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

Case Number: T 0696/01 - 3.3.7

Application Number: 93921576.0

Publication Number: 0660697

IPC: A61K 7/027

Language of the proceedings: EN

Title of invention:
Moisturizing lipstick compositions

Patentee:
THE PROCTER & GAMBLE COMPANY

Opponents:
(01) Unilever PLC et al
(02) L'OREAL

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0696/01 - 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: THE PROCTER & GAMBLE COMPANY
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Respondents: UNILEVER PLC
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 19 April 2001
revoking European patent No. 0 660 697 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: R. E. Teschemacher

Members: B. J. M. Struif

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 19 April 2001 revoking European patent No. 0 660 697 pursuant to Article 102(1) EPC.

The appellant (proprietor of the patent) filed a notice of appeal on 21 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 13 September 2001, sent by registered letter with advice of delivery, 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 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 28 September 2001 the appellant confirmed that the auxiliary request for oral proceedings was not intended to apply to the question of inadmissibility of the appeal as a consequence of the

fact that a written statement of grounds of appeal had not been filed and that the request for oral proceedings was withdrawn.

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