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**Datasheet for the decision  
of 23 January 2009**

**Case Number:** T 0727/08 - 3.2.07

**Application Number:** 03258031.8

**Publication Number:** 1433874

**IPC:** C23C 16/18

**Language of the proceedings:** EN

**Title of invention:**

Method for metal oxide thin film deposition via MOCVD

**Applicant:**

Sharp Kabushiki Kaisha

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 108, third sentence  
EPC R. 101(1)

**Relevant legal provisions (EPC 1973):**

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**Keyword:**

"Missing statement of grounds"  
"Oral proceedings - no"

**Decisions cited:**

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**Catchword:**

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Case Number: T 0727/08 - 3.2.07

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.07  
of 23 January 2009

**Appellant:** Sharp Kabushiki Kaisha  
22-22 Nagaike-cho  
Abeno-ku  
Osaka 545-8522 (JP)

**Representative:** Jacob, Reuben Ellis  
R G C Jenkins & Co.  
26 Caxton Street  
London SW1H 0RJ (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 26 March 2007  
refusing European application No. 03258031.8  
pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** H. Meinders  
**Members:** H. Hahn  
E. Dufrasne

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 26 March 2007 refusing the European Patent application No. 03 258 031.8.

The appellant (applicant) filed a notice of appeal on 4 June 2007 and paid the fee for appeal on the same day. Auxiliary, it requested oral proceedings.

No statement of grounds was filed.

- II. By a communication dated 17 July 2008 sent by registered letter with advice of delivery, the registry of the Board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible.

The appellant was invited to file observations within two months and to make clear if its auxiliary request for oral proceedings was intended to apply to the question of (in)admissibility of the appeal.

- III. No answer has been given to the registry's communication.

## **Reasons for the Decision**

1. The notice of appeal filed on 4 June 2007 contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

2. As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC, third sentence, in conjunction with Rule 101(1) EPC).
  
3. The auxiliary request for oral proceedings filed by the appellant with its notice of appeal was associated with its request for having the first instance's decision set aside and the claims as then on file allowed.

By the communication dated 17 July 2008 of the registry of the Board, the appellant has been made aware that in absence of a statement of grounds of appeal, its appeal could be expected to be rejected as inadmissible. By the same communication, it has also been requested to make clear if its auxiliary request for oral proceedings was intended to apply to the question of (in)admissibility of its appeal.

No answer has been given by the appellant to this communication. Hence, no submission, in particular no request for oral proceedings, has been filed by the appellant with respect to the question of the admissibility of its appeal.

Therefore, the Board considers that the appellant's auxiliary request for oral proceedings, made with its notice of appeal, does not apply to the question of the admissibility of its appeal and that the case can be decided on the basis of the file as it stands.

**Order**

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

The appeal is rejected as inadmissible.

The Registrar

The Chairman

G. Nachtigall

H. Meinders