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**Datasheet for the decision
of 24 September 2010**

Case Number: T 1131/10 - 3.4.01

Application Number: 07115433.0

Publication Number: 1914829

IPC: H01Q 1/24

Language of the proceedings: EN

Title of invention:

Active antenna capable of wireless signal transmission and reception and mobile communication terminal having the same

Applicant:

Samsung Electronics Co., Ltd, et al

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

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Decisions cited:

-

Catchword:

-



Case Number: T 1131/10 - 3.4.01

D E C I S I O N
of the Technical Board of Appeal 3.4.01
of 24 September 2010

Appellant: Samsung Electronics Co., Ltd, et al
416, Maetan-dong
Yeongtong-gu
Suwon-si
Gyeonggi-do 443-742 (KR)

Representative: Ertl, Nicholas Justin
Elkington and Fife LLP
Prospect House
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 9 December 2009
refusing European patent application
No. 07115433.0 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: B. Schachenmann
Members: G. Assi
P. Fontenay

Summary of Facts and Submissions

- I. The appellant (applicant) lodged an appeal, received on 19 February 2010, against the decision of the examining division, dispatched on 9 December 2009, refusing the European patent application No. 07115433.0 (publication No. 1 914 829). The appeal fee was paid on 19 February 2010.
- II. A statement setting out the grounds of appeal was not filed within the time limit of four months prescribed by Article 108 EPC.
- III. By a communication dated 1 June 2010, the Registrar of the Board informed the appellant that the written statement of grounds of appeal had not been filed and, therefore, it was to be expected that the appeal be rejected as inadmissible (Article 108 EPC and Rule 101(1) EPC). The appellant was invited to file observations within two months from notification of the communication.
- IV. The appellant filed no observations in response to the communication.

Reasons for the Decision

1. Article 108 EPC requires that a statement setting out the grounds of appeal shall be filed within four months of notification of the decision under appeal. Pursuant to Rule 101(1) EPC the appeal shall be rejected as inadmissible if it does not comply with Article 108 EPC inter alia.

2. In the present case, no written statement setting out the grounds of appeal has been filed within the time limit provided by Article 108 EPC. Moreover, the notice of appeal contains nothing that could be considered as such a statement. Therefore, the appeal is inadmissible.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

R. Schumacher

B. Schachenmann