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

DECISION of the Technical Board of Appeal 3.3.06 of 28 February 2008

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

Representative: Hucker, Charlotte Jane
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Respondent: HENKEL KGaA
(Opponent)
VTP (Patente)
D-40191 Düsseldorf (DE)


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