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**D E C I S I O N**  
**of 17 October 2002**

**Case Number:** T 0617/98 - 3.4.3

**Application Number:** 93118098.8

**Publication Number:** 0596537

**IPC:** H01L 21/00

**Language of the proceedings:** EN

**Title of invention:**

Micro-environment load lock and method for coupling a micro-environment container to a process chamber

**Applicant:**

APPLIED MATERIALS, INC.

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 56, 84

**Keyword:**

"Withdrawal of the request for oral proceedings"  
"No comments on the preliminary opinion against the allowability of the appellant's requests expressed in the Board's communication under Article 11(2) RPBA"  
"Dismissal of the appeal on the basis of the reasons in the Board's communication"

**Decisions cited:**

T 0230/99

**Catchword:**

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Case Number: T 0617/98 - 3.4.3

**D E C I S I O N**  
**of the Technical Board of Appeal 3.4.3**  
**of 17 October 2002**

**Appellant:** APPLIED MATERIALS, INC.  
3050 Bowers Avenue  
M/S 2061  
Santa Clara  
California 95054-3299 (US)

**Representative:** Zimmermann, Gerd Heinrich  
Zimmermann & Partner  
P.O. Box 33 09 20  
D-80069 München (DE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 5 March 1998  
refusing European patent application  
No. 93 118 098.8 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** R. K. Shukla  
**Members:** V. L. P. Frank  
J. H. Van Moer

## Summary of Facts and Submissions

- I. The appeal lies against the decision of the examining division dated 5 March 1998 refusing the European patent application No. 93 118 098.8. The ground for the refusal was that claim 1 was not supported by the description (Article 84 EPC).
- II. The appellant (applicant) lodged an appeal on 14 May 1998, paying the appeal fee the same day. The statement setting out the grounds of appeal was filed on 3 June 1998. The appellant requested the grant of a patent on the basis of claims 1 to 4 according to a main request or claims 1 to 6 according to the first and second auxiliary requests, which were filed together with the statement of grounds of appeal. Oral proceedings were requested as an auxiliary measure.
- III. In a communication pursuant to Article 11(2) Rules of Procedure of the Boards of Appeal, annexed to the summons for oral proceedings to be held on 12 November 2002, the Board informed the appellant that, after having considered the appellant's submissions, it was of the provisional opinion that, for the reasons given in the communication, claims 1 and 3 according to the main request were not clear (Article 84 EPC) and that the subject-matters of claims 1 according to the first and second auxiliary request did not involve an inventive step (Article 56 EPC).
- IV. With the letter dated 8 October 2002 the appellant informed the Board that he withdrew his request for oral proceedings.

The oral proceedings were therefore cancelled.

## Reasons for the Decision

1. The appeal is admissible.
2. In the communication of the Board, the appellant was informed in detail of the reasons for the Board's preliminary view that claim 1 according to the main request was not clear and that the subject-matters of claims 1 of the first and second auxiliary requests did not involve an inventive step.
3. The appellant did not comment in its reply on the preliminary opinion of the Board that the application according to the main, first and second auxiliary requests did not comply with the requirements of Articles 52(1), 56 and 84 EPC (cf. item III above), but stated that he withdrew his request for oral proceedings.
4. Having reconsidered the objections raised in the above mentioned communication the Board sees no reason to depart from them. Consequently, the request of the appellant to set aside the decision of the examining division is not allowable for the reasons given in the above mentioned communication (cf. T 230/99).

**Order**

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

The appeal is dismissed.

The Registrar:

The Chairman:

D. Spigarelli

R. Shukla