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D E C I S I O N
of 24 April 2002

Case Number: T 0766/97 - 3.4.3

Application Number: 92201891.6

Publication Number: 0521558

IPC: H01L 29/06

Language of the proceedings: EN

Title of invention:

Semiconductor device with means for increasing the breakdown voltage of a pn-junction

Applicant:

Koninklijke Philips Electronics N.V.

Opponent:

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Headword:

-

Relevant legal provisions:

EPC Art. 52(1), 56

Keyword:

"Withdrawal of the request for oral proceedings"
"No comments in the appellant's response on the preliminary opinion expressed 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 0290/97, T 1058/97, T 1069/97, T 0230/99

Catchword:

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Case Number: T 0766/97 - 3.4.3

D E C I S I O N
of the Technical Board of Appeal 3.4.3
of 24 April 2002

Appellant: Koninklijke Philips Electronics N.V.
Groenewoudseweg 1
NL-5621 BA Eindhoven (NL)

Representative: Duijvestijn, Adrianus Johannes
Internationaal Octrooibureau B.V.
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NL-5656 AA Eindhoven (NL)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 30 April 1997
refusing European patent application
No. 92 201 891.6 pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: R. K. Shukla
Members: V. L. P. Frank
M. J. Vogel

Summary of Facts and Submissions

I. The appeal lies against the decision of the examining division dated 30 April 1997 to refuse the European patent application No. 92 201 891.6. The ground for the refusal was that the subject-matters of claims 1 to 3 did not involve an inventive step (Article 56 EPC) having regard to the following prior art documents:

D1: US-A-3 812 521, and

D2: Patent Abstracts of Japan, vol. 13, No. 312,
17 July 1989 & JP-A-1 084 733

II. The appellant (applicant) lodged an appeal on 23 June 1997 with simultaneous payment of the appeal fee. The statement setting out the grounds of appeal was filed on 4 July 1997. The appellant requested that the decision of the examining division be set aside and that a patent be granted on the basis of the claims as originally filed. Oral proceedings were requested in the event that the board intended to dismiss the appeal.

III. In a communication pursuant to Article 11(2) Rules of Procedure of the Boards of Appeal dated 14 December 2001 (in the following called 'the communication'), annexed to the summons for oral proceedings to be held on 3 May 2002, the board informed the appellant that, after having carefully considered the appellant's submissions, it was of the provisional opinion that the subject-matters of claims 1 to 3 did not involve an inventive step for the reasons put forward by the department of first instance in the decision under appeal and the reasons given in the communication.

IV. With the letter dated 18 April 2002 the appellant informed the board that he would not attend the oral proceedings and requested a decision to be issued. The appellant's request for oral proceedings was thus considered as withdrawn and the oral proceedings were therefore cancelled.

Reasons for the Decision

1. The appeal is admissible.
2. In the communication, the appellant was informed in detail of the reasons for the board's preliminary view that the subject-matters of claims 1 to 3 did not involve an inventive step having regard to document D1, being regarded as the closest prior art, in combination with document D2.
3. The appellant did not comment in its reply dated 18 April 2002 on the preliminary opinion of the board expressed in the communication, but stated that he would not attend the oral proceedings and that he awaited the board's decision.
4. Having reconsidered the objection raised in the communication the board sees no reason to depart from it. Consequently, the request of the appellant to set aside the decision of the examining division is not allowable. The reasoning presented in the communication is incorporated in the present decision by reference as the board does not consider it necessary to reproduce it here (cf. T 784/91, T 290/97, T 1058/97, 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