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Aktenzeichen / Case Number / N° du recours : T 43/87

Anmeldenummer / Filing No / N° de la demande : 79 301 870.6

Veröffentlichungs-Nr. / Publication No / N° de la publication : 0 012 497

Bezeichnung der Erfindung: Information processing apparatus

Title of invention:

Titre de l'invention :

Klassifikation / Classification / Classement : G 06 F 13/00

ENTSCHEIDUNG / DECISION

vom / of / du 10 April 1987

Anmelder / Applicant / Demandeur :

Patentinhaber / Proprietor of the patent /

Titulaire du brevet :

The Marconi Company Ltd. (Respondent)

Einsprechender / Opponent / Opposant : GRUNDIG E.M.V. (Appellant)

Stichwort / Headword / Référence :

EPO/EPC/CBE Art. 108, Rules 65(1), 67 EPC

Kennwort / Keyword / Mot clé :

"Notice of appeal by telex not confirmed - no appeal has ever existed"

"Reimbursement of appeal fee"

Leitsatz / Headnote / Sommaire

Europäisches
Patentamt

Beschwerdekammern

European Patent
Office

Boards of Appeal

Office européen
des brevets

Chambres de recours



Case Number : T 43/87

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 10 April 1987

Appellant :
(Opponent)

GRUNDIG E.M.V.
Elektro-Mechanische Versuchsanstalt
Max Grundig
holländ. Stiftung & Co. KG
Kurgartenstrasse 37
D-8510 Fürth/Bay.

Respondent :
(Proprietor of the patent)

The Marconi Company Limited
Marconi House
New Street
Chelmsford, Essex CM 1PL
UK

Representative :

Tolfree, Roger Keith
GEC p.l.c. Central Patents Dept.
Chelmsford Office
Marconi Research Centre
West Hanningfield Road
Great Baddow
Chelmsford, Essex CM2 8HN

Decision under appeal : Decision of Opposition Division of the
European Patent Office dated 26 November 1986
rejecting the opposition filed against European
patent No. 12 497 pursuant to Article 102(2)
EPC.

Composition of the Board :

Chairman : P. van den Berg
Member : E. Persson
Member : J. van Voorthuizen

Summary of Facts and Submissions

- I. The appeal lies from a decision of the Opposition Division of the European Patent Office dated 26 November 1986 rejecting the opposition filed against European patent No. 12 497. The decision was dispatched by registered letter with advice of delivery to the parties on the day it was given. The Opponent filed an appeal by telex which was received on 27 January 1987. The appeal fee was paid on the same date. No document reproducing the contents of the telex was filed.

- II. By a Communication dated 3 March 1987 the Registrar of the Board informed the Appellant that since no confirmation letter reproducing the contents of the telex had been filed the telex was deemed not to have been received. The Appellant was invited to file observations within two months.

- III. By a letter dated 12 March 1987, the Appellant informed the Board that he did not intend to file any observations and requested that the appeal fee be refunded.

Reasons for the Decision

Since the telex containing the notice of appeal was not confirmed by a document reproducing the contents of the telex in accordance with Rule 36(5) EPC, the telex shall be deemed not to have been received. Consequently, no appeal has ever existed. In these circumstances the appeal fee ought to be reimbursed.

Order

For these reasons, it is decided that:

Reimbursement of the appeal fee is ordered.

The Registrar:

The Chairman:

B A Norman

P K J Van den Berg