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D E C I S I O N
of 12 April 2005

Case Number: T 1099/02 - 3.4.3

Application Number: 97918585.7

Publication Number: 0902975

IPC: H01L 23/66

Language of the proceedings: EN

Title of invention:
Microelectronics package

Applicant:
Stratedge Corporation

Opponent:

-

Headword:
Microelectronics package/STRATEDGE CORPORATION

Relevant legal provisions:
EPC Art. 52(1) and 56
RPBA Art. 11(1)

Keyword:
"Inventive step - no"

Decisions cited:
T 0882/00

Catchword:

-



Case Number: T 1099/02 - 3.4.3

D E C I S I O N
of the Technical Board of Appeal 3.4.3
of 12 April 2005

Appellant: Stratedge Corporation
Suite D
4393 Viewridge Avenue
San Diego, CA 92123 (US)

Representative: Croston, David
Withers & Rogers LLP
Goldings House,
2 Hays Lane
London SE1 2HW (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 7 March 2002
refusing European application No. 97918585.7
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: G. L. Eliasson
Members: E. Wolff
T. Bokor

Summary of Facts and Submissions

I. European patent application No. 97 918 585.7 was refused in a decision of the examining division posted 7 March 2002 as not involving an inventive step (Articles 52(1) and 56) having regard to prior art documents

D1 US-A-5 448 826; and

D3 EP-A-0 426 284

II. The appellant (applicant) lodged an appeal on 9 May 2002 and paid the appeal fee on the same day. A statement setting out the grounds of appeal was filed on 17 July 2002.

The appellant used the following further documents to support his arguments:

D4 S. Oggioni et al., Semiconductor Packaging Symposium, 2000, pages A1-A7

D5 Reference data for Engineers: Radio, Electronics, Computer, and Communications, ISBN 0-682-21563-2, pages 4-20, 4-21, 29-23 - 29-26,

both submitted during the examination procedure, and

D6 US-A-5 105 260 (= D3 according to the appellant)

D7 US-A-4 168 507

- D8 "Design Considerations for Microwave Packages" by Charles Williams (Ceramic Bulletin, Vol. 70, No. 4 1991)
- D9 AIAA 92 - 1935 "High Performance Packaging for Monolithic Microwave and Millimeter-wave Integrated Circuits", K. Shalkhauser, K. Li and Y.C. Shih, 14th AIAA International Communication Satellite Systems Conference and Exhibit, March 22-26, 1992
- D10 US Frequency Allocation Chart and text version (US National Telecommunications and Information Administration)
- D11 Enlarged view of part of D10,

all submitted together with the statement setting out the grounds of appeal.

- III. The appellant requested that the decision under appeal be set aside and a patent be granted on the basis of claims 1 to 14 which were filed on 17 July 2002 together with the statement of the grounds of appeal.

As an auxiliary measure, oral proceedings were requested.

- IV. In a written communication under Article 11(1) of the RPBA, dated 10 November 2004 and annexed to a summons to oral proceedings to be held on 2 March 2005, the Board informed the appellant that according to its provisional opinion the invention as claimed in the request did not involve an inventive step.

- V. With a letter dated 2 February 2005 and received on 7 February 2005, the appellant informed the Board that he would not be attending the scheduled oral proceedings.
- VI. In a communication dated 21 February 2005, the Board informed the appellant that the oral proceedings due to take place on 2 March 2005 were cancelled.

Reasons for the Decision

1. The appeal complies with Articles 106 to 108 and Rule 64 EPC and is therefore admissible.
2. In the written communication of the Board referred to under item IV. above, the Board gave detailed reasons as to why it considered the appellant's submissions in the statement of the grounds of appeal not to be convincing and why in its preliminary opinion the invention as claimed did not involve an inventive step having regard to the cited prior art.
3. In his letter of dated 2 February 2005 requesting that the oral proceedings be cancelled, the appellant neither responded to any of the arguments made by the Board nor made any other comments concerning the case, thereby indicating that he did not wish to make any further observations in writing.
4. Having reconsidered the reasons which were given in the official communication of 10 November 2004, the Board sees no reason to depart from them. Therefore, the

Board concludes that the request is not allowable as it does not meet the requirements of Article 52(1) EPC for the reasons which are given in the above-mentioned official communication dated 10 November 2004 and which are hereby incorporated in the decision (cf. decision T 882/00 and the decisions cited therein, as well as "Case Law of the Boards of Appeal of the European Patent Office", 4th Edition, 2001, Chapter VII.D.8.2).

Order

For these reasons it is decided that:

The appeal is dismissed.

The Registrar:

The Chairman:

P. Cremona

G. Eliasson