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**Datasheet for the decision
of 26 September 2024**

Case Number: T 0970/24 - 3.5.04

Application Number: 17833370.4

Publication Number: 3488543

IPC: H03M13/13, H04L1/00, H03M13/35

Language of the proceedings: EN

Title of invention:
METHODS AND APPARATUS FOR CONSTRUCTING POLAR CODES

Applicant:
QUALCOMM Incorporated

Headword:

Relevant legal provisions:
EPC Art. 108
EPC R. 99(2), 101(1), 103

Keyword:
Admissibility of appeal - missing statement of grounds
Reimbursement of appeal fee - (no)



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Case Number: T 0970/24 - 3.5.04

D E C I S I O N
of Technical Board of Appeal 3.5.04
of 26 September 2024

Appellant: QUALCOMM Incorporated
(Applicant) 5775 Morehouse Drive
San Diego, CA 92121-1714 (US)

Representative: Bardehle Pagenberg Partnerschaft mbB
Patentanwälte Rechtsanwälte
Prinzregentenplatz 7
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on
15 February 2024 refusing European patent
application No. 17833370.4 pursuant to
Article 97(2) EPC.**

Composition of the Board:

Chair B. Willems
Members: B. Le Guen
G. Decker

Summary of Facts and Submissions

- I. The appeal is against the decision of the examining division dated 15 February 2024 and notified by means of electronic communication on the same day to refuse European patent application No. 17 833 370.4 pursuant to Article 97(2) EPC.
- II. The applicant (appellant) filed notice of appeal on 12 April 2024 and paid the fee for appeal on the same day. In the notice of appeal, the appellant requested as an auxiliary measure that oral proceedings be held.
- III. By communication dated 23 July 2024 notified by means of electronic communication, the registrar 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 invited to file observations within two months from notification of the communication.
- IV. By letter dated 24 July 2024 the appellant declared that it withdrew its request for oral proceedings filed on 12 April 2024 and requested "[r]eimbursement of appeal fee pursuant to Rule 103 EPC".

Reasons for the Decision

1. No written statement setting out the grounds of appeal was filed within the period provided by Article 108,

third sentence, EPC in conjunction with Rule 127(2) EPC.

2. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds of appeal pursuant to Article 108, third sentence, EPC and Rule 99(2) EPC.
3. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).
4. The appellant did not withdraw the appeal. Furthermore, the board had not set a date for oral proceedings in preparation for which it could have issued a communication. Under these circumstances, Rule 103 EPC does not provide for a (partial) reimbursement of the appeal fee. The request for reimbursement of the appeal fee must therefore be refused.

Order

For these reasons it is decided that:

1. The appeal is rejected as inadmissible.
2. The request for reimbursement of the appeal fee is refused.

The Registrar:

The Chair:



K. Boelicke

B. Willems

Decision electronically authenticated