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

Case Number: T 1854/09 - 3.5.03

Application Number: 03012676.7

Publication Number: 1349293

IPC: H04B 7/005

Language of the proceedings: EN

Title of invention:

Apparatus for controlling transmission power of a data signal

Applicant:

QUALCOMM INCORPORATED

Opponent:

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Headword:

Power control/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 1854/09 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 26 February 2010

Appellant: QUALCOMM INCORPORATED
5775 Morehouse Drive
San Diego
California 92121-1714 (US)

Representative: Dunlop, Hugh Christopher
R.G.C. Jenkins & Co
26 Caxton Street
London SW1H 0RJ (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 31 March 2009
refusing European application No. 03012676.7
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. 03012676.7. The decision was dispatched by registered letter with advice of delivery to the applicant dated 31 March 2009.

The appellant filed a notice of appeal by a letter received on 10 June 2009. The payment of the appeal fee was recorded on the same day.

II. By a communication dated 22 September 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. The appellant confirmed the receipt of the above communication by a letter dated 20 November 2009, but did not make any submissions in response to the communication within the time limit.

Reasons for the Decision

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).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

D. Magliano

A. S. Clelland