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Datasheet for the decision of 8 February 2019

Case Number: T 1933/18 - 3.5.07

Application Number: 06121099.3

Publication Number: 1903455

IPC: G06F17/30

Language of the proceedings: EN

Title of invention:
Schema updating for synchronizing databases connected by wireless interface

Applicant:
BlackBerry Limited

Headword:
Missing statement of grounds/BLACKBERRY

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1)

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:

Europäisches Patentamt
European Patent Office
Office européen des brevets

Beschwerdekammern

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Case Number: T 1933/18 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 8 February 2019

Appellant: (Applicant)	BlackBerry Limited 2200 University Avenue East Waterloo, ON N2K 0A7 (CA)
Representative:	MERH-IP Matias Erny Reichl Hoffmann Patentanwälte PartG mbB Paul-Heyse-Strasse 29 80336 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 9 February 2018 refusing European patent application No. 06121099.3 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	R. Moufang
Members:	M. Jaedicke
	C. Barel-Faucheux

Summary of Facts and Submissions

I. The appeal is directed against the decision of the Examining Division to refuse European patent application No. 06121099.3, which was posted on 9 February 2018.

II. The applicant (appellant) filed a notice of appeal on 9 April 2018 and paid the appeal fee on the same day. The notice contained a conditional request for oral proceedings.

III. By communication of 2 August 2018, sent by registered letter with advice of delivery (the receipt of which was confirmed by the appellant on 3 August 2018), the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication. The appellant was furthermore informed that, unless a statement to the contrary was made by the appellant within the specified time period, the Board would assume that the request for oral proceedings did not apply to the issue of inadmissibility of the appeal since no grounds of appeal had been filed in due time.

IV. No reply was received within the deadline set.

Reasons for the Decision

1. No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

2. Notwithstanding the appellant's conditional request for oral proceedings made in the notice of appeal, the present decision can be taken without the appointment of oral proceedings. Since the appellant has not provided any statement as to the substantive merits of its appeal, has not given any explanation or comments as to why no statement of grounds had been filed, and has not reacted to the Board Registry's notification of an impending rejection of the appeal as inadmissible, the Board considers the initial conditional request for oral proceedings to have become obsolete as a consequence of the subsequent course of action taken. The lack of any response to the Board's notification is considered to be equivalent to an abandonment of the request for oral proceedings (see T 1042/07 of 22 August 2008, point 3 of the reasons; T 234/10 of 25 November 2010, point 2 of the reasons).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar: The Chairman:

I. Aperribay R. Moufang

Decision electronically authenticated