

Internal distribution code:

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

**Datasheet for the decision
of 7 April 2009**

Case Number: T 1697/08 - 3.5.04

Application Number: 03007452.0

Publication Number: 1328126

IPC: H04N 7/52

Language of the proceedings: EN

Title of invention:

Method for communicating audiovisual programs over a communications network

Applicant:

AT&T Corp.

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Form of appeal - missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 1697/08 - 3.5.04

D E C I S I O N
of the Technical Board of Appeal 3.5.04
of 7 April 2009

Appellant:

AT&T Corp.
32 Avenue of the Americas
New York
NY 10013-2412 (US)

Representative:

Kuhnen & Wacker
Patent- und Rechtsanwaltsbüro
Prinz-Ludwig-Straße 40A
D-85354 Freising (DE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 25 March 2008
refusing European application No. 03007452.0
pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: F. Edlinger
Members: C. Kunzelmann
B. Müller

Summary of Facts and Submissions

- I. The appeal is against the decision of the Examining Division dated 25 March 2008 to refuse European patent application No. 03 007 452.0.
- II. The appellant filed a notice of appeal received on 30 May 2008 and paid the appeal fee on the same day. No statement of grounds of appeal was received.
- III. In a communication dated 21 October 2008 notified by registered letter 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 of notification of the communication.
- 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