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**Datasheet for the decision
of 17 March 2009**

Case Number: T 2101/08 - 3.5.04

Application Number: 99901130.7

Publication Number: 0969480

IPC: G11C 29/00

Language of the proceedings: EN

Title of invention:
Encoding method and memory device

Applicant:
Sony Corporation

Opponent:
-

Headword:
-

Relevant legal provisions:
EPC Art. 108

Relevant legal provisions (EPC 1973):
-

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

Decisions cited:
-

Catchword:
-



Case Number: T 2101/08 - 3.5.04

D E C I S I O N
of the Technical Board of Appeal 3.5.04
of 17 March 2009

Appellant:

Sony Corporation
7-35, Kitashinagawa 6-chome
Shinagawa-ku
Tokyo 141-0001 (JP)

Representative:

Melzer, Wolfgang
Mitscherlich & Partner
Patent- und Rechtsanwälte
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Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 23 May 2008
refusing European application No. 99901130.7
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: F. Edlinger
Members: A. Teale
B. Müller

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division refusing European patent application No. 99 901 130.7. The decision was dispatched by registered letter with advice of delivery to the applicant on 23 May 2008.

- II. A notice of appeal was received from the applicant (appellant) on 23 July 2008, requesting that a patent be granted and making an auxiliary request for oral proceedings. The appeal fee was paid on the same day. No separate statement of grounds was filed.

- III. By a communication dated 5 January 2009 sent by registered letter with advice of delivery, the registry of the board informed the appellant that it appeared that no statement of grounds had been filed and that, pursuant to Article 108 and Rule 101(1) EPC, it was to be expected that the appeal would be rejected as inadmissible. The appellant was invited to file observations within two months of notification of the communication.

- IV. A reply from the appellant dated 9 January 2009 was received within this time-limit. The appellant stated that a written statement of grounds of appeal had not been filed "due to a respective advice from the applicant".

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 and Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

L. Fernández Gómez

F. Edlinger