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**Datasheet for the decision  
of 16 April 2010**

**Case Number:** T 2470/09 - 3.4.03

**Application Number:** 98956064.4

**Publication Number:** 1029363

**IPC:** H01L 29/78

**Language of the proceedings:** EN

**Title of invention:**

A semiconductor device of SiC and a transistor of SiC having an insulated gate

**Patentee:**

CREE, INC.

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

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

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**Keyword:**

"No statement of grounds filed"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 2470/09 - 3.4.03

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.03  
of 16 April 2010

**Appellant:** CREE, INC.  
4600 Silicon Drive  
Durham, NC 27703 (US)

**Representative:** Olsson, Jan  
Bjerkéns Patentbyrå KB  
P.O. Box 1274  
S-801 37 Gävle (SE)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 3 July 2009  
refusing European patent application  
No. 98956064.4 pursuant to Article 97(2) EPC.

**Composition of the Board:**

**Chairman:** G. Eliasson  
**Members:** E. Wolff  
T. Bokor

## **Summary of Facts and Submissions**

I. This is an appeal against the refusal of European patent application No. 98956064 posted 3 July 2009.

A notice of appeal on behalf of the applicant appellant was filed on 3 September 2009. The appeal fee was paid on the same day. No separate statement of grounds of appeal was filed.

II. By a communication dated 14 January 2010 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 for 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