

**Internal distribution code:**

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

**Datasheet for the decision  
of 28 February 2008**

**Case Number:** T 0959/07 - 3.3.06

**Application Number:** 99971026.2

**Publication Number:** 1124937

**IPC:** C11D 17/06

**Language of the proceedings:** EN

**Title of invention:**

Processes for making granular detergent composition having improved appearance and solubility

**Patentee:**

THE PROCTER & GAMBLE COMPANY

**Opponent:**

HENKEL KGaA

**Headword:**

-

**Relevant legal provisions:**

-

**Relevant legal provisions (EPC 1973):**

EPC Art. 102(1), 108, 122

EPC R. 65(1)

**Keyword:**

"Missing Statement of Grounds"

**Decisions cited:**

-

**Catchword:**

-



Case Number: T 0959/07 - 3.3.06

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.06  
of 28 February 2008

**Appellant:**  
(Patent Proprietor)

THE PROCTER & GAMBLE COMPANY  
One Procter & Gamble Plaza  
Cincinnati  
Ohio 45202 (US)

**Representative:**

Hucker, Charlotte Jane  
Gill Jennings & Every LLP  
Broadgate House  
7 Eldon Street  
London EC2M 7LH (GB)

**Respondent:**  
(Opponent)

HENKEL KGaA  
VTP (Patente)  
D-40191 Düsseldorf (DE)

**Decision under appeal:**

Decision of the Opposition Division of the  
European Patent Office posted 3 April 2007  
revoking European patent No. 1124937 pursuant  
to Article 102(1) EPC 1973.

**Composition of the Board:**

**Chairman:** P.-P. Bracke  
**Members:** P. Ammendola  
J. Van Moer

## **Summary of Facts and Submissions**

The appeal contests the decision of the Opposition Division of the European Patent Office posted 3 April 2007, revoking the European patent No. 1 124 937 pursuant to Article 102(1) EPC 1973.

The Appellant (Patentee) filed a notice of appeal with letter dated 8 June 2007 and paid the fee for appeal on 11 June 2007.

No written statement setting out the grounds of appeal was filed within the four-month time limit provided for in Article 108 EPC 1973.

The notice of appeal does not contain anything that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC 1973.

No further submissions were filed by the Appellant.

In a communication dated 17 September 2007 sent by registered letter with advice of delivery, the Board informed the Appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible pursuant to Article 108 EPC 1973 in conjunction with Rule 65(1) EPC 1973.

The Appellant was invited to file observations within two months from notification of the communication and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC 1973.

No answer has been given within the given time limit to the Board's communication.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal was filed and as the notice of appeal does not contain anything that could be regarded as a statement setting out the grounds of appeal according to Article 108 EPC 1973, the appeal has to be rejected as inadmissible (Article 108 EPC 1973 in conjunction with Rule 65(1) EPC 1973).

## **Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

G. Rauh

P.-P. Bracke