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**Datasheet for the decision  
of 2 March 2012**

**Case Number:** T 2337/11 - 3.5.01  
**Application Number:** 08102469.7  
**Publication Number:** 1988483  
**IPC:** G06Q 20/00, G06F 21/00  
**Language of the proceedings:** EN

**Title of invention:**

Framework and technology to enable the portability of  
information cards

**Applicant:**

Novell, Inc.

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

"Missing statement of grounds of appeal"

**Decisions cited:**

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**Catchword:**

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Case Number: T 2337/11 - 3.5.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.01  
of 2 March 2012

**Appellant:** Novell, Inc.  
(Applicant) 1800 S Novell Place  
Provo, Utah 84606-6169 (US)

**Representative:** Hanna, Peter William Derek  
Hanna Moore & Curley  
13 Lower Lad Lane  
Dublin 2 (IE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 24 May 2011  
refusing European patent application  
No. 08102469.7 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** S. Wibergh  
**Members:** P. Scriven  
P. Schmitz

## Summary of Facts and Submissions

- I. The appellant contests the decision of the examining division of the European Patent Office dated 24 May 2011 refusing European patent application No. 08102469.7.

The appellant filed a notice of appeal on 16 June 2011 and paid the appeal fee on the same day.

The notice of appeal contained a request for oral proceedings.

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 17 November 2011, 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. In a letter dated 6 December 2011 the appellant declared that the applicant was not proceeding any further with the appeal and that the request for oral proceedings was not intended to apply to the question of inadmissibility because the statement of written grounds had not been filed.

## **Reasons for the Decision**

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.

## **Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

T. Buschek

S. Wibergh