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**Datasheet for the decision
of 22 February 2010**

Case Number: T 2138/09 - 3.4.03

Application Number: 00943434.1

Publication Number: 1192656

IPC: H01L 21/768

Language of the proceedings: EN

Title of invention:

Method of protecting an underlying wiring layer during dual damascene processing

Patentee:

Intel Corporation

Opponent:

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Headword:

No grounds filed

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

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Decisions cited:

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Catchword:

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Case Number: T 2138/09 - 3.4.03

D E C I S I O N
of the Technical Board of Appeal 3.4.03
of 22 February 2010

Appellant: Intel Corporation
2200 Mission College Boulevard
Santa Clara
CA 95052 (US)

Representative: Harrison Goddard Foote
Fountain Precinct
Balm Green
Sheffield S1 2JA (GB)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 19 May 2009
refusing European application No. 00943434.1
pursuant to Article 97(2) EPC.

Composition of the Board:

Chairman: G. Eliasson
Members: E. Wolff
P. Mühlens

Summary of Facts and Submissions

I. This is an appeal against the refusal of European patent application No. 00943434 posted 19 May 2009.

A notice of appeal on behalf of the applicant appellant was filed on 20 July 2009. The appeal fee was paid on the same day. No separate statement of grounds of appeal was filed.

II. By a communication dated 11 November 2009 sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had been filed and that, therefore, it was to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months.

III. No answer has been given to the communication within the time limit. No request re-establishment of rights was filed.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

S. Sánchez Chiquero

G. Eliasson