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**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:**

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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  
(Opponent) angewandten Forschung e.V.  
Hansastraße 27 c  
D-80686 München (DE)

**Representative:** Pfenning, Meinig & Partner GbR  
Patent- und Rechtsanwälte  
Gostritzer Straße 61-63  
D-01217 Dresden (DE)

**Respondent:** L'AIR LIQUIDE, Société Anonyme pour l'Etude et  
(Patent Proprietor) l'Exploitation des Procédés Georges Claude  
75, quai d'Orsay  
F-75007 Paris (FR)

**Representative:** Vesin, Jacques  
L'Air Liquide  
Service des Relations Industrielles  
75, quai d'Orsay  
F-75321 Paris Cédex 07 (FR)

**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
2 January 2007 concerning maintenance of  
European patent No. 0768525 in amended form.

**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