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D E C I S I O N
of 12 September 2006

Case Number: T 1599/05 - 3.5.03

Application Number: 87905893.1

Publication Number: 0294397

IPC: H04L 9/00

Language of the proceedings: EN

Title of invention:

Automated transaction system using microprocessor cards

Patentee:

PITNEY BOWES INC.

Opponents:

Francotyp-Postalia Aktiengesellschaft & Co.
GIESECKE & DEVRIENT GmbH
NEOPOST LTD

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1599/05 - 3.5.03

D E C I S I O N
of the Technical Board of Appeal 3.5.03
of 12 September 2006

Appellant:
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Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted
5 August 2005 concerning maintenance of
European patent No. 0294397 in amended form.**

Composition of the Board:

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

Summary of Facts and Submissions

- I. The appeal is from the interlocutory decision of the opposition division dated 5 August 2005 concerning the maintenance in amended form of European patent No. 294 397, granted in respect of European patent application No. 87905893.1.
- II. The appellant (patent proprietor) filed a notice of appeal on 14 October 2005. The payment of the appeal fee was recorded on the same day. The notice of appeal contains an auxiliary request for oral proceedings. No separate statement of grounds was filed.
- III. By a communication dated 1 February 2006, sent by registered letter 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. The appellant was invited to file observations within two months and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.
- IV. No answer has been given to the registry's communication within the time limit. In a letter dated 16 August 2006 the appellant withdrew its request for oral proceedings.

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 according to Article 108 EPC last sentence in conjunction with 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