Datasheet for the decision of 28 July 2008

Case Number: T 0066/08 - 3.5.01
Application Number: 00986381.2
Publication Number: 1247224
IPC: G06F 17/60
Language of the proceedings: EN

Title of invention:
Conversion engine and financial reporting system using the conversion engine

Applicant:
Sumitomo Mitsui Banking Corporation

Opponent:
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Headword:
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Relevant legal provisions:
EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):
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Keyword:
"Missing statement of grounds of appeal"

Decisions cited:
J0010/07

Catchword:
-
Case Number: T 0066/08 – 3.5.01

Decision of the Technical Board of Appeal 3.5.01 of 28 July 2008

Appellant: Sumitomo Mitsui Banking Corporation
277 Park Avenue
New York,
NY 10172   (US)

Representative: Murray, Elisabeth Anne
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120 Holborn
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Composition of the Board:

Chairman: S. Steinbrener
Members: R. R. K. Zimmermann
A. Pignatelli
Summary of Facts and Submissions

I. The appellant contests the decision of the examining division of the European Patent Office dated 3 August 2007 refusing European patent application No. 00986381.2.

The appellant filed a notice of appeal on 12 October 2007 and paid the appeal fee on the same day.

The notice of appeal contains an auxiliary request for oral proceedings.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

II. In a communication dated 31 January 2008, the Board informed the appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. In a letter dated 3 April 2008 the appellant declared that the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal. The appellant filed no further observations in response to said communication.

Reasons for the Decision

1. The time limit for filing the statement setting out the grounds of appeal expired on 13 December 2007. The question whether the requirements for the admissibility of an appeal (for which a time limit is foreseen) have been met has to be decided according to the law in force when the time limit expired (see also J10/07, point 1.2, 1.3, to be published). In this case, therefore, the new version of the EPC has to be applied.

2. As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar The Chairman

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