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**Datasheet for the decision
of 5 February 2018**

Case Number: T 2344/17 - 3.4.03

Application Number: 09706606.2

Publication Number: 2244127

IPC: G03F7/40, H01L21/027

Language of the proceedings: EN

Title of invention:

FINE PATTERN MASK, METHOD FOR PRODUCING THE SAME, AND METHOD
FOR FORMING FINE PATTERN USING THE MASK

Applicant:

Merck Patent GmbH

Headword:

Relevant legal provisions:

EPC Art. 108

EPC R. 99(2), 101(1)

Keyword:

Admissibility of appeal - missing statement of grounds of
appeal

Decisions cited:

Catchword:



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Case Number: T 2344/17 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 5 February 2018

Appellant: Merck Patent GmbH
(Applicant) Frankfurter Strasse 250
64293 Darmstadt (DE)

Representative: Rippel, Hans Christoph
Isenbruck Bösl Hörschler LLP
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Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 8 May 2017
refusing European patent application No.
09706606.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman G. Eliasson
Members: M. Papastefanou
C. Heath

Summary of Facts and Submissions

- I. This is an appeal against the refusal of European patent application No. 09706606.2, posted on 8 May 2017.
- II. The appellant filed a notice of appeal on 18 July 2017 and paid the appeal fee on the same day. No separate statement of grounds of appeal was filed.
- III. By a communication dated 30 October 2017, 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 of notification of the communication.
- IV. No reply was received. No request for re-establishment of rights was filed.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Article 108, third sentence, 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

Decision electronically authenticated