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File Number: T 319/92 - 3.5.1

Application No.: 83 902 729.9

Publication No.: 0 115 528

Title of invention: Method and apparatus for assigning duplex radio channels and scanning duplex radio channels assigned to mobile and portable radiotelephones in a cellular radio telephone communications system

Classification: H04M 7/00

**D E C I S I O N**  
of 13 November 1992

Proprietor of the patent: MOTOROLA, INC.

Opponent: Philips Patentverwaltung GmbH

Headword:

EPC Art. 108, Rule 65(1)

Keyword: "Missing Statement of Grounds"



Case Number : T 319/92 - 3.5.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.1  
of 13 November 1992

**Appellant :**  
(Opponent) Philips Patentverwaltung GmbH  
Billstrasse 80  
Postfach 10 02 29  
W - 2000 Hamburg 28 (DE)

**Representative :**  
Peuckert, Hermann, Dipl.-Ing.  
Philips Patentverwaltung GmbH  
Wendenstrasse 35  
Postfach 10 51 49  
W - 2000 Hamburg 1 (DE)

**Respondent :**  
(Proprietor of the patent) MOTOROLA, INC.  
1303 East Algonquin Road  
Schaumburg, IL 60196 (US)

**Representative :**  
Ibbotson, Harold  
Motorola Ltd  
Patent and Licensing Operations - Europe  
Jays Close  
Viables Industrial Estate  
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Hampshire RG22 4PD (GB)

**Decision under appeal :** Decision of Opposition Division of the European Patent Office dated 14 November 1991 rejecting the opposition filed against European patent No. 0 115 528 pursuant to Article 102(2) EPC.

**Composition of the Board :**

**Chairman :** P.K.J. Van den Berg  
**Members :** C. Holtz  
A. Clelland

### Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 14 November 1991 rejecting the opposition against the European patent No. 0 115 528. The decision was dispatched by registered letter with advice of delivery on 14 November 1991. The Opponent filed a notice of appeal by letter received on 10 January 1992 and paid the fee for appeal on the same date. No Statement of Grounds was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.
  
- II. By a communication dated 16 July 1992 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The Appellant was invited to file observations within two months.
  
- III. In response to said communication the Appellant confirmed by letter dated 12 August 1992, received on 14 August 1992, that he had withdrawn the opposition.

### Reasons for the Decision

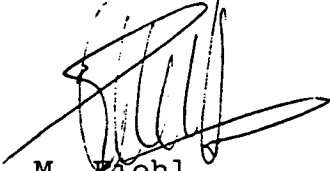
As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons, it is decided that:


The appeal is rejected as inadmissible.

The Registrar:



M. Riehl

The Chairman:



P.K.J. Van den Berg



04154