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File No.: T 0317/93 - 3.4.1  
Application No.: 88 305 976.8  
Publication No.: 0 297 885  
Classification: H01S 3/19  
Title of invention: Integrated semi conductor laser device

**D E C I S I O N**  
of 1 September 1993

Applicant: SHARP KABUSHIKI KAISHA  
Proprietor of the patent: -  
Opponent: -

Headword: -

**EPC:** Art. 108  
R. 65(1)

Keyword: "Missing Statement of Grounds"

**Headnote**  
**Catchwords**



Case Number: T 0317/93 - 3.4.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.1  
of 1 September 1993

**Appellant:** SHARP KABUSHIKI KAISHA  
22-22 Nagaike-cho  
Abeno-ku  
Osaka 545 (JP)

**Representative:** Jones, Colin  
W.P. THOMPSON & CO.  
Coopers Building  
Church Street  
Liverpool L1 3AB (GB)

**Decision under appeal:** Decision of the Examining Division of the European Patent Office dated 23 October 1992 refusing European patent application No. 88 305 976.8 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** G.D. Paterson  
**Members:** R.K. Shukla  
H.J. Reich

### **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Examining Division 047 of the European Patent Office dated 23 October 1992 refusing the European patent application No. 88 305 976.8. The decision was dispatched by registered letter with receipt notification to the applicant on the day it was given. The Appellant filed a notice of appeal by a letter received on 22 December 1992 and paid the fee for appeal on the same day. No Statement of Grounds was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.
  
- II. By a communication dated 4 June 1993 sent by registered post with advice of delivery the Registry 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 was invited to file observations within two months.
  
- III. No answer has been given to the Registry's communication.

### **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 (Art. 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. Beer

G. Paterson