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**D E C I S I O N**  
**of 5 November 2001**

**Case Number:** T 0290/97 - 3.4.3

**Application Number:** 91304410.3

**Publication Number:** 0457592

**IPC:** H01L 21/48

**Language of the proceedings:** EN

**Title of invention:**

Process for manufacturing a multi-layer lead frame

**Applicant:**

SHINKO ELECTRIC INDUSTRIES CO. LTD.

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 52(1), 56, 84, 123(2)

**Keyword:**

"No comments on the objections raised in the Board's communication under Article 11(2) RPBA"

"Dismissal of the appeal"

"Reasons for the dismissal incorporated by reference to the Board's communication"

**Decisions cited:**

T 0784/91, T 1069/97, T 0230/99

**Catchword:**

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Case Number: T 0290/97 - 3.4.3

**D E C I S I O N**  
**of the Technical Board of Appeal 3.4.3**  
**of 5 November 2001**

**Appellant:** SHINKO ELECTRIC INDUSTRIES CO. LTD.  
711, Aza Shariden  
Oaza Kurita  
Nagano-shi  
Nagano 380 (JP)

**Representative:** Rackham, Stephen Neil  
GILL JENNINGS & EVERY  
Boardgate House  
7 Eldon Street  
London EC2M 7LH (GB)

**Decision under appeal:** Decision of the Examining Division of the  
European Patent Office posted 24 October 1996  
refusing European patent application  
No. 91 304 410.3 pursuant to Article 97(1) EPC.

**Composition of the Board:**

**Chairman:** R. K. Shukla  
**Members:** V. L. P. Frank  
B. Günzel

## Summary of Facts and Submissions

- I. European patent application No. 91 304 410.3 was refused by the decision of the examining division dated 24 October 1996. The ground for the refusal was that the subject-matter of claim 1 did not involve an inventive step.
- II. The appellant (applicant) lodged an appeal on 24 December 1996. The appeal fee was paid on 27 December 1996. The statement setting out the grounds of appeal was filed on 25 February 1997 together with new claims 1 to 9 and arguments as to why the amended claims would be patentable having regard to the cited prior art. The appellant requested that the decision of the examining division be set aside and that a patent be granted on the basis of the new set of claims. Oral proceedings were requested in the event that the Board intended to reach an adverse decision.
- III. In a communication pursuant to Article 11(2) Rules of Procedure of the Boards of Appeal dated 25 May 2001, annexed to the summons for oral proceedings to be held on 12 October 2001, the Board informed the appellant that, after having carefully considered the appellant's submissions, the subject-matter of claim 1 did not appear to involve an inventive step having regard to document US-A-4 581 096 (in the following referred to as document D2) (Articles 52(1) and 56 EPC) and that the claims did not appear to meet the requirements of Articles 84 and 123(2) EPC.
- IV. With the letter dated 8 August 2001 the appellant informed the Board that his request for oral proceedings was thereby withdrawn and requested that a

decision be issued. The oral proceedings were cancelled.

### **Reasons for the Decision**

1. The appeal is admissible.
2. In the communication of the Board dated 25 May 2001, the appellant was informed in detail of the reasons for the Board's view that the subject-matter of claim 1 did not involve an inventive step having regard to the disclosure of document D2, being regarded as the closest prior art, and the general knowledge of the skilled person and further, that the claims did not fulfill the requirements of Article 84 and 123(2) EPC.
3. In its reply dated 8 August 2001 the appellant did not comment on the objections raised by the Board, but only stated that he no longer had any commercial interest in the application and requested that a decision be issued.
4. Having reconsidered the objections raised in the communication of 25 Mai 2001 the Board sees no reason to depart from its finding that the application in suit does not comply with the requirements of Articles 84, 123(2) and 52(1) EPC. Consequently, the request of the appellant to set aside the decision of the examining division and to grant a patent on the basis of the claims on file is not allowable for the reasons advanced in the communication pursuant to Article 11 (2) RPBA. These reasons are incorporated in the present decision by reference to the above communication as the Board does not consider it necessary to reproduce them

here (see also T 784/91, T 1069/97 and T 230/99).

**Order**

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

The appeal is dismissed.

The Registrar:

The Chairman:

D. Spigarelli

R. K. Shukla