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**Datasheet for the decision
of 13 November 2008**

Case Number: T 0133/08 - 3.3.06

Application Number: 96935792.0

Publication Number: 0861316

IPC: C11D 7/12

Language of the proceedings: EN

Title of invention:

Fully diluted hard surface cleaners containing high concentrations of certain anions

Patentee:

S.C. JOHNSON & SON, INC.

Opponent:

The Procter & Gamble Company

Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

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Case Number: T 0133/08 - 3.3.06

D E C I S I O N
of the Technical Board of Appeal 3.3.06
of 13 November 2008

Appellant: S.C. JOHNSON & SON, INC.
(Patent Proprietor) 1525 Howe Street
Racine
Wisconsin 53403-5011 (US)

Representative: Ebner von Eschenbach, Jennifer
Ladas & Parry LLP
Dachauerstrasse 37
D-80335 München (DE)

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

Representative: Kellenberger, Jakob
NV Procter & Gamble Services Company SA
Temselaan 100
B-1853 Strombeek-Bever (BE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 23 November 2007
revoking European patent No. 0861316 pursuant
to Article 101(2) EPC 1973.

Composition of the Board:

Chairman: P.-P. Bracke
Members: L. Li Voti
A. Pignatelli

Summary of Facts and Submissions

The appeal contests the decision of the Opposition Division of the European Patent Office posted 23 November 2007, revoking the European patent No. 861 316 pursuant to Article 101(2) EPC 1973.

The Appellant (Patentee) filed a notice of appeal on 18 January 2008 and paid the fee for appeal on the same day.

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

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.

No further submissions were filed by the Appellant.

In a communication dated 28 May 2008 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 in conjunction with Rule 101(1) EPC.

The Appellant was invited to file observations within two months from notification of the communication.

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, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

G. Rauh

P.-P. Bracke