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**Datasheet for the decision  
of 10 March 2011**

**Case Number:** T 1593/10 - 3.5.01  
**Application Number:** 08100344.4  
**Publication Number:** 2031521  
**IPC:** G06F 17/30, G06F 17/28  
**Language of the proceedings:** EN

**Title of invention:**

System and method for translating the content of a  
terminological database

**Applicant:**

Carecom A/S

**Opponent:**

-

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1), 103(1)

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

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**Keyword:**

"Missing statement of grounds of appeal"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1593/10 - 3.5.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.01  
of 10 March 2011

**Appellant:** Carecom A/S  
Strandvejen 64h  
2900 Hellerup (DK)

**Representative:** -

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 28 January 2010  
refusing European patent application  
No. 08100344.4 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** S. Wibergh  
**Members:** W. Chandler  
P. Schmitz

## Summary of Facts and Submissions

- I. The appellant contests the decision of the examining division of the European Patent Office dated 28 January 2010 refusing European patent application No. 08100344.4.

The appellant filed a notice of appeal on 19 March 2010 and paid the appeal fee on the same day.

The notice of appeal contained an auxiliary request for oral proceedings in the event that the EPO intended to reject the appeal. In addition, reimbursement of the appeal fee was requested.

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 a statement.

- II. In a communication dated 29 July 2010, 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.

After a telephone call from the Board's registrar the appellant declared in a letter dated 14 January 2011 that the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of

the appeal as a consequence of the fact that a written statement of grounds of appeal had not been filed.

### **Reasons for the Decision**

1. 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. Rule 103(1) EPC provides the conditions under which the appeal fee is to be reimbursed. In the present case, the appeal is neither allowable (Rule 103(1)(a) EPC) nor was the appeal withdrawn before expiry of the period for filing the statement of grounds of appeal (Rule 103(1)(b) EPC). Thus the conditions of Rule 103(1) EPC are not met and therefore reimbursement of the appeal fee cannot be allowed.

**Order**

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

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

The Registrar

The Chairman

T. Buschek

S. Wibergh