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**Datasheet for the decision
of 2 July 2009**

Case Number: T 2345/08 - 3.4.02

Application Number: 04001672.7

Publication Number: 1443348

IPC: G02B 6/28

Language of the proceedings: EN

Title of invention:

Sheet-type optical conductor and two-way communication system
using the sheet-type optical conductor

Applicant:

FUJIFILM Corporation

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 2345/08 - 3.4.02

D E C I S I O N
of the Technical Board of Appeal 3.4.02
of 2 July 2009

Appellant: FUJIFILM Corporation
26-30, Nishiazabu 2-chome
Minato-ku
Tokyo (JP)

Representative: Klunker . Schmitt-Nilson . Hirsch
Destouchesstraße 68
D-80796 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 9 July 2008
refusing European patent application
No. 04001672.7 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. G. Klein
Members: F. J. Narganes-Quijano
M. J. Vogel

Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division dated 9 July 2008 refusing European patent application No. 04001672.7.

The appellant (applicant) filed a notice of appeal on 8 September 2008 and paid the appeal fee on the same day. The appellant requested setting aside of the decision under appeal and the grant of a patent and, on an auxiliary basis, oral proceedings.

No statement of grounds of appeal was filed within the time limit prescribed by Article 108 EPC.

- II. By a communication dated 9 January 2009 sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no written statement of grounds of appeal had been filed and that the appeal was expected to be rejected as inadmissible. The appellant was invited to file observations within two months and attention was drawn to Article 122 EPC.

By letter dated 3 June 2009, the appellant withdrew its request for oral proceedings.

Reasons for the Decision

Whilst the notice of appeal was filed within the time limit set out in Article 108 EPC and the appeal fee was also paid within that time limit, no written statement setting out the grounds of appeal has been filed within the time limit prescribed by Article 108 EPC. In

addition, the notice of appeal contains nothing that could be regarded as a statement of grounds within the meaning of Article 108 and Rule 99(2) EPC.

In its letter dated 3 June 2009 the appellant expressly withdrew its previous request for oral proceedings and made no comment on the issue of the admissibility of the appeal.

In view of the above considerations, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

A. G. Klein