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**Datasheet for the decision  
of 25 October 2011**

**Case Number:** T 0646/11 - 3.5.01

**Application Number:** 00203029.4

**Publication Number:** 1058196

**IPC:** G06F 17/30

**Language of the proceedings:** EN

**Title of invention:**

Data retrieval system and method

**Applicant:**

Symbol Technologies, 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 of appeal"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0646/11 - 3.5.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.01  
of 25 October 2011

**Appellant:** Symbol Technologies, Inc.  
(Applicant) One Symbol Plaza  
Holtsville, NY 11742-1300 (US)

**Representative:** Maiwald Patentanwalts GmbH  
Elisenhof  
Elisenstrasse 3  
80335 München (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 30 September 2010  
refusing European patent application  
No. 00203029.4 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** S. Wibergh  
**Members:** P. Scriven  
P. Schmitz

## Summary of Facts and Submissions

- I. The appellant contests the decision of the examining division of the European Patent Office dated 30 September 2010 refusing European patent application No. 00203029.4.

The appellant filed a notice of appeal on 23 November 2010 and paid the appeal fee on the same day. The notice of appeal contained an auxiliary request for oral proceedings.

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 a statement.

- II. In a communication dated 8 April 2011, 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.

In a letter dated 15 September 2011 the appellant withdrew the request for oral proceedings.

## **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

T. Buschek

S. Wibergh