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**Datasheet for the decision
of 28 July 2009**

Case Number: T 0049/09 - 3.5.01

Application Number: 04104471.0

Publication Number: 1640877

IPC: G06F 17/30

Language of the proceedings: EN

Title of invention:

Method for scaling images for usage on a mobile communication device

Applicant:

Research In Motion Limited

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 0049/09 - 3.5.01

**DECISION
of the Technical Board of Appeal 3.5.01
of 28 July 2009**

Appellant: Research In Motion Limited
295 Phillip Street
Waterloo,
Ontario N2L 3W8 (CA)

Representative: Rickard, David John
Ipulse
26 Mallinson Road
London SW11 1BP (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 21 July 2008
refusing European patent application
No. 04104471.0 pursuant to Article 97(2)
EPC.

Composition of the Board:

Chairman: S. Steinbrener
Members: S. Wibergh
P. Schmitz

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 21 July 2008 refusing European patent application No. 04104471.0.

The appellant filed a notice of appeal on 25 August 2008 and paid the appeal fee on the same day.

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 10 February 2009, 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. The appellant filed no observations in response to said communication.

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.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

T. Buschek

S. Steinbrener