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**Datasheet for the decision
of 18 June 2009**

Case Number: T 2112/08 - 3.5.01

Application Number: 03775700.2

Publication Number: 1581887

IPC: G06F 17/30

Language of the proceedings: EN

Title of invention:

Method and device for storing content on a removable medium

Applicant:

Koninklijke Philips Electronics N.V.

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:

"Missing statement of grounds of appeal"

Decisions cited:

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Catchword:

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Case Number: T 2112/08 - 3.5.01

**DECISION
of the Technical Board of Appeal 3.5.01
of 18 June 2009**

Appellant: Koninklijke Philips Electronics N.V.
Groenewoudseweg 1
5621 BA Eindhoven (NL)

Representative: Eleveld, Koop Jan
Philips
Intellectual Property & Standards
P.O. Box 220
5600 AE Eindhoven (NL)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 27 May 2008
refusing European patent application
No. 03775700.2 pursuant to Article 97(2)
EPC.

Composition of the Board:

Chairman: S. Steinbrener
Members: R. R. K. Zimmermann
A. Pignatelli

Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 27 May 2008 refusing European patent application No. 03775700.2.

The appellant filed a notice of appeal on 10 July 2008 and paid the appeal fee on the same day. The notice of appeal contains 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.

II. In a communication dated 3 December 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. With letter dated 4 December 2008, the appellant declared that he would withdraw the application on the condition that any fee was refunded. However, if no refund was possible, the application was not withdrawn.

IV. In a letter dated 10 March 2009 the appellant withdrew the request for oral proceedings.

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.

No fee can be refunded.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

T. Buschek

S. Steinbrener