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**Datasheet for the decision
of 11 March 2009**

Case Number: T 1649/08 - 3.5.05

Application Number: 05005265.3

Publication Number: 1585006

IPC: G06F 1/00

Language of the proceedings: EN

Title of invention:

A storage system executing encryption and decryption processing

Applicant:

Hitachi, Ltd.

Opponent:

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Headword:

Storage system/HITACHI

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1649/08 - 3.5.05

D E C I S I O N
of the Technical Board of Appeal 3.5.05
of 11 March 2009

Appellant:

Hitachi, Ltd.
6-6, Marunouchi 1-chome
Chiyoda-ku
Tokyo 100-8280 (JP)

Representative:

Beetz & Partner
Patentanwälte
Steinsdorfstrasse 10
D-80538 München (DE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 14 March 2008
refusing European application No. 05005265.3
pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: D. H. Rees
Members: A. Ritzka
P. Schmitz

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 14 March 2008 refusing European patent application No. 05005265.3.

The appellant filed a notice of appeal on 21 May 2008 and paid the appeal fee on the same day. In the notice of appeal a request for oral proceedings was made.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

II. In a communication dated 2 September 2008, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. The appellant filed no observations in response to said communication.

IV. In a communication dated 4 February 2009, the Board informed the appellant that no statement setting out the grounds of appeal had been received and reminded the appellant of the pending request for oral proceedings.

V. In response to this communication the appellant withdrew its request for oral proceedings on 12 February 2009.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

K. Götz

D. H. Rees