Datasheet for the decision
of 11 January 2008

Case Number: T 0468/07 - 3.4.02
Application Number: 96402130.7
Publication Number: 0768525
IPC: G01N 21/39

Language of the proceedings: EN

Title of invention:
Method of detecting a gas phase molecular species in the chamber effluent of a semiconductor processing chamber, and semiconductor processing system incorporating the same

Patentee:
L'AIR LIQUIDE, Société Anonyme pour l'Etude

Opponent:
FRAUNHOFER-GESELLSCHAFT zur Förderung der angewandten Forschung e.V.

Headword:
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Relevant legal provisions:
EPC Art. 108

Relevant legal provisions (EPC 1973):
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Keyword:
"Missing statement of grounds"

Decisions cited:
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Catchword:
-
Case Number: T 0468/07 - 3.4.02

DECISION
of the Technical Board of Appeal 3.4.02
of 11 January 2008

Appellant: FRAUNHOFER-GESELLSCHAFT zur Förderung der angewandten Forschung e.V.
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Representative: Pfenning, Meinig & Partner GbR
Patent- und Rechtsanwälte
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D-01217 Dresden (DE)

Respondent: L' AIR LIQUIDE, Société Anonyme pour l'Etude et l'Exploitation des Procédés Georges Claude
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F-75007 Paris (FR)

Representative: Vesin, Jacques
L'Air Liquide
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Composition of the Board:
Chairman: A. Klein
Members: F. Maaswinkel
C. Rennie-Smith
**Summary of Facts and Submissions**

I. The appellant contests the decision of the opposition division of the European Patent Office dated 2 January 2007 ruling that European patent No. 0768525 as amended during opposition proceedings meets the requirements of the European Patent Convention.

The appellant filed a notice of appeal on 8 March 2007 and paid the appeal fee on the same day.

The notice of appeal contains an auxiliary request for oral proceedings.

A written statement setting out the grounds of appeal was not filed within the four-month time limit provided for in Article 108 EPC. Nor did the notice of appeal contain anything that might be considered as such statement.

II. In a communication dated 16 June 2007, the Board informed the parties that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible. The appellant was informed that any observations should be filed within two months.

III. The appellant filed no observations in response to said communication.

In a letter dated 22 November 2007 the appellant withdrew the request for oral proceedings.
Reasons for the Decision

As no written statement setting out the grounds of appeal was filed within the time limit provided for in Article 108 EPC, the appeal is inadmissible pursuant to Rule 101(1) EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar
The Chairman

M. Kiehl
A. Klein