

Internal distribution code:

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

**Datasheet for the decision
of 16 April 2014**

Case Number: T 2450/13 - 3.5.03

Application Number: 08831750.8

Publication Number: 2163013

IPC: H04H60/11, H04H20/42, H04H60/80

Language of the proceedings: EN

Title of invention:
Programming content reconstruction in a content delivery system

Applicant:
Kustin Corp.

Headword:
Programming content reconstruction/KUSTIN

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1), 126(2)

Keyword:
Missing statement of grounds

Decisions cited:

Catchword:



**Beschwerdekammern
Boards of Appeal
Chambres de recours**

European Patent Office
D-80298 MUNICH
GERMANY
Tel. +49 (0) 89 2399-0
Fax +49 (0) 89 2399-4465

Case Number: T 2450/13 - 3.5.03

**D E C I S I O N
of Technical Board of Appeal 3.5.03
of 16 April 2014**

Appellant: Kustin Corp.
(Applicant) Calle 50, Torre Global Bank
Piso 16, Oficina 1602
Panama City (PA)

Representative: Wheatley, Alison Clare
Haseltine Lake LLP
Redcliff Quay
120 Redcliff Street
Bristol BS1 6HU (GB)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 28 June 2013
refusing European patent application No.
08831750.8 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman: F. van der Voort
Members: A. J. Madenach
M.-B. Tardo-Dino

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division of the European Patent Office refusing the European patent application 08831750.8. The decision was dispatched by registered letter with advice of delivery to the applicant on 28 June 2013.
- II. The appellant (applicant) filed a notice of appeal by a letter received on 27 August 2013. The payment of the appeal fee was recorded on the same day.
- III. No statement of grounds was filed.
- IV. By a communication dated 18 December 2013, sent by registered letter with advice of delivery, the registry of the board informed the appellant that no statement of grounds 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.
- V. Apart from an acknowledgement of receipt of the communication no answer has been given to the registry's communication within the time limit.
- VI. No request for oral proceedings was filed.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC.

Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



G. Rauh

F. van der Voort

Decision electronically authenticated