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**Datasheet for the decision
of 12 September 2008**

Case Number: T 0930/08 - 3.5.05

Application Number: 99102791.3

Publication Number: 0939360

IPC: G06F 3/06

Language of the proceedings: EN

Title of invention:

Switching mechanism and disk array apparatus having the switching mechanism

Applicant:

NEC CORPORATION

Opponent:

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Headword:

Switching mechanism/NEC

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0930/08 - 3.5.05

D E C I S I O N
of the Technical Board of Appeal 3.5.05
of 12 September 2008

Appellant:

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

Representative:

Vossius & Partner
Siebertstrasse 4
D-81675 München (DE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 29 November 2007
refusing European application No. 99102791.3
pursuant to Article 97(1) EPC 1973.

Composition of the Board:

Chairman: D. H. Rees
Members: A. Ritzka
G. Weiss

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European patent Office dated 29 November 2007 refusing European patent application No. 99102791.3.

The appellant filed a notice of appeal on 18 January 2008 and paid the appeal fee on the same day.

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.

II. In a communication dated 23 May 2008, the Board informed the appellant that no statement setting out the 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.

III. The appellant filed no observations in response to said communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1)EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

K. Götz

D. H. Rees