

Internal distribution code:

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

**Datasheet for the decision
of 9 January 2009**

Case Number: T 0670/08 - 3.4.01

Application Number: 01110761.2

Publication Number: 1154512

IPC: H01P 5/08

Language of the proceedings: EN

Title of invention:

Radio frequency circuit module on multi-layer substrate

Applicant:

NEC CORPORATION

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Missing statement of grounds of appeal"

Decisions cited:

-

Catchword:

-



Case Number: T 0670/08 - 3.4.01

D E C I S I O N
of the Technical Board of Appeal 3.4.01
of 9 January 2009

Appellant:

NEC CORPORATION
7-1, Shiba 5-chome
Minato-ku
Tokyo (JP)

Representative:

Glawe, Delfs, Moll
Patentanwälte
Postfach 26 01 62
D-80058 München (DE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 26 October 2007
refusing European application No. 01110761.2
pursuant to Article 97(1) EPC 1973.

Composition of the Board:

Chairman: B. Schachenmann
Members: F. Neumann
G. Assi

Summary of Facts and Submissions

- I. The appellant contests the decision of the examining division of the European Patent Office dated 26 October 2007 refusing European patent application No. 01 110 761.2.

- II. The appellant filed a notice of appeal received on 27 December 2007 and paid the appeal fee on the same day. The notice of appeal contained an auxiliary request for oral proceedings. A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement, merely indicating that the arguments on which the appeal was based would be filed within the next two months.

- III. In a communication dated 23 May 2008 sent by registered letter with advice of delivery, the board informed the appellant that no statement of grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

- IV. No observations were filed in response to said communication.

- V. In a letter dated 19 December 2008, the appellant withdrew the request for oral proceedings.

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

R. Schumacher

B. Schachenmann