DECISION
of 25 January 2000

Case Number: T 0834/99 - 3.3.2
Application Number: 92201292.7
Publication Number: 0519531
IPC: A61K 7/32

Language of the proceedings: EN

Title of invention:
Deodorant/antiperspirant products with fragrance and encapsulated odour counteractant

Applicant/Patentee:
UNILEVER N.V., et al.

Opponent:
Bayer AG, Leverkusen Konzerverwaltung RP Patente Konzern

Headword: -

Relevant legal provisions:
EPC Art. 108
EPC Rule 65(1)

Keyword:
Missing statement of grounds

Decisions cited: -

Catchword: -
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DE C I S I O N
go of the Technical Board of Appeal 3.3.2
of 25 January 2000

Appellant: UNILEVER N.V.
(Proprietor of the patent) Weena 455
NL - 3013 AL Rotterdam (NL)

Representative: Elliott, Peter William
Unilever plc
Patent Division
Colworth House
Sharnbrook
Bedford MK44 1LQ (GB)

Respondent: Bayer AG, Leverkusen
(Konzernverwaltung RP
Patente Konzern
Bayerwerk
D - 51368 Leverkusen (DE)

Representative: -

Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 4 juin 1999 revoking European patent No. 0 519 531 pursuant to Article 102(1) EPC.

Composition of the Board:

Chairman: P. A. M. Lançon
Members: G. F. E. Rampold
C. Rennie-Smith
Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 4.6.99, revoking the European patent Nr. 0 519 531 pursuant to Article 102(1) EPC.

The Appellant filed a notice of appeal on 4.8.99 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 4.11.99 sent by registered letter with advice of delivery, 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 within the given time limit 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) EPC).
Order

For these reasons, it is decided that:

The appeal is rejected as inadmissible.

The Registrar: The Chairman:

M. Dainese P. Lançon