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D E C I S I O N
of 29 October 2001

Case Number: T 0712/96 - 3.4.3

Application Number: 90116251.1

Publication Number: 0414257

IPC: H01L 23/495

Language of the proceedings: EN

Title of invention:

Resin sealing type semiconductor device in which a very small semiconductor chip is sealed in package with resin

Applicant:

KABUSHIKI KAISHA TOSHIBA

Opponent:

-

Headword:

-

Relevant legal provisions:

EPC R. 89

Keyword:

"Request of correction (allowable)"

Decisions cited:

-

Catchword:

-



Case Number: T 0712/96 - 3.4.3

D E C I S I O N
of the Technical Board of Appeal 3.4.3
of 29 October 2001 on the request for correction of the decision of
8 August 2001

Appellant: KABUSHIKI KAISHA TOSHIBA
72, Horikawa-cho
Saiwai-ku
Kawasaki-shi
Kanagawa-ken 210-8572 (JP)

Representative: Lehn, Werner, Dipl.-Ing.
Hoffmann Eitle
Patent-und Rechtsanwälte
Postfach 81 04 20
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Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 18 March 1996
refusing European patent application
No. 90 116 251.1 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: M. Chomentowski
Members: G. L. Eliasson
P. Mühlens

Summary of Facts and Submissions

I. At the oral proceedings held on 8 August 2001 before the Board 3.4.3 in the case T 712/96, the appellant requested that the decision under appeal be set aside, and a patent be granted on the basis of the following documents:

Claims: 1 to 4, filed in the oral proceedings;

Description: pages 3a and 4, filed in the oral proceedings,
pages 1 and 5 to 8, filed with letter dated 03.01.96,
page 2 as originally filed;

Drawings: Figures 1 to 8 as originally filed.

II. At the end of the oral proceedings, the Board issued the decision that the decision under appeal is set aside and that the case is remitted to the department of the first instance with the order to grant a patent according to the appellant's request.

III. With a letter dated 22 October 2001, the appellant requests that page 3 filed with the letter dated 3 January 1996 also be included in the documents forming the basis for the patent to be granted. This page was inadvertently missing in the appellant's request upon which the decision was based.

Reasons for the Decision

1. The appellant requests that his request made at the oral proceedings on 8 August 2001 be corrected, and that the decision be corrected correspondingly. The

request is addressed to the Board having taken the decision to be corrected and is thus admissible.

2. Rule 89 EPC allows only for corrections of errors in decisions of the EPO when the errors in question are either linguistic errors, errors of transcription and obvious mistakes.

In the present case, it is immediately evident that a page is missing between pages 2 and 3a according to the appellant's request, since firstly the page numbering is not consecutive, and secondly, the text of page 2 does not fit with the text of page 3a. It is furthermore evident that the missing page must be page 3 of the main request filed with the letter dated 3 January 1996, since the pages 3a and 4 filed at the oral proceedings are handwritten amendments of the corresponding pages filed with the same letter.

3. For the above reasons, the omission of page 3 filed with the letter dated 3 January 1996 in the appellant's request is considered an obvious mistake. Therefore, the appellant's request for correction of error meets the requirements of Rule 89 EPC.

Order

For these reasons it is decided that:

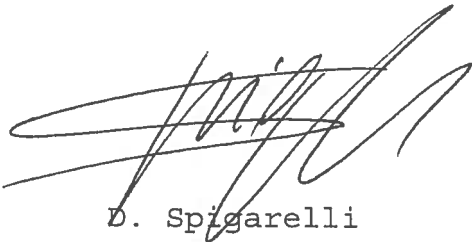
1. Decision T 712/96 of 8 August 2001 shall be corrected in the following items:
 - 1.1 In item V of the "Summary of Facts and Submissions", the part "Description" shall read:

"Description: pages 3a and 4, filed during the oral proceedings of 8 August 2001, pages 1, 3, and 5 to 8 filed with the letter dated 3 January 1996, page 2 as originally filed".

1.2 In item 2 of the Order, the part "Description" shall read:

"Description: pages 3a and 4, filed in the oral proceedings, pages 1, 3, and 5 to 8, filed with letter dated 3 January 1996, page 2 as originally filed".

The Registrar:



D. Spigarelli

The Chairman:



M. Chomentowski

The first part of the report deals with the general situation of the country and the progress of the work done during the year. It also mentions the various committees and their work.

The second part of the report deals with the financial position of the country and the progress of the work done during the year. It also mentions the various committees and their work.

The third part of the report deals with the social and economic conditions of the country and the progress of the work done during the year. It also mentions the various committees and their work.

The fourth part of the report deals with the political situation of the country and the progress of the work done during the year. It also mentions the various committees and their work.

The fifth part of the report deals with the international relations of the country and the progress of the work done during the year. It also mentions the various committees and their work.

The sixth part of the report deals with the future prospects of the country and the progress of the work done during the year. It also mentions the various committees and their work.

The seventh part of the report deals with the conclusion of the work done during the year and the progress of the work done during the year. It also mentions the various committees and their work.