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**Datasheet for the decision  
of 27 November 2009**

**Case Number:** T 1527/09 - 3.5.05

**Application Number:** 05025441.6

**Publication Number:** 1643404

**IPC:** G06F 1/00

**Language of the proceedings:** EN

**Title of invention:**

Distribution and rights management of digital content

**Applicant:**

Provident Intellectual Property, LLC

**Opponent:**

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**Headword:**

Rights Management/PROVIDENT INTELLECTUAL PROPERTY

**Relevant legal provisions:**

EPC Art. 108

EPC R. 101(1), 103(1)b

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

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**Keyword:**

"Missing statement of grounds"

"Request of reimbursement of appeal fee (refused)"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1527/09 - 3.5.05

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.05  
of 27 November 2009

**Appellant:** Provident Intellectual Property, LLC  
3301 Villanova  
Dallas TX 75225 (US)

**Representative:** HOFFMANN EITLE  
Patent- und Rechtsanwälte  
Arabellastrasse 4  
D-81925 München (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 9 February 2009  
refusing European application No. 05025441.6  
pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** D. H. Rees  
**Members:** A. Ritzka  
G. Weiss

## Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 9 February 2009 refusing European patent application No. 05025441.6.

The appellant filed a notice of appeal on 27 March 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 27 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.

IV. In a communication dated 5 November 2009, the Board informed the appellant that no statement setting out the grounds of appeal had been received and reminded the appellant of the pending request for oral proceedings.

- V. With a facsimile dated 13 November 2009 the appellant withdrew the request for oral proceedings and requested to refund the official appeal fee of € 1120,00 paid on 27 March 2009.

### **Reasons for the Decision**

1. Admissibility of the appeal.

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. Reimbursement of the appeal fee.

According to Rule 103(1)b EPC the appeal fee shall be reimbursed if the appeal is withdrawn before the filing of the statement of grounds of appeal and before the period for filing that statement has expired.

In the present case the period for filing the statement of grounds of appeal expired on 19 June 2009 (Article 108 EPC). The appeal was not withdrawn by this date. Therefore, the request of reimbursement of the appeal fee must be refused.

**Order**

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

1. The appeal is rejected as inadmissible.
2. The request of reimbursement of the appeal fee is refused.

The Registrar

The Chairman

K. Götz

D. H. Rees