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**Datasheet for the decision
of 7 July 2017**

Case Number: T 0095/17 - 3.5.07

Application Number: 07250328.7

Publication Number: 1821228

IPC: G06F17/30

Language of the proceedings: EN

Title of invention:

Systems and methods for saving and applying user-specified file naming conventions

Applicant:

Elsevier, Inc.

Headword:

Missing statement of grounds/ELSEVIER

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

Catchword:



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Case Number: T 0095/17 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 7 July 2017

Appellant: Elsevier, Inc.
(Applicant) 360 Park Avenue South
New York, NY 10010 (US)

Representative: Dunlop, Hugh Christopher
Maucher Jenkins
26 Caxton Street
London SW1H 0RJ (GB)

Decision under appeal: **Decision of the Examining Division of the European Patent Office posted on 20 July 2016 refusing European patent application No. 07250328.7 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman R. Moufang
Members: M. Jaedicke
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. 07250328.7 announced in oral proceedings on 11 July 2016, the written reasons of which were posted on 20 July 2016.

- II. The applicant (Elsevier, Inc.) filed a notice of appeal on 30 September 2016 and paid the appeal fee on the same day. The notice contained a conditional request for oral proceedings.

- III. By communication of 18 January 2017, sent by registered letter with advice of delivery (the receipt of which was confirmed by the appellant on 24 January 2017), 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 since no grounds of appeal had been filed in due time.

- 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's notification is considered to be equivalent to an abandonment of the request for oral proceedings (see T 1042/07 of 22 August 2008, point 3 of the reasons; T 234/10 of 25 November 2010, point 2 of the reasons).

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