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**Datasheet for the decision
of 19 June 2020**

Case Number: T 3221/19 - 3.5.06

Application Number: 12874768.0

Publication Number: 2839369

IPC: G06F9/06, G06F9/44, G06F11/08,
G06F11/10

Language of the proceedings: EN

Title of invention:

INFORMATION PROCESSING DEVICE AND METHOD FOR PROTECTING DATA
IN A CALL STACK

Patent Proprietor:

NXP USA, Inc.

Opponent:

Giesecke+Devrient Mobile Security GmbH

Headword:

Appeal inadmissible/NXP

Relevant legal provisions:

EPC Art. 108
EPC R. 99(2), 101(1)

Keyword:

Decisions cited:

Catchword:



Beschwerdekammern

Boards of Appeal

Chambres de recours

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Case Number: T 3221/19 - 3.5.06

D E C I S I O N
of Technical Board of Appeal 3.5.06
of 19 June 2020

Appellant: Giesecke+Devrient Mobile Security GmbH
(Opponent) Prinzregentenstraße 159
81677 München (DE)

Representative: Giesecke+Devrient Mobile Security GmbH
Patente und Lizenzen
Prinzregentenstraße 159
81677 München (DE)

Respondent: NXP USA, Inc.
(Patent Proprietor) 6501 William Cannon Drive West
Austin TX 78735 (US)

Representative: Bradler, Carola Romana
NXP Semiconductors Germany GmbH
Intellectual Property Group
Tropowitzstraße 20
22529 Hamburg (DE)

Decision under appeal: **Interlocutory decision of the Opposition
Division of the European Patent Office posted on
11 October 2019 concerning maintenance of the
European Patent No. 2839369 in amended form.**

Composition of the Board:

Chairman M. Müller
Members: S. Krischer
A. Jimenez

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the opposition division posted on 11 October 2019.
- II. The appellant filed a notice of appeal on 10 December 2019 and paid the appeal fee on 9 December 2019.
- III. By communication of 5 March 2020, receipt of which was confirmed by the appellant, 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 EPC, third sentence 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.
- IV. With a notice from the European Patent Office dated 15 March 2020 updated on 1 May 2020, concerning the disruptions due to the COVID-19 outbreak and published in the EPO Official Journal, periods expiring on or after 15 March 2020 were extended for all parties and their representatives to 2 June 2020, this date being the first day following the end of the interval of dislocation within the meaning of Rule 134(2) EPC. The Board applies this extension to the two-month period for submitting observations in response to the above communication.
- V. No reply was received.

Reasons for the Decision

No written statement of 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 EPC and Rule 99(2) EPC. Therefore, 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:



L. Stridde

M. Müller

Decision electronically authenticated