

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 17 January 2012**

Case Number: T 2124/11 - 3.4.01
Application Number: 07003486.3
Publication Number: 1793240
IPC: G01S 5/14, G01S 1/04, H04K 3/00
Language of the proceedings: EN

Title of invention:

Increased jamming immunity by optimizing processing gain for
GPS/INS systems

Applicant:

RAYTHEON COMPANY

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Inadmissibility of the appeal"
"Statement of grounds of appeal not filed"

Decisions cited:

-

Catchword:

-



Case Number: T 2124/11 - 3.4.01

D E C I S I O N
of the Technical Board of Appeal 3.4.01
of 17 January 2012

Appellant: RAYTHEON COMPANY
(Applicant) 870 Winter Street
Waltham, MA 02451-1449 (US)

Representative: Lawrence, John
Barker Brettell LLP
100 Hagley Road
Edgbaston
Birmingham B16 8QQ (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 4 April 2011
refusing European patent application
No. 07003486.3 pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: B. Schachenmann
Members: P. Fontenay
H. Wolfrum

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division to refuse the European patent application No. 07 003 486.3. The decision was notified on 4 April 2011.
- II. The appellant (applicant) filed a notice of appeal against said decision by letter dated 14 June 2011 and paid the prescribed appeal fee on the same day.
- III. No statement setting out the grounds of appeal was 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, merely indicating that the grounds in support of the appeal would "*follow in due course and before the deadline of 4 August 2011*".
- IV. In a communication dated 14 October 2011 sent by registered letter with advice of delivery, the Board informed the appellant that no statement of grounds had been received and that the appeal should be expected to be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication which reached the addressee on 9 November 2011.
- V. With letter dated 4 January 2012 the appellant informed the Board of the following: "*We hereby formally withdraw our appeal of 14 June 2011. We request refund of the appeal fee to our deposit account [...].*"

Reasons for the Decision

As no written statement of grounds of appeal has been filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1) EPC.

The inadmissibility of the appeal is effective from the date of expiry of the period of four months of notification of the impugned decision. In this respect, the declaration of the appellant dated 4 January 2012, with regard to the appeal being withdrawn, is devoid of object and, thus, without effect. The condition for reimbursement of the appeal fee that the appeal be withdrawn before the period for filing the statement of grounds of appeal has expired (Rule 103(1) (b) EPC) is not met. In the absence of any other legal basis for such reimbursement, the request for refund of the appeal fee is rejected.

Order

For these reasons it is decided that:

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

The Registrar:

The Chairman:

R. Schumacher

B. Schachenmann