7/24

Language of the proceedings: EN

Title of invention:
Two-sided hybrid DVD-CD disc

Patentee:
Dierks, Dieter

Opponent:
Recording Industry Association of America/IFPI Secretariat

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Keyword:
"Form of appeal - missing statement of grounds"

Decisions cited:
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Catchword:
-



Case Number: T 0496/08 - 3.5.04

D E C I S I O N
of the Technical Board of Appeal 3.5.04
of 26 January 2009

Appellant: Dierks, Dieter
(Patent Proprietor) Hauptstraße 33
D-50259 Pulheim (DE)

Representative: Bauer, Wulf
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Respondent: Recording Industry Association of America
(Opponent) 1330 Connecticut Avenue, NW, Suite 300
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Representative: Appelt, Christian W.
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 22 February 2008
revoking European patent No. 0914653 pursuant
to Article 101(3)(b) EPC.

Composition of the Board:

Chairman: F. Edlinger
Members: C. Kunzelmann
T. Karamanli

Summary of Facts and Submissions

- I. The appellant contests the decision of the opposition division dated 22 February 2008 revoking European patent No. 0 914 653.
- II. The appellant filed a notice of appeal received on 08 March 2008 and paid the appeal fee on the same day. No statement of grounds of appeal was received.
- III. In a communication dated 06 August 2008 sent by registered post with advice of delivery, the board informed the appellant that no statement of grounds of appeal had been received and that it was to be expected that the appeal would be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.
- IV. No observations were filed.

Reasons for the Decision

1. Article 108 EPC requires that a statement setting out the grounds of appeal shall be filed within four months of notification of the decision. Pursuant to Rule 101(1) EPC the appeal shall be rejected as inadmissible if it does not comply with Article 108 EPC.
2. In the present case no document was filed by the appellant which could be regarded as a statement setting out the grounds of appeal. Consequently the appeal has to be rejected as inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

L. Fernández Gómez

F. Edlinger