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D E C I S I O N  
of 5 September 2001

Case Number: T 1032/97 - 3.4.1

Application Number: 92901743.2

Publication Number: 0561967

IPC: G21B 1/00

Language of the proceedings: EN

Title of invention:  
Energy/matter conversion methods and structures

Applicant:  
MILLS, Randell Lee

Opponent:  
-

Headword:  
-

Relevant legal provisions:  
-

Keyword:  
"Inadmissibility of a request aimed at the revision of a final  
decision of a board of appeal"

Decisions cited:  
G 0001/97

Catchword:  
-



Case Number: T 1032/97 - 3.4.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.1  
of 5 September 2001

**Appellant:**

MILLS, Randell Lee  
805 Estelle Drive  
Suite 110  
Lancaster, PA 17601 (US)

**Representative:**

UEXKÜLL & STOLBERG  
Patentanwälte  
Beselerstrasse 4  
D-22607 Hamburg (DE)

**Decision under appeal:**

Decision of the Board of Appeal 3.4.1 T 1032/97  
given on 6 December 2000.

**Composition of the Board:**

**Chairman:** U. G. O. Himmler  
**Members:** M. G. L. Rognoni  
C. Rennie-Smith

## Summary of Facts and Submissions

I. At the end of the oral proceedings held on 6 December 2000 during which the appellant had submitted several sets of claims, the decision of the Board of Appeal in case T 1032/97 - 3.4.1 was given on the basis of the last submitted set of claims 1 to 21, deciding that

1. the decision under appeal is set aside and
2. the case is remitted to the first instance for further prosecution on the basis of claims 1 to 21, contained in the main request filed on 6 December 2000.

II. On 9 July 2001 the representative of the appellant filed a request

- "1) that the Board modify its reasons for the decision outlined in the written decision to conform with its prior rulings at the oral proceedings that the subject application complies with the clarity and sufficiency of disclosure requirements of Article 84 and 83 EPC, respectively; and
- 2) that the Board remit the case to the Examining Division for further prosecution consistent with those prior rulings.

In the alternative, Applicant requests that another date be set for further oral proceedings so that Applicant may present additional argument and evidence addressing the new issues raised in the Board's reasons for the decision."

## Reasons for the Decision

The present request seeks the revision of a final decision taken by a board of appeal having the force of *res judicata*. As held by the Enlarged Board of Appeal in decision G 1/97 (OJ EPO 2000, 322), the jurisdictional measure to be taken in response to requests based on the alleged violation of a fundamental procedural principle and aimed at the revision of a final decision of a board of appeal should be the refusal of the requests as inadmissible. The decision on inadmissibility is to be issued immediately and without further procedural formalities by the board of appeal which took the decision forming the subject of the request for revision.

## Order

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

The request of the applicant

1. for re-opening of the appeal proceedings is refused as inadmissible;
2. for modifying the reasons for the decision is refused as inadmissible.

The Registrar:

The Chairman:

R. Schumacher

U. G. Himmler