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**Datasheet for the decision
of 16 September 2009**

Case Number: T 0244/09 - 3.2.05

Application Number: 03250924.2

Publication Number: 1336466

IPC: B29C 59/06

Language of the proceedings: EN

Title of invention:

Method of making a topographical support member for producing apertured films

Patentee:

McNeil-PPC, Inc.

Opponent:

The Procter & Gamble Company

Headword:

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Relevant legal provisions:

EPC Art. 108, third sentence
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:

"Inadmissibility of appeal"

Decisions cited:

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Catchword:

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Case Number: T 0244/09 - 3.2.05

D E C I S I O N
of the Technical Board of Appeal 3.2.05
of 16 September 2009

Appellant:
(Patent Proprietor)

NcNeil-PPC, Inc.
Grandview Road
Skillmann
NJ 08558-9418 (US)

Representative:

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

Respondent:
(Opponent)

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

Representative:

L'Huillier, Florent Charles
Procter & Gamble Services GmbH
Sulzbacher Strasse 40-50
D-65824 Schwalbach am Taunus (DE)

Decision under appeal:

Decision of the Opposition Division of the
European Patent Office posted 21 November 2008
revoking European patent No. 1336466 pursuant
to Article 102(1) EPC 1973.

Composition of the Board:

Chairman: W. Zellhuber
Members: H. Schram
C. Rennie-Smith

Summary of Facts and Submissions

- I. This matter concerns an appeal against the decision of the Opposition Division announced at the oral proceedings held on 14 October 2008 revoking European Patent No. 1 336 466. The written decision was posted on 21 November 2008.
- II. The appellant (proprietor) filed a notice of appeal on 28 January 2009 and paid the fee for appeal on the same date. No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
- III. By a communication dated 12 May 2009, sent by registered letter with advice of delivery and received on 18 May 2009, 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.
- IV. No response was made to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108, third sentence, 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:

S. Sánchez Chiquero

W. Zellhuber