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**D E C I S I O N**  
of 15 July 2005

**Case Number:** T 0391/03 - 3.4.3

**Application Number:** 97303962.1

**Publication Number:** 0813227

**IPC:** H01J 37/32

**Language of the proceedings:** EN

**Title of invention:**  
RF plasma processors

**Applicant:**  
LAM RESEARCH CORPORATION

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 56, 84

**Keyword:**

"No substantive response from appellant applicant"  
"Oral proceedings not attended"  
"Grounds in Board's communication maintained"  
"Appeal dismissed"

**Decisions cited:**

T 0230/99

**Catchword:**

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Case Number: T 0391/03 - 3.4.3

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.3  
of 15 July 2005

**Appellant:** LAM RESEARCH CORPORATION  
4650 Cushing Parkway  
Fremont, CA 94538 (US)

**Representative:** W.P. THOMPSON & CO.  
55 Drury Lane  
London WC2B 5SQ (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 25 November 2002  
refusing European application No. 97303962.1  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** R. G. O'Connell  
**Members:** V. L. P. Frank  
J. P. B. Seitz

## **Summary of Facts and Submissions**

- I. This is an appeal against the refusal of European patent application 97 303 962.1. The ground for refusal was that claim 1 was not clear since it did not comprise all the features essential to the solution of the technical problem (Article 84, Rules 29(1), (3) EPC).
- II. The applicant filed an appeal and requested grant of a patent on the basis of the refused claims; auxiliarily oral proceedings were requested.
- III. In a reasoned communication annexed to the summons to oral proceedings appointed for 15 July 2005, the board informed the appellant of its provisional opinion that claim 1 was not supported by the description (Article 84 EPC) and that its subject-matter did not involve an inventive step (Article 56 EPC).
- IV. By letter dated 13 July 2005 the appellant informed the board that he would not attend the oral proceedings and requested that a decision be issued on the basis of the written submissions. Oral proceedings were held on the appointed day in the absence of the appellant.

## **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 was not supported by the

description and that its subject-matter did not involve an inventive step (Article 84 EPC and Article 56 EPC).

3. The appellant made no substantive response to the board's communication. Having reconsidered its own reasoned objections as set out in the said communication and making express reference thereto, the board sees no reason to depart from them. Consequently, the appellant's request falls to be refused (cf T 230/99 at point 7).

## **Order**

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

The appeal is dismissed.

Registrar:

Chair:

M. H. A. Patin

R. G. O'Connell