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DES EUROPÄISCHEN  
PATENTAMTS

BOARDS OF APPEAL  
OF THE EUROPEAN  
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CHAMBRES DE RECOURS  
DE L'OFFICE EUROPEEN  
DES BREVETS

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File Number: T 848/92 - 3.4.1

Application No.: 88 300 021.8

Publication No.: 0 276 902

Title of invention: A method of making a field effect transistor

Classification: H01L 21/28

DECISION  
of 12 January 1993

Applicant: ITT Industries Inc.

Headword:

EPC Art. 108, Rule 65(1)

Keyword:



Case Number : T 848/92 - 3.4.1

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.1  
of 12 January 1993

Appellant : ITT Industries Inc.  
320 Park Avenue  
New York, NY 10022 (US)

Representative : Vaufrouard, John Charles  
Ruffhead & Vaufrouard  
Maidstone Road (STC Site)  
Foots Cray  
Sidcup  
Kent DA14 5HT (GB)

Decision under appeal : Decision of the Examining Division 048 of the  
European Patent Office dated 26 May 1992 refusing  
European patent application No. 88 300 021.8  
pursuant to Article 97(1) EPC.

Composition of the Board :

Chairman : G.D. Paterson  
Members : U.G. Himmler  
R.K. Shukla

## Summary of Facts and Submissions

- I. The appeal contests the decision of the Examining Division of the European Patent Office dated 26 May 1992 refusing the European patent application No. 88 300 021.8. The decision was dispatched by registered letter with advice of delivery on the day it was given. The Appellant filed a notice of appeal on 23 July 1992, and paid the fee for appeal on 24 July 1992. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.
  
- II. In a letter dated 3 September 1992 the Appellant informed the Board that "our client has decided not to proceed with the appeal. Accordingly a written statement of grounds will not be filed". In addition, the Appellant asked whether a refund of the appeal fee was possible.
  
- III. By a communication dated 1 October 1992 sent by registered post, the Registry of the Board informed the Appellant that when the time limit for filing a statement of grounds of appeal expired, a decision as to the inadmissibility of the appeal would be issued and that a refund of the appeal fee, or part of it, would not be possible.

## Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC). The request for refund of the appeal fee is refused, following Decision T 13/82 (OJ EPO 1983, 411).

Order

For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The appeal fee will not be refunded.

The Registrar:



M. Beer

The Chairman:



G.D. Paterson

*RM*  
*T*  
*me*