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**Datasheet for the decision  
of 10 January 2022**

**Case Number:** T 0357/21 - 3.4.02

**Application Number:** 14886203.0

**Publication Number:** 3121146

**IPC:** B82B1/00, B82Y30/00, H01J1/304,  
H01L29/66

**Language of the proceedings:** EN

**Title of invention:**  
ELEMENTARY ELEMENT

**Applicant:**  
Mabuchi, Mahito

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

**Keyword:**  
Admissibility of appeal - missing statement of grounds



**Beschwerdekammern**  
**Boards of Appeal**  
**Chambres de recours**

Boards of Appeal of the  
European Patent Office  
Richard-Reitzner-Allee 8  
85540 Haar  
GERMANY  
Tel. +49 (0)89 2399-0  
Fax +49 (0)89 2399-4465

Case Number: T 0357/21 - 3.4.02

**D E C I S I O N**  
**of Technical Board of Appeal 3.4.02**  
**of 10 January 2022**

**Appellant:** Mabuchi, Mahito  
(Applicant) 613-5 Takahashi-chou  
Higashitoin-Bukkouji-Kudaru  
Simogyo-ku  
Kyoto-shi 600-8096 (JP)

**Representative:** Herrero & Asociados, S.L.  
Cedaceros, 1  
28014 Madrid (ES)

**Decision under appeal:** **Decision of the Examining Division of the  
European Patent Office posted on 28 January 2021  
refusing European patent application No.  
14886203.0 pursuant to Article 97(2) EPC.**

**Composition of the Board:**

**Chairman** R. Bekkering  
**Members:** F. J. Narganes-Quijano  
B. Müller

## **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the examining division posted on 28 January 2021.
- II. The appellant filed a notice of appeal on 5 April 2021 and paid the reduced appeal fee on the same day.
- III. By communication of 22 July 2021, receipt of which was confirmed by the appellant on 2 August 2021, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply has been received.

## **Reasons for the Decision**

No written statement of grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



L. Gabor

R. Bekkering

Decision electronically authenticated