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Aktenzeichen / Case Number / N^o du recours : J 16/85

Anmeldenummer / Filing No / N^o de la demande : 82 902 122.9
International publication No. WO 83/04327

Veröffentlichungs-Nr. / Publication No / N^o de la publication :
International application No. PCT/US82/00701

Bezeichnung der Erfindung: System with remote computer data entry
Title of invention: device, associated apparatus and method of
Titre de l'invention : using same

Klassifikation / Classification / Classement : G 06 F 15/21, 3/02

ENTSCHEIDUNG / DECISION

vom / of / du 25 October 1985

Anmelder / Applicant / Demandeur : PITRODA Satyan, Gangaram

~~Patentinhaber / Proprietor of the patent /
Titulaire du brevet :~~

~~Einsprechender / Opponent / Opposant :~~

Stichwort / Headword / Référence :

EPO/EPC/CBE Article 108, Rule 65(1)

"inadmissible appeal"

Leitsatz / Headnote / Sommaire



Case Number: J 16/85

DECISION
of the Legal Board of Appeal

of
25 October 1985

Appellant:

PITRODA Satyan,
Gangaram
1480 Golden Bell Court
Downers Grove
IL 60515 (US)

Representative:

Muir, Ian Robertson
Haseltine Lake & Co.
Hazlitt House
28 Southampton Buildings
Chancery Lane
London WC2A 1AT (GB)

Decision under appeal:

Decision of the Formalities Officer of the
Examining Division of the
European Patent Office
dated 28 December 1984

Composition of the Board:

Chairman:

Member: P. Ford

Member: C. Payraudeau

R. Schulte

SUMMARY OF FACTS

I By letter dated 7 March 1985 the appellant gave notice of appeal against the Decision of a Formalities Officer of the Examining Division of the European Patent Office dated 28 December 1984 refusing restitutio in integrum in respect of the time limits for payment of the national fee, the search fee, the designation fees and the surcharge fee in respect to the European patent application No. 82 902 122.9 and deciding that the application was deemed withdrawn (Rule 104(a) (1) EPC). The appeal fee was duly paid.

II No written statement setting out the grounds of appeal was filed within four months after the date of notification of the Decision in conformity with Article 108 EPC. By a communication sent by registered post on 24 July 1985, the Registrar of the Board of Appeal drew attention to this omission and advised the appellant that it was accordingly to be expected that the appeal would be rejected as inadmissible unless a successful application for re-establishment of rights were made. The appellant was invited to file observations on this communication within a period of two months. The appellant's attention was also drawn to the fact that the renewal fee for the 4th year due on 31 May 1985 had not been paid.

III By a letter dated 20 August 1985 the appellant answered the communication indicating that he did not propose to take any further action in relation to the appeal and did not intend to make a belated payment of the renewal fee.

REASONS FOR THE DECISION

As no written statement setting out the grounds of appeal has been filed in conformity with Article 108 EPC, last sentence, the Board is required to reject this appeal as inadmissible, in accordance with the provisions of Rule 65(1) EPC.

ORDER

It is decided that:

The appeal is rejected as inadmissible.

The Registrar:



J. Rückerl

The Chairman:



P. Ford

CP 7.11.85
Schmidt 7.11.85