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D E C I S I O N
of 22 November 2000

Case Number: T 0200/00 - 3.2.6

Application Number: 91901512.3

Publication Number: 0506775

IPC: A61F 13/15

Language of the proceedings: EN

Title of invention:
Disposable Sanitary Garments

Patentee:
THE PROCTER & GAMBLE COMPANY

Opponent:
Kimberly-Clark Worldwide, Inc.
SCA MOLNLYCKE AB
Cargill Dow Polymers. L.L.C.

Headword:

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Relevant legal provisions:

EPC Art. 108
EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

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Catchword:

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Case Number: T 0200/00 - 3.2.6

D E C I S I O N
of the Technical Board of Appeal 3.2.6
of 22 November 2000

Appellant: THE PROCTER & GAMBLE COMPANY
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Respondents: Kimberly-Clark Worldwide, Inc.
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(Opponent III) Cargill Dow Polymers L.L.C.
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Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 5 January 2000 revoking European patent No. 0 506 775 pursuant to Article 102(1) EPC.

Composition of the Board:

Chairman: P. Alting van Geusau
Members: G. C. Kadner
M. Tardo-Dino

Summary of Facts and Submissions

I. In its decision dated 5 January 2000 the Opposition Division revoked the European patent No. 0 506 775.

With facsimile from 18 February 2000 the Appellant (Patentee) filed a Notice of Appeal against this decision and paid the appeal fee on the same date. The Appellant requested that the decision under appeal be set aside and that the patent be maintained as granted.

The 4 months period for filing a written statement setting out the grounds of appeal pursuant to Article 108 EPC ended on 15 May 2000. No Statement of Grounds arrived at the EPO by then.

II. By a communication dated 25 August 2000 and sent by registered letter, the Registry of the Board informed the Appellant that no Statement of Grounds had been filed and that the appeal would be rejected as inadmissible. The Appellant was invited to file observations within two months.

III. No response to said communication was received by the EPO.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed and the Notice of Appeal does not contain anything that could be regarded as a Statement of Grounds pursuant 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:

M. Patin

P. Alting van Geusau