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**Datasheet for the decision
of 1 December 2008**

Case Number: T 1394/08 - 3.5.04

Application Number: 02792327.5

Publication Number: 1464179

IPC: H04N 7/24

Language of the proceedings: EN

Title of invention:

Next generation television receiver

Applicant:

OpenTV, Corp.

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Form of appeal - missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1394/08 - 3.5.04

DECISION
of the Technical Board of Appeal 3.5.04
of 1 December 2008

Appellant:

OpenTV, Corp.
275 Sacramento Street
San Francisco
CA 94111 (US)

Representative:

Freeman, Jacqueline Carol
W.P. THOMPSON & CO.
55 Drury Lane
London WC2B 5SQ (GB)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 11 February 2008
refusing European application No. 02792327.5
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: F. Edlinger
Members: A. Teale
T. Karamanli

Summary of Facts and Submissions

- I. The appellant contests the decision of the examining division dated 11 February 2008 refusing European patent application No. 02 792 327.5.
- II. The appellant filed a notice of appeal received on 11 April 2008 and paid the appeal fee on the same day. No statement of grounds of appeal was received.
- III. In a communication dated 4 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 in response to said communication, and the appellant confirmed in a phone call held on 25 November 2008 with the registry of the board that no written statement of grounds had ever been posted.

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

D. Sauter

F. Edlinger