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D E C I S I O N
of 25 April 2005

Case Number: T 1311/04 - 3.5.3

Application Number: 00928714.5

Publication Number: 1188201

IPC: H01Q 3/02

Language of the proceedings: EN

Title of invention:

Antenna with molded integral polarity plate

Applicant:

Channel Master LLC

Opponent:

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Headword:

Antenna with molded integral polarity plate/CHANNEL MASTER

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1), 84a

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1311/04 - 3.5.3

D E C I S I O N
of the Technical Board of Appeal 3.5.3
of 25 April 2005

Appellant:

Channel Master LLC
1315 Industrial Drive Park
Smithfield
NC 27577 (US)

Representative:

Naismith, Robert Stewart
Marks & Clerk Scotland
19 Royal Exchange Square
Glasgow, G1 3AE
Scotland (GB)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 10 May 2004
refusing European application No. 00928714.5
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: A. S. Clelland
Members: A. J. Madenach
R. Moufang

Summary of Facts and Submissions

- I. The appeal lies from the decision of the examining division of the European Patent Office dated 10 May 2004 refusing the European patent application 00928714.5. The decision was dispatched by registered letter with advice of delivery to the applicant on the day it was given.
- II. The appellant (applicant) filed a notice of appeal by a letter received on 20 July 2004. The payment of the appeal fee was recorded 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.
- III. By a communication dated 23 November 2004, sent by registered post with advice of delivery, the registry of the board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible.

Receipt of this communication was acknowledged by facsimile of 11 March 2005.

The appellant's attention was drawn to the provision concerning the late receipt of documents pursuant to Rule 84a EPC and to the possibility of filing a request for re-establishment of rights under Article 122 EPC. The appellant was invited to file observations within two months.

IV. With facsimile of 14 April 2005 the appellant confirmed that he had not filed and did not intend to file a request for re-establishment of rights.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed within the time limit provided by Article 108 EPC in conjunction with Rule 78(2) EPC, the appeal has to be rejected as inadmissible (Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Magliano

A. S. Clelland