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**Datasheet for the decision  
of 26 February 2010**

**Case Number:** T 1584/09 - 3.5.03

**Application Number:** 04713806.0

**Publication Number:** 1595340

**IPC:** H04B 7/02

**Language of the proceedings:** EN

**Title of invention:**

Equalization of multiple signals received for soft handoff in wireless communication systems

**Applicant:**

QUALCOMM INCORPORATED

**Opponent:**

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**Headword:**

Wireless communication/QUALCOMM

**Relevant legal provisions:**

EPC Art. 108, third sentence  
EPC R. 101(1)

**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 1584/09 - 3.5.03

**DECISION**  
of the Technical Board of Appeal 3.5.03  
of 26 February 2010

**Appellant:**

QUALCOMM INCORPORATED  
5775 Morehouse Drive  
San Diego  
CA 92121-1714 (US)

**Representative:**

Walsh, Michael Joseph  
Tomkins & Co.  
5 Dartmouth Road  
Dublin 6 (IE)

**Decision under appeal:**

Decision of the Examining Division of the  
European Patent Office posted 17 February 2009  
refusing European application No. 04713806.0  
pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** A. S. Clelland  
**Members:** T. Snell  
R. Moufang

## **Summary of Facts and Submissions**

I. The appeal lies from the decision of the examining division of the European Patent Office refusing European patent application No. 04713806.0. The decision was dispatched by registered letter with advice of delivery to the applicant dated 17 February 2009.

The appellant filed a notice of appeal by a letter received on 25 March 2009. The payment of the appeal fee was recorded on the same day. The notice of appeal included a conditional request for oral proceedings.

II. By a communication dated 3 August 2009 sent by registered letter with advice of delivery, the registry of the board informed the appellant that no statement of grounds of appeal 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.

III. No answer has been given to the registry's communication within the time limit.

## **Reasons for the Decision**

1. As no written statement setting out the grounds of appeal has been filed, and as the notice of appeal contains nothing that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

2. As the appellant has not replied to the communication referred to under II. above or filed a statement of grounds, it is evident that the appellant does not wish to pursue the appeal. The conditional request for oral proceedings therefore no longer has any basis.

**Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

D. Magliano

A. S. Clelland