

BESCHWERDEKAMMERN
DES EUROPÄISCHEN
PATENTAMTS

BOARDS OF APPEAL OF
THE EUROPEAN PATENT
OFFICE

CHAMBRES DE RECOURS
DE L'OFFICE EUROPEEN
DES BREVETS

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 15 March 2010**

Case Number: T 1494/09 - 3.5.01

Application Number: 02741726.0

Publication Number: 1395928

IPC: G06F 17/30

Language of the proceedings: EN

Title of invention:

Synchronous change data capture in a relational database

Applicant:

Oracle International Corporation

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Missing statement of grounds of appeal"

Decisions cited:

-

Catchword:

-

Case Number: T 1494/09 - 3.5.01

**DECISION
of the Technical Board of Appeal 3.5.01
of 15 March 2010**

Appellant: Oracle International Corporation
500 Oracle Parkway,
M/S 5 op 7
Redwood Shores, CA 94065 (US)

Representative: Davies, Simon Robert
D Young & Co
120 Holborn
London EC1N 2DY (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted
5 February 2009 refusing European patent
application No. 02741726.0 pursuant to
Article 97(2) EPC.

Composition of the Board:

Chairman: S. Wibergh
Members: K. Bumès
A. Pignatelli

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 5 February 2009 refusing European patent application No. 02741726.0.

The appellant filed a notice of appeal on 15 April 2009 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 21 July 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.
In a letter dated 5 March 2010 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.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

T. Buschek

S. Wiberg