

BESCHWERDEKAMMERN  
DES EUROPÄISCHEN  
PATENTAMTS

BOARDS OF APPEAL OF  
THE EUROPEAN PATENT  
OFFICE

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DES BREVETS

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(C)  To Chairmen

**D E C I S I O N**  
**of 20 January 1995**

**Case Number:** T 0449/94 - 3.5.1

**Application Number:** 85300803.5

**Publication Number:** 0154415

**IPC:** H04L 27/18

**Language of the proceedings:** EN

**Title of invention:**  
Coded modulation system

**Patentee:**  
CODEX CORPORATION

**Opponent:**  
Alcatel SEL Aktiengesellschaft

**Headword:**  
-

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 65(1)

**Keyword:**  
"Missing Statement of Grounds"

**Decisions cited:**  
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**Catchword:**  
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Case Number: T 0449/94 - 3.5.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.5.1  
of 20 January 1995

**Appellant:**  
(Opponent) Alcatel SEL Aktiengesellschaft  
Lorenzstrasse 10  
D-70435 Stuttgart (DE)

**Representative:** Graf, Georg Hugo, Dipl.-Ing.  
Alcatel SEL AG  
Patent- und Lizenzwesen  
Postfach 30 09 29  
D-70449 Stuttgart (DE)

**Respondent:**  
(Proprietor of the patent) CODEX CORPORATION  
20 Cabot Boulevard  
Mansfield  
Massachusetts 02048 (US)

**Representative:** Deans, Michael John Percy  
Lloyd Wise, Tregear & Co.  
Norman House  
105-109 Strand  
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**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office dated 9 March 1994  
rejecting the opposition filed against European  
patent No. 0 154 415 pursuant to Article 102(2)  
EPC.

**Composition of the Board:**

**Chairman:** P. K. J. van den Berg  
**Members:** R. Randes  
G. Davies

### Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 9 March 1994, rejecting the opposition against the European patent No. 0 154 415. The decision was dispatched by registered letter with advice of delivery on 9 March 1994. The Opponent filed a Notice of Appeal by letter received on 19 May 1994 and paid the fee for appeal on the same day. 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 8 September 1994 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds has 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. The Appellant filed no observations in response to said communication.

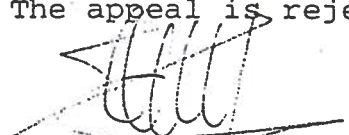
### Reasons for the Decision

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:

The Chairman:



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