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**Datasheet for the decision
of 9 September 2009**

Case Number: T 1110/09 - 3.5.03

Application Number: 04019570.3

Publication Number: 1507345

IPC: H04B 10/18

Language of the proceedings: EN

Title of invention:

Optical communications system with dispersion compensation

Applicant:

BTG INTERNATIONAL LIMITED

Opponent:

-

Headword:

Optical communications system/BTG INTERNATIONAL

Relevant legal provisions:

EPC Art. 108

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1110/09 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 9 September 2009

Appellant: BTG INTERNATIONAL LIMITED
10 Fleet Place,
Limeburner Lane
London EC4M 7SB (UK)

Representative: Critten, Matthew Peter
Abel & Imray
20 Red Lion Street
London, WC1R 4PQ (UK)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 3 December 2008
refusing European patent application
No. 04019570.3 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: A. S. Clelland
Members: A. Madenach
M-B. Tardo-Dino

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division of the European Patent Office refusing the European patent application 04019570.3. The decision was dispatched by registered letter with advice of delivery to the applicant on 3 December 2008.
- II. The appellant (applicant) filed a notice of appeal by a letter received on 3 February 2009. The payment of the appeal fee was recorded on the same day.

No statement of grounds was filed.

- III. By a communication dated 16 June 2009, sent by registered post with advice of delivery, the registry of the board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.
- IV. No answer has been given to the registry's communication within the time limit.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed within the time limit provided by Article 108 EPC in conjunction with Rule 126(2) EPC and 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 (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Magliano

A. S. Clelland