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Datasheet for the decision of 9 January 2017

Case Number: T 1575/16 - 3.5.07

Application Number: 06838179.7

Publication Number: 1955130

IPC: G06F17/00

Language of the proceedings: EN

Title of invention:
System and method for finding desired results by incremental search using an ambiguous keypad with the input containing orthographic and typographic errors

Applicant:
Veveo, Inc.

Headword:
Inadmissibility of appeal/VEVEO

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1)

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:
T 1042/07, T 0234/10, T 2143/14

Catchword:

Europäisches Patentamt
European Patent Office
Office européen des brevets

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Case Number: T 1575/16 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 9 January 2017

Appellant: (Applicant)	Veveo, Inc. 2 Circle Star Way San Carlos, CA 94070 (US)
Representative:	Pisani, Diana Jean Ropes & Gray International LLP 60 Ludgate Hill London EC4M 7AW (GB)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 27 January 2016 refusing European patent application No. 06838179.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	R. Moufang
Members:	M. Rognoni
	R. de Man

Summary of Facts and Submissions

I. The appeal is directed against the decision of the Examining Division to refuse European patent application No. 06838179.7 announced in oral proceedings on 12 January 2016, the written reasons of which were posted on 27 January 2016.

II. The applicant (Veveo, Inc.) filed a notice of appeal on 6 April 2016 and paid the appeal fee on the same day. The notice of appeal contained a conditional request for oral proceedings in case the contested decision would not be set aside.

III. By communication of 11 July 2016, sent by registered letter with advice of delivery (the receipt of which was confirmed by the appellant on 15 July 2016), 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. The appellant was furthermore informed that, unless a statement to the contrary was made by the appellant within the specified time period, the Board would assume that the request for oral proceedings did not apply to the issue of inadmissibility of the appeal arising from the lack of grounds of appeal.

IV. No reply was received within the deadline set.

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 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).

2. Notwithstanding the appellant's conditional request for oral proceedings made in the notice of appeal, the present decision can be taken without the appointment of oral proceedings. Since the appellant has not provided any statement as to the substantive merits of its appeal, has not given any explanation or comments as to why no statement of grounds had been filed, and has not reacted to the Board Registry's notification of an impending rejection of the appeal as inadmissible, the Board considers the initial conditional request for oral proceedings to have become obsolete as a consequence of the subsequent course of action taken. The lack of any response to the Board Registry's notification is considered to be equivalent to an abandonment of the request for oral proceedings (see T 1042/07 of 22 August 2008, reasons 3; T 234/10 of 25 November 2010, reasons 2; T 2143/14 of 10 March 2015, reasons 2).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar: The Chairman:

I. Aperribay R. Moufang

Decision electronically authenticated