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**D E C I S I O N**  
**of 17 December 2001**

**Case Number:** T 0675/01 - 3.3.7

**Application Number:** 89305107.8

**Publication Number:** 0343877

**IPC:** B32B 27/08

**Language of the proceedings:** EN

**Title of invention:**  
Multi-layer packaging film and process

**Patentee:**  
Cryovac, Inc.

**Opponent:**  
Dixie-Union GmbH & Co. KG

**Headword:**  
-

**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 0675/01 - 3.3.7

**D E C I S I O N**  
**of the Technical Board of Appeal 3.3.7**  
**of 17 December 2001**

**Appellant:**  
(Opponent)

Dixie-Union GmbH & Co. KG  
Römerstr. 12  
D-87437 Kempten (DE)

**Representative:**

Weinberger, Rudolf, Dr.  
Vossius & Partner  
Postfach 86 07 67  
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**Respondent:**  
(Proprietor of the patent)

Cryovac, Inc.  
100 Rogers Bridge Road  
Building A  
Duncan  
South Carolina 29334-0464 (US)

**Representative:**

Bentham, Stephen  
J.A. KEMP & CO.  
14 South Square  
Gray's Inn  
London WC1R 5JJ (GB)

**Decision under appeal:**

**Decision of the Opposition Division of the  
European Patent Office posted 4 April 2001  
rejecting the opposition filed against European  
patent No. 0 343 877 pursuant to Article 102(2)  
EPC.**

**Composition of the Board:**

**Chairman:** R. E. Teschemacher  
**Members:** G. Santavicca  
B. L. ter Laan

## Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office posted 4 April 2001 rejecting the opposition filed against European patent No. 0 343 877 pursuant to Article 102(2) EPC.

The opponent (appellant) filed a notice of appeal on 15 June 2001 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 27 August 2001, 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 informed about the possibility of filing a request for re-establishment of rights under Article 122 EPC and was invited to file observations within two months.

III. No answer has been given within the given time limit to the registry's communication.

IV. By letter dated 13 November 2001 the appellant withdrew the auxiliary request for oral proceedings.

## **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:

C. Eickhoff

R. Teschemacher