

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 21 October 2008**

Case Number: T 1082/06 - 3.4.03

Application Number: 02257729.0

Publication Number: 1324375

IPC: H01L 21/02

Language of the proceedings: EN

Title of invention:

Via/line inductor on semiconductor material

Applicant:

Chartered Semiconductor Manufacturing Ltd.

Opponent:

-

Headword:

-

Relevant legal provisions (EPC 1973):

EPC Art. 54, 56, 84

Keyword:

"Clarity - main request (no)"

"Novelty - first auxiliary request (no)"

"Inventive step - second auxiliary request (no)"

Decisions cited:

-

Catchword:

-



Case Number: T 1082/06 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 21 October 2008

Appellant: Chartered Semiconductor Manufacturing Ltd.
60 Woodlands Industrial Park D
Street 2
Singapore 738406 (SG)

Representative: Brookes Batchellor LLP
102-108 Clerkenwell Road
London EC1M 5SA (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 27 January 2006
refusing European application No. 02257729.0
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: R. G. O'Connell
Members: G. Eliasson
J. Van Moer

Summary of Facts and Submissions

- I. This is an appeal against the refusal of application 02 257 729 for lack of clarity and novelty.
- II. The appellant applicant requested grant of a patent on the basis of a main, first or second auxiliary requests as formulated in the statement of grounds of appeal. In addition, oral proceedings were requested.
- III. In a reasoned communication annexed to the summons to oral proceedings the board informed the appellant of its provisional opinion that
- the main request did not comply with the requirement of clarity;
 - that the subject matter of claim 1 of the first auxiliary request was not new over US 5 281 769 (Document D1);
 - that the subject matter of independent claim 6 of the first auxiliary request did not involve an inventive step over document D1; and
 - that the subject matter of independent claims 1 and 6 of the second auxiliary request did not involve an inventive step over document D1.
- IV. Oral proceedings were held in the absence of the appellant, who did not appear despite being duly summoned.

Reasons for the Decision

1. The appeal is admissible.
2. In the communication of the board, the appellant applicant was informed in detail of the reasons for the board's preliminary view that the main, first and second auxiliary requests were not allowable (Articles 84, 54 and 56 EPC 1973).
3. The appellant neither filed any substantive response to the communication nor appeared at the oral proceedings despite being duly summoned. 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 requests fall to be refused.

Order

For these reasons it is decided that:

The appeal is dismissed.

Registrar

Chair

S. Sánchez Chiquero

R. G. O'Connell