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**Datasheet for the decision
of 11 January 2010**

Case Number: T 1583/09 - 3.5.03

Application Number: 00309500.7

Publication Number: 1096770

IPC: H04M 7/00

Language of the proceedings: EN

Title of invention:

Method and apparatus for suppression of packets during silence periods in a packet telephony system

Applicant:

Avaya Inc.

Headword:

Method and apparatus for suppression of packets/AVAYA INC.

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 1583/09 - 3.5.03

DECISION
of the Technical Board of Appeal 3.5.03
of 11 January 2010

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 10 February 2009
refusing European application No. 00309500.7
pursuant to Article 97(2) 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 refusing the European patent application 00309500.7. The decision was dispatched by registered letter with advice of delivery to the applicant on 10 February 2009.
- II. The appellant (applicant) filed a notice of appeal by a letter received on 8 April 2009. The payment of the appeal fee was recorded on the same day.

No statement of grounds was filed.

- III. By a communication dated 3 August 2009, 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. The appellant was invited to file observations within two months.
- IV. No answer has been given to the registry's communication within the time limit.

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 126(2) EPC and the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Rule 101(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