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**Datasheet for the decision
of 21 February 2007**

Case Number: T 0852/06 - 3.2.05

Application Number: 98917997.3

Publication Number: 0977661

IPC: B31F 1/07

Language of the proceedings: EN

Title of invention:

High pressure embossing and paper produced thereby

Patentee:

THE PROCTER & GAMBLE COMPANY

Opponent:

Kimberly-Clark Worldwide, Inc.

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0852/06 - 3.2.05

D E C I S I O N
of the Technical Board of Appeal 3.2.05
of 21 February 2007

Appellant: Kimberly-Clark Worldwide, Inc.
(Opponent) 401 North Lake Street
Neenah
WI 54956 (US)

Representative: Davies, Christopher Robert
Frank B. Dehn & Co.
St Bride's House
10 Salisbury Square
London EC4Y 8JD (GB)

Respondent: THE PROCTER & GAMBLE COMPANY
(Patent Proprietor) One Procter & Gamble Plaza
Cincinnati
Ohio 45202 (US)

Representative: Borbach, Markus
Procter & Gamble Service GmbH
Sulzbacher Strasse 40-50
DE-65823 Schwalbach am Taunus (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
16 March 2006 concerning maintenance of
European patent No. 0977661 in amended form.

Composition of the Board:

Chairman: W. Zellhuber
Members: W. Widmeier
E. Lachacinski

Summary of Facts and Submissions

- I. The appeal is against the decision of the Opposition Division of the European Patent Office posted 16 March 2006 maintaining the European patent No. 0 977 661 in amended form.

The appellant (opponent) filed a notice of appeal on 26 May 2006 and paid the fee for appeal on the same date. No statement setting out the grounds of appeal was filed. The notice of appeal contains nothing that could be regarded as a statement within the meaning of Article 108 EPC, third sentence.

- II. By a communication sent by registered letter with advice of delivery on 29 August 2006, and received by the appellant on 4 September 2006, the Registry of the Board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months. The attention of the appellant was also drawn to Rule 84a EPC and to Article 122 EPC.

- III. No answer has been given to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, and the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC. Consequently, the appeal has to be rejected as inadmissible pursuant to Rule 65(1) EPC in conjunction with Article 108 EPC, third sentence.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

D. Meyfarth

W. Zellhuber