DECISION of 30 April 2003

Case Number: T 0521/01 - 3.5.1
Application Number: 92111815.4
Publication Number: 0526764
IPC: H04Q 7/38, H04B 7/26

Language of the proceedings: EN

Title of invention: Method for contacting a subscriber of a mobile telephone network

Patentee: Telecom Finland Oy

Opponent: Alcatel

Headword: -

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1), 84a

Keyword: "Missing statement of grounds"

Decisions cited: -

Catchword: -
Case Number: T 0521/01 - 3.5.1

DECISION
of the Technical Board of Appeal 3.5.1
of 30 April 2003

Appellant: Telecom Finland Oy
(Proprietor of the patent)
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FI-00510 Helsinki (FI)

Representative: Harrison, Michael Charles
Albihns GmbH
Grasserstrasse 10
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Respondent: Alcatel
(Opponent)
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Representative: Brose, Gerhard, Dipl.-Ing.
Alcatel
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D-70430 Stuttgart (DE)


Composition of the Board:
Chairman: S. V. Steinbrener
Members: R. Randes
P. Mühlen
Summary of Facts and Submissions

I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office dispatched by registered letter with advice of delivery to the parties on 1 March 2001 and concerning maintenance of the European patent No. 0 526 764 in amended form.

The Appellant filed a notice of appeal by letter received on 3 May 2001 and paid the appeal fee on the same day. No statement of grounds was filed. The notice of appeal contained nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

II. By a communication dated 4 November 2002, sent by registered post with advice of delivery, the Registrar 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's attention was drawn to the provision concerning the late receipt of documents pursuant to Rule 84a EPC and to the possibility of filing a request for re-establishment of rights under Article 122 EPC. The Appellant was invited to file observations within two months.

III. No answer was received within the given time limit to the Registry's communication. Nor is Rule 84a any longer applicable.
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:

The appeal is rejected as inadmissible.

The Registrar: The Chairman:

M. Kiehl S. Steinbrener