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D E C I S I O N
of 26 June 2002

Case Number: T 0344/98 - 3.4.3

Application Number: 91306787.2

Publication Number: 0468787

IPC: H01L 23/498

Language of the proceedings: EN

Title of invention:

Tape automated bonding in semiconductor technique

Applicant:

SHINKO ELECTRIC INDUSTRIES CO. LTD

Opponent:

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Headword:

-

Relevant legal provisions:

EPC Art. 113(2)

Keyword:

"No agreed text of the application documents"

"Dismissal of the appeal"

Decisions cited:

T 0073/84

Catchword:

-



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Boards of Appeal

Chambres de recours

Case Number: T 0344/98 - 3.4.3

D E C I S I O N
of the Technical Board of Appeal 3.4.3
of 26 June 2002

Appellant: SHINKO ELECTRIC INDUSTRIES CO. LTD
711, Aza Shariden
Oaza Kurita
Nagano-shi
Nagano 380 (JP)

Representative: Rackham, Stephen Neil
GILL JENNINGS & EVERY
Broadgate House
7 Eldon Street
London EC2M 7LH (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 13 November 1997
refusing European patent application
No. 91 306 787.2 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: R. K. Shukla
Members: V. L. P. Frank
M. B. Guenzel

Summary of Facts and Submissions

- I. The appeal lies against the decision of the examining division dated 13 November 1997 refusing the European patent application No. 91 306 787.2.
- II. The appellant (applicant) lodged an appeal on 12 January 1998, paying the appeal fee the same day. The statement setting out the grounds of appeal was filed on 12 March 1998 together with new claims according to a first auxiliary request, the main request being the grant of a patent on the basis of the claims filed on 4 July 1996. Oral proceedings were requested in the event that the Board intended to reach an adverse decision.
- III. In a communication pursuant to Article 11(2) Rules of Procedure of the Boards of Appeal dated 29 April 2002, annexed to the summons for oral proceedings to be held on 28 August 2002, the board informed the appellant that, after having carefully considered the appellant's submissions, it was of the provisional opinion that the subject-matters of claim 1 of both requests did not involve an inventive step for the reasons given in the communication.
- IV. With the letter dated 11 June 2002 the appellant informed the board that he was no longer interested in proceeding with the application in suit and accordingly no longer approved the text currently on file nor would attend the oral proceedings. The appellant's request for oral proceedings was thus considered as withdrawn and the oral proceedings were therefore cancelled.

Reasons for the Decision

1. The appeal is admissible.

2. According to Article 113(2) EPC, the European Patent Office shall decide upon an European patent application only in the text submitted to it, or agreed, by the applicant for a patent. With the letter of 11 June 2002 the appellant has withdrawn his approval on the patent application documents on file. For this reason, there is no text of the patent application on the basis of which the Board can consider the appeal (cf. T 73/84 (OJ 1985, 241)) and the application could proceed to grant.

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

D. Spigarelli

R. K. Shukla