Datasheet for the decision of 17 October 2007

Case Number: T 1868/06 - 3.3.06
Application Number: 97870055.7
Publication Number: 0875555
IPC: C11D 3/22
Language of the proceedings: EN
Title of invention: Use of polysaccharide polymer in liquid acidic compositions
Patentee: THE PROCTER & GAMBLE COMPANY
Opponent: Reckitt Benckiser (UK) Limited HENKEL KGaA
Headword: -
Relevant legal provisions: EPC Art. 108 EPC R. 65(1)
Keyword: "Missing statement of Grounds"
Decisions cited: -
Catchword: -

EPA Form 3030 06.03
Case Number: T 1868/06 - 3.3.06

DECISION
of the Technical Board of Appeal 3.3.06
of 17 October 2007

Appellant: THE PROCTER & GAMBLE COMPANY
(Patent Proprietor)
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Cincinnati
Ohio 45202   (US)

Representative: Kellenberger, Jakob
NV Procter & Gamble Services Company SA
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Respondent: Reckitt Benckiser (UK) Limited
(Opponent)
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Representative: Hayes, Adrian Chetwynd
Boult Wade Tennant
Verulam Gardens
70 Gray's Inn Road
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Representative: -

Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 2 November 2006 revoking European patent No. 0875555 pursuant to Article 102(1) EPC.

Composition of the Board:
Chairman: P.-P. Bracke
Members: L. Li Voti
          U. Tronser
Summary of Facts and Submissions

The appeal contests the decision of the Opposition Division of the European Patent Office posted 2 November 2006, revoking the European patent No. 875555 pursuant to Article 102(1) EPC.

The Appellant (Patentee) filed a notice of appeal on 14 December 2006 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 16 April 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 in conjunction with Rule 65(1) EPC.

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.

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 65(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