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**Datasheet for the decision  
of 26 April 2016**

**Case Number:** T 0003/16 - 3.5.03

**Application Number:** 11760086.6

**Publication Number:** 2550812

**IPC:** H04R29/00

**Language of the proceedings:** EN

**Title of invention:**

Pipe calibration of omnidirectional microphones

**Applicant:**

Aliph, Inc.

**Headword:**

Pipe Calibration Of Omnidirectional Microphones/ALIPH

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Keyword:**

Admissibility of appeal - missing statement of grounds



**Beschwerdekammern**  
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Case Number: T 0003/16 - 3.5.03

**D E C I S I O N**  
**of Technical Board of Appeal 3.5.03**  
**of 26 April 2016**

**Appellant:** Aliph, Inc.  
(Applicant) 99 Rhode Island Street 3rd Floor  
San Francisco, CA 94103 (US)

**Representative:** Johnson, Richard Alan  
Mewburn Ellis LLP  
City Tower  
40 Basinghall Street  
London EC2V 5DE (GB)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 8 July 2015  
refusing European patent application No.  
11760086.6 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** F. van der Voort  
**Members:** A. Madenach  
O. Loizou

## **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 11760086.6. The decision was dispatched by registered letter with advice of delivery to the applicant on 8 July 2015. Receipt was acknowledged on 15 July 2015.
- II. The applicant (appellant) filed a notice of appeal by a letter received on 18 September 2015. The notice of appeal included a conditional request for oral proceedings. The payment of the appeal fee was recorded on the same day.
- III. By a communication dated 12 January 2016, sent by registered letter with advice of delivery, the registry of the board informed the appellant that no statement of grounds of appeal had been filed, that the appeal could therefore be expected to be rejected as inadmissible, and that the board assumed that the appellant's request for oral proceedings did not apply to the issue of inadmissibility of the appeal. The appellant was invited to file observations within two months.
- IV. Apart from an acknowledgement of receipt of the communication, no answer has been given to the registry's communication within the time limit.

## **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. Further, neither the notice of appeal nor any other

document filed contains anything that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC and Rule 99(2) EPC.

2. The appeal is therefore 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