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D E C I S I O N
of 11 October 2002

Case Number: T 0154/02 - 3.5.1

Application Number: 87311547.1

Publication Number: 0276582

IPC: H01P 1/12

Language of the proceedings: EN

Title of invention:
R-switch with transformers

Patentee:
COM DEV LTD.

Opponent:
Bosch Telecom GmbH

Headword:
-

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0154/02 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 11 October 2002

Appellant: COM DEV LTD.
(Proprietor of the patent) 155 Sheldon Drive
Cambridge
Ontario N1R 7H6 (CA)

Representative: Murgatroyd, Susan Elizabeth
Baron & Warren
18 South End
Kensington
London W8 5BU (GB)

Respondent: Bosch Telecom GmbH
(Opponent) Abteilung ZG
Wernerstrasse 1
D-70469 Stuttgart (DE)

Representative: -

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 14 December
2001 concerning maintenance of European patent
No. 0 276 582 in amended form.

Composition of the Board:

Chairman: S. V. Steinbrener
Members: R. S. Wibergh
E. Lachacinski

Summary of Facts and Submissions

- I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dispatched by registered letter with advice of delivery to the parties on 14 December 2001 and concerning maintenance of the European patent No. 0 276 582 in amended form.

The Appellant filed a Notice of Appeal by a letter received on 8 February 2002 and paid the fee for appeal on the same day. No statement of Grounds was filed. The Notice of Appeal contains nothing that could be regarded as a statement of Grounds pursuant to Article 108 EPC.

- II. By a communication dated 4 July 2002, sent by registered post with advice of delivery, the Registrar of the Board informed the Appellant that no Statement of Grounds has been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.
- III. No answer has been given within the given time limit to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons it is decided:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Kiehl

S. Steinbrener