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**Datasheet for the decision
of 16 January 2019**

Case Number: J 0007/18 - 3.1.01

Application Number: 06789566.4

Publication Number: 1924998

IPC: G11C11/41, G11C11/412,
H01L27/11, H01L21/8244

Language of the proceedings: EN

Title of invention:

SRAM CELL WITH SEPARATE READ-WRITE CIRCUITRY

Applicant:

Texas Instruments Incorporated

Headword:

Relevant legal provisions:

EPC R. 103(2)
RPBA Art. 6(2)

Keyword:

Withdrawal of the appeal
Reimbursement of appeal fee - (no)

Decisions cited:

Catchword:



Juristische Beschwerdekammer
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Chambre de recours juridique

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Case Number: J 0007/18 - 3.1.01

D E C I S I O N
of the Legal Board of Appeal 3.1.01
of 16 January 2019

Appellant:
(Applicant)

Texas Instruments Incorporated
P.O. Box 655474
Mail Station 3999
Dallas, TX 75265-5474 (US)

Representative:

Zeller, Andreas
Texas Instruments Deutschland GmbH
Haggertystraße 1
85356 Freising (DE)

Decision under appeal:

**Decision of the Examining Division posted on
30 November 2017 refusing the request for
further processing under Article 121 EPC**

Composition of the Board:

Chairman G. Weiss
Members: Y. Podbielski
B. Müller

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Examining Division posted on 30 November 2017.
- II. The appellant filed a notice of appeal on 12 February 2018 and paid the appeal fee on the same date.
- III. By communication of 13 June 2018, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.
- IV. By letter dated 3 September 2018 the appellant withdrew its appeal and requested reimbursement of 50% of the appeal fee.
- V. By communication dated 21 September 2018 the Board informed the appellant of its preliminary opinion that the request for reimbursement of part of the appeal fee could not be allowed and that it did not intend to summon the appellant to oral proceedings. It asked the appellant to confirm whether it maintained the request for reimbursement of part of the appeal fee in view of the communication and informed the appellant that any submissions or requests had to be made within two months of notification of the communication.
- VI. No reply has been received.

Reasons for the Decision

1. Rule 103(2)(b) EPC determines the reimbursement of the appeal fee in cases where the Board has issued a communication inviting the appellant to file observations. Pursuant to this rule 50% of the appeal fee shall be reimbursed if the appeal is withdrawn before expiry of the period for filing observations.

2. In the present case, the communication dated 13 June 2018 was issued by the Registry. It constitutes a communication issued by the Board as the Registry executed the task of issuing the communication on behalf of the Board (Article 6(2) RPBA in conjunction with Article 2(1) of the Decision of the Presidium of the Boards of Appeal dated 12 November 2007 concerning the transfer of functions to the Registrars of the Boards of Appeal). In this communication the appellant was invited to file observations within two months of notification of the communication. This period expired on 23 August 2018. The appellant withdrew the appeal on 3 September 2018 and thus after the expiry of the period for filing observations. There is thus no legal basis for a reimbursement of 50% of the appeal fee and the request for reimbursement of the appeal fee cannot be allowed.

Order

For these reasons it is decided that:

The request for reimbursement of the appeal fee is refused.

The Registrar:

The Chairman:



C. Eickhoff

G. Weiss

Decision electronically authenticated