

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

D E C I S I O N
of 21 June 2005

Case Number: T 0055/05 - 3.2.6

Application Number: 98303358.0

Publication Number: 0875615

IPC: D04H 1/54

Language of the proceedings: EN

Title of invention:

Nonwoven fabric of multi-length, multi-denier fibers and
absorbent article formed therefrom

Patentee:

Johnson & Johnson Industria e Comercio Ltda.

Opponent:

The Procter & Gamble Company

Headword:

-

Relevant legal provisions:

EPC Art. 108, 122

EPC R. 65(1)

Keyword:

"Admissibility of the appeal (no)"

Decisions cited:

-

Catchword:

-



Case Number: T 0055/05 - 3.2.6

D E C I S I O N
of the Technical Board of Appeal 3.2.6
of 21 June 2005

Appellant: Johnson & Johnson Industria e Comercio Ltda.
(Proprietor of the patent) Rua Gerivatiba 207
BR-05501-030 Sao Paulo, SP (BR)

Representative: Mercer, Christopher Paul
Carpmaels & Ransford
43, Bloomsbury Square
London WC1A 2RA (GB)

Respondent: The Procter & Gamble Company
(Opponent) One Procter & Gamble Plaza
Cincinnati
Ohio 45202 (US)

Representative: Kremer, Véronique
Procter & Gamble Service GmbH
D-65823 Schwalbach am Taunus (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
15 November 2004 concerning maintenance of
European patent No. 0875615 in amended form.

Composition of the Board:

Chairman: P. Alting van Geusau
Members: G. L. De Crignis
J. H. Van Moer

Summary of Facts and Submissions

- I. In its decision dated 15 November 2004 the Opposition Division maintained the European patent No. 0 875 615 in amended form.

With facsimile from 12 January 2005 the Appellant (Patent Proprietor) filed a Notice of Appeal against this decision and paid the appeal fee on the same day.

The 4 months period for filing a written statement setting out the grounds of appeal pursuant to Article 108 EPC ended on 15 March 2005. No statement of grounds arrived at the EPO by then.

With letter of 4 April 2005 the appellant informed the Board of Appeal that no statement of grounds of appeal would be filed.

- II. By a communication dated 11 April 2005, sent by registered letter, with advice of delivery and received by the appellant on 15 April 2005, the Registry of the Board informed the Appellant that no statement of grounds had been filed and that the appeal would be rejected as inadmissible. The Appellant was invited to file observations within two months and attention was drawn to Article 122 EPC (re-establishment of rights).
- III. No response to the Registry's communication has been received.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and the Notice of Appeal does not contain anything that could be regarded as a statement of grounds pursuant to Article 108 EPC the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Patin

P. Alting van Geusau