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D E C I S I O N
of 15 November 1996

Case Number: T 0332/96 - 3.4.1

Application Number: 92305954.7

Publication Number: 0521676

IPC: H01L2 1/3205

Language of the proceedings: EN

Title of invention:

Thin-film capacitor in semiconductor integrated circuit device,
and method of manufacture thereof

Applicant:

NEC CORPORATION

Opponent:

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Headword:

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Relevant legal provisions:

EPC Art. 108, Rule 65(1) EPC

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Catchword:

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Case Number: T 0332/96 - 3.4.1

D E C I S I O N
of the Technical Board of Appeal 3.4.1
of 15 November 1996

Appellant: NEC CORPORATION
7-1, Shiba 5-chome
Minato-ku
JP - Tokyo (JP)

Representative: Moir, Michael Christopher
Mathys & Squire
100 Grays Inn Road
GB - London WC1X 8AL (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office dated 23 October 1995
refusing European patent application
No. 92 305 954.7 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: G. D. Paterson
Members: H. J. Reich
Y. J. F. Van Henden

Summary of Facts of Submissions

- I. The appeal contests the decision of the Examining Division 048 of the European Patent Office dated 23 October 1995, refusing the European patent application No. 92 305 954.7. The decision was dispatched by registered letter with advice of delivery to the Applicant on the day it was given. The Appellant filed a Notice of Appeal by a letter received on 22 December 1995 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 23 August 1996, sent by registered letter 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 and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

- III. No answer has been given within the given time limit 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 (Article 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