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**Datasheet for the decision
of 25 September 2009**

Case Number: T 0877/09 - 3.5.05

Application Number: 03253357.2

Publication Number: 1370026

IPC: H04L 12/24

Language of the proceedings: EN

Title of invention:

Automatic and dynamic reconfiguration of a network based on rules retrieved upon receiving a stimulus

Applicant:

Avaya Inc.

Opponent:

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Headword:

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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 0877/09 - 3.5.05

DECISION
of the Technical Board of Appeal 3.5.05
of 25 September 2009

Appellant:

Avaya Inc.
211 Mount Airy Road
Basking Ridge, New Jersey 07920 (US)

Representative:

Williams, David John
Page White & Farrer
Bedford House
John Street
London WC1N 2BF (GB)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 14 November 2008
refusing European application No. 03253357.2
pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: D. H. Rees
Members: P. Corcoran
P. Schmitz

Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 14 November 2008 refusing European patent application No. 03253357.2.

The appellant filed a notice of appeal on 13 January 2009 and paid the appeal fee on the same day.

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 4 May 2009, 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.

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