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D E C I S I O N
of 29 May 2001

Case Number: T 0888/00 - 3.3.2

Application Number: 92112379.0

Publication Number: 0523744

IPC: A61L 15/28

Language of the proceedings: EN

Title of invention:
Flexible absorbent sheet

Patentee:
JOHNSON & JOHNSON INC.

Opponent:
The Procter & Gamble Company

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0888/00 - 3.3.2

D E C I S I O N
of the Technical Board of Appeal 3.3.2
of 29 May 2001

Appellant: JOHNSON & JOHNSON INC.
(Proprietor of the patent) 2155 Boulevard Pie IX
Montreal
Quebec H1V 2E4 (CA)

Representative: Groening, Hans Wilhelm, Dipl.-Ing.
BOEHMERT & BOEHMERT
Franz-Joseph-Strasse 38
D-80801 München (DE)

Respondent: THE PROCTER & GAMBLE COMPANY
(Opponent) One Procter & Gamble Plaza
Cincinnati
Ohio 45202 (US)

Representative: Canonici, Jean-Jacques
Procter & Gamble European Service GmbH
Sulzbacker Strasse 40-50
D-65824 Schwalbach am Taunus (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 23 June 2000
revoking European patent No. 0 523 744 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: P. A. M. Lançon
Members: U. Oswald
C. Rennie-Smith

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office announced 25 May 2000 revoking the European patent No. 0 523 744. The decision was dispatched by registered letter with advice of delivery on 23 June 2000. The patent proprietor filed a notice of appeal by letter dated 4 September 2000, received on 4 September 2000, and paid the fee for appeal on 4 September 2000. 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 9 February 2001 and sent by registered post, the Registry of the Board informed the Appellant that no Statement of Grounds has 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. The Appellant has filed no observations in response to said 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:

A. Townend

P. A. M. Lançon