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

**Case Number:** T 0440/09 - 3.5.05

**Application Number:** 04713831.8

**Publication Number:** 1690176

**IPC:** G06F 3/033

**Language of the proceedings:** EN

**Title of invention:**

Previewing a new event on a small screen device

**Applicant:**

Research in Motion Limited

**Opponent:**

-

**Headword:**

Previewing a new event/RESEARCH IN MOTION

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Relevant legal provisions (EPC 1973):**

**Keyword:**

"Missing statement of grounds"

**Decisions cited:**

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**Catchword:**

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**Case Number:** T 0440/09 - 3.5.05

**DECISION**  
**of the Technical Board of Appeal 3.5.05**  
**of 7 May- 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  
9 September 2008 refusing European  
application No. 04713831.8 pursuant to  
Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** D. H. Rees  
**Members:** P. Corcoran  
P. Schmitz

### **Summary of Facts and Submissions**

- I. This is an appeal against the decision of the examining division refusing the European patent application No. 04 713 831.8 posted on 9 September 2008.
- II. The appellant filed a notice of appeal on 3 November 2008 and authorised the payment of the appeal fee in said notice.
- III. 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 a statement
- IV. In a communication dated 24 February 2009 the board informed the appellant that no statement setting out the 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.
- V. The appellant filed no observations in response to the said communication. With a facsimile dated 2 April 2009 the appellant made reference to "the letter of 24 February 2009 refusing the appeal" and noted that the sixth annual renewal fee had been paid in March 2008 although it had not been due until 28 February 2009. The appellant asked for confirmation of the reimbursement of this renewal fee.
- VI. In a fax dated 7 April 2009, followed by a communication dated 14 April 2009, the board informed the appellant to the effect that the communication of 24 February 2009 was not a final decision and that the application was still pending until such a decision had been issued. The board further noted that in view of these circumstances the renewal fee for the application had become due by the end of February 2009. The fee had thus been paid with a legal basis and could not be refunded.

### **Reasons for the Decision**

1. 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.
2. The board notes that, as pointed out in official communication dated 14 April 2009, the application was still pending when the renewal fee for the sixth year became due at the end of February 2009 and therefore this fee cannot be refunded.

**Order**

**For these reasons it is decided that:**

The appeal is dismissed.

The Registrar:

The Chairman:

K. Götz

D. H. Rees