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File Number: T 322/92 - 3.3.1

Application No.: 87 200 138.3

Publication No.: 0 235 836

Title of invention: Fatty acid esters of sugars and sugar alcohols

Classification: C07H 13/06

DECISION
of 23 November 1992

Applicant: UNILEVER N.V., et al

Opponent: THE PROCTER & GAMBLE COMPANY

Headword:

EPC Article 108, Rule 65(1)

Keyword: "Missing Statement of Grounds"



Case Number : T 322/92 - 3.3.1

D E C I S I O N
of the Technical Board of Appeal 3.3.1
of 23 November 1992

Appellant :
(Proprietor of the patent)

UNILEVER N.V.
Weena 455
NL - 3013 AL Rotterdam (NL)

Representative :

van der Toorren, Johannes, Drs.
UNILEVER N.V.
Patent Division
Postbus 137
NL - 3130 AC Vlaardingen (NL)

Respondent :
(Opponent)

THE PROCTER & GAMBLE COMPANY
301 East Sixth Street
Cincinnati
Ohio 45201 (US)

Representative :

De Minvielle-Devaux, Ian Benedict Peter
CARPMAELS & RANSFORD
43, Bloomsbury Square
London WC1A 2RA (GB)

Decision under appeal :

Decision of the Opposition Division of the
European Patent Office delivered orally on
11 March 1992, with written reasons posted on
31 March 1992, revoking European patent
No. 0 235 836 pursuant to Article 102(1) EPC.

Composition of the Board :

Chairman : K. Jahn
Members : J.M. Jonk
J.A. Stephens-Ofner

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office dated 11 March 1992 revoking the European patent No. 0 235 836. The decision was dispatched by registered letter with advice of delivery to the Applicant on 31 March 1992. The Appellant filed a notice of appeal by a letter received on 7 April 1992 and paid the fee for appeal on the same day. 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.

- II. By a communication dated 8 September 1992 sent by registered post, 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.

- 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, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1)).

Order

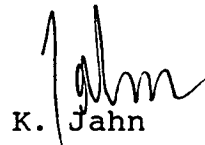
For these reasons, it is decided that:

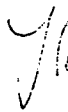
The appeal is rejected as inadmissible.


The Registrar:


E. Gorgmaier

The Chairman:


K. Jahn


7.01.93


8.01.93