Datasheet for the decision of 14 April 2011

Case Number: T 1817/10 - 3.5.03
Application Number: 06117026.2
Publication Number: 1879364
IPC: H04M 1/10
Language of the proceedings: EN
Title of invention: Holster for an electronic hand held device
Applicant: RESEARCH IN MOTION LIMITED
Opponent: -
Headword: Hand held device/RESEARCH IN MOTION
Relevant legal provisions: EPC Art. 108
Relevant legal provisions (EPC 1973): -
Keyword: "Missing statement of grounds"
Decisions cited: -
Catchword:
Case Number: T 1817/10 - 3.5.03

DECISION
of the Technical Board of Appeal 3.5.03
of 14 April 2011

Appellant: RESEARCH IN MOTION LIMITED
295 Phillip Street
Waterloo
Ontario N2L 3W8 (CA)

Representative: Rickard, David John
Ipulse
26 Mallinson Road
London SW11 1BP (GB)

Decision under appeal: Decision of the Examining Division of the European Patent Office posted 19 March 2010 refusing European patent application No. 06117026.2 pursuant to Article 97(2) EPC.

Composition of the Board:
Chairman: A. S. Clelland
Members: T. Snell
          M.-B. Tardo-Dino
Summary of Facts and Submissions

I. The appeal lies from the decision of the examining division of the European Patent Office refusing European patent application No. 06117026.2. The decision was dispatched by registered letter with advice of delivery to the applicant dated 19 March 2010.

The authorised representative of the appellant, whose address for correspondence was confirmed in a fax letter dated 8 December 2008 to be 26 Mallinson Road, London SW11 1BP, filed a notice of appeal by a letter received on 18 May 2010. The payment of the appeal fee was recorded on the same day.

II. In a communication dated 8 September 2010 sent by registered letter with advice of delivery to the aforementioned address, the registry of the board informed the appellant that no statement of grounds of appeal 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. As no advice of delivery was returned, the registry of the board sent three further letters drawing the appellant's attention to the aforementioned communication of 8 September 2010. No reply has been received to any of the board's letters. The time limit set in the board's communication of 8 September 2010 has long since elapsed.
Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, and as the notice of appeal contains nothing that could be regarded as a statement of grounds of appeal pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar     The Chairman

G. Rauh     A. S. Clelland