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D E C I S I O N
of 15 July 1997

Case Number: T 0263/97 - 3.5.1

Application Number: 89105641.8

Publication Number: 0335401

IPC: H04N 9/79

Language of the proceedings: EN

Title of invention:

Magnetic recording and/or reproducing apparatus

Applicant:

NEC Home Electronics, Ltd., et al

Opponent:

-

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 0263/97 - 3.5.1

D E C I S I O N
of the Technical Board of Appeal 3.5.1
of 15 July 1997

Appellant: NEC Home Electronics, Ltd.
5-24, Miyahara 3-chome
Yodogawa-Ku
Osaka-Shi
Osaka (JP)

Representative: Diehl Glaeser Hiltl & Partner
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 2 October 1996
refusing European patent application
No. 89 105 641.8 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: P. K. J. van den Berg
Members: A. S. Clelland
C. Holtz

Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 2 October 1996 refusing the European patent application No. 89 105 641.8. The decision was dispatched by registered letter with advice of delivery on 2 October 1996. The applicant filed a notice of appeal by a letter received on 28 November 1996 and paid the fee for appeal on the same date. No statement of grounds was filed.

- II. By a communication dated 15 April 1997 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, and the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC, 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:

M. Kiehl

P. K. J. van den Berg