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D E C I S I O N
of 14 March 2002

Case Number: T 1067/01 - 3.3.7

Application Number: 95917618.1

Publication Number: 0757624

IPC: B32B 5/24

Language of the proceedings: EN

Title of invention:
Slit elastic fibrous nonwoven laminates

Patentee:
KIMBERLY-CLARK WORLDWIDE, INC.

Opponents:
Paul Hartmann AG
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 1067/01 - 3.3.7

D E C I S I O N
of the Technical Board of Appeal 3.3.7
of 14 March 2002

Appellant: The Procter & Gamble Company
(Opponent II) One Procter & Gamble Plaza
Cincinnati, OHIO 45202 (US)

Representative: Kohol, Sonia
Procter & Gamble
European Service GmbH
Sulzbacher Strasse 40
D-65824 Schwalbach am Taunus (DE)

Respondent: KIMBERLY-CLARK WORLDWIDE, INC.
(Proprietor of the patent) 401 North Lake Street
Neenah, Wisconsin 54956 (US)

(Representative) DIEHL GLAESER HILTL & PARTNER
Patentanwälte
Augustenstrasse 46
D-80333 München (DE)

Other Party: Paul Hartmann AG
(Opponent I) Paul-Hartmann-Strasse 12
D-89522 Heidenheim (DE)

Representative: Friz, Oliver
Patentanwälte
Dreiss, Fuhlendorf, Steimle & Becker
Gerokstrasse 6
D-70188 Stuttgart (DE)

Decision under appeal: Interlocutory decision of the Opposition Division
of the European Patent Office posted 31 July 2001
concerning maintenance of European patent
No. 0 757 624 in amended form.

Composition of the Board:

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

Summary of Facts and Submissions

I. The appeal contests the interlocutory decision of the Opposition Division of the European Patent Office posted 31 July 2001 concerning maintenance of European patent No. 0 757 624 in amended form.

Opponent II (appellant) filed a notice of appeal on 26 September 2001 and paid the prescribed fee 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 20 December 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 received 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:

C. Eickhoff

R. Teschenmacher