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**Datasheet for the decision  
of 1 February 2018**

**Case Number:** T 2162/14 - 3.5.03

**Application Number:** 04783854.5

**Publication Number:** 1687951

**IPC:** H04L29/06, H04L29/12,  
H04L12/28, H04L12/46

**Language of the proceedings:** EN

**Title of invention:**

Method for communicating over the internet with geographically distributed devices

**Patent Proprietor:**

Rovi Solutions Corporation

**Opponent:**

**Headword:**

Communicating over the internet with geographically distributed devices/ROVI

**Relevant legal provisions:**

EPC Art. 108 sentence 3  
EPC R. 101(1)

**Keyword:**

Admissibility of appeal - statement of grounds (not filed)  
Request for oral proceedings in the notice of appeal

**Decisions cited:**

T 1042/07

**Catchword:**



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

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Case Number: T 2162/14 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 1 February 2018**

**Appellant:** Rovi Solutions Corporation  
(Patent Proprietor) 2160 Gold Street  
San Jose, CA 95002 (US)

**Representative:** Pisani, Diana Jean  
Haley Guiliano International LLP  
Central Court, 25 Southampton Buildings  
London WC2A 1AL (GB)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted on  
19 September 2014 concerning maintenance of the  
European Patent No. 1687951 in amended form.

**Composition of the Board:**

**Chairman** F. van der Voort  
**Members:** T. Snell  
S. Fernández de Córdoba

## **Summary of Facts and Submissions**

- I. This case concerns appeals directed against the decision of the opposition division of 19 September 2014, posted on the same day.
- II. Appeals were filed by both the proprietor and the opponent. However, the appeal of the opponent as well as its party status in these proceedings was withdrawn by fax letter dated 9 November 2017. Only the appeal of the proprietor is therefore pending (hereinafter, "appellant").
- III. The appellant filed a notice of appeal on 19 November 2014 and paid the appeal fee on the same day.
- IV. In the notice of appeal the appellant requested "that the Decision be set aside in respect of the aspects of the Decision which adversely affected the Proprietor". In addition, the notice of appeal states: "Oral proceedings are requested as part of the Appeal procedure".
- V. By communication of 10 February 2015 sent by registered letter with advice of delivery and received by the appellant, the registry of the board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would 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.
- VI. No reply was received.

### **Reasons for the Decision**

1. 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 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).
  
2. In the notice of appeal the appellant requested oral proceedings pursuant to Article 116 EPC. However, the appellant subsequently did not provide any statement as to the substantive merits of the appeal, gave no explanation or comments as to why no statement of grounds had been filed, and did not react to the board's communication of the impending rejection of the appeal as inadmissible. As a consequence of the appellant's inaction, in particular the lack of any response to the board's communication, the board considers that the request for oral proceedings has been implicitly abandoned (cf. T 1042/07, point 3 of the reasons).

### **Order**

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

The appeal of the proprietor is rejected as inadmissible.

The Registrar:

The Chairman:



G. Rauh

F. van der Voort

Decision electronically authenticated