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D E C I S I O N
of 25 April 2002

Case Number: T 1095/01 - 3.2.6

Application Number: 91121370.0

Publication Number: 0493728

IPC: D04H 1/42

Language of the proceedings: EN

Title of invention:

Nonwoven web and product made from same

Patentee:

KIMBERLY-CLARK WOLRDWIDE, INC.

Opponent:

McNeil-PPC, Inc.

Headword:

-

Relevant legal provisions:

EPC Art. -

Keyword:

"Missing statement of grounds (yes)"

Decisions cited:

-

Catchword:

-



Case Number: T 1095/01 - 3.2.6

D E C I S I O N
of the Technical Board of Appeal 3.2.6
of 25 April 2002

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

Representative: Diehl, Hermann O. Th., Dr.
Diehl, Glaeser, Hiltl & Partner
Patentanwälte
Postfach 34 01 15
D-80098 München (DE)

Respondent: McNeil-PPC, Inc.
(Opponent) Grandview Road
Skillman, NJ 08558 (US)

Representative: Mercer, Christopher Paul
Carpmaels & Ransford
43, Bloomsbury Square
London WC1A 2RA (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 31 July 2001
revoking European patent No. 0 493 728 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: P. Alting van Geusau
Members: H. Meinders
M. -B. Tardo-Dino

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 31 July 2001 revoking European patent No. 0 493 728 pursuant to Article 102(1) EPC.

The Appellant (Proprietor of the patent) filed a notice of appeal on 28 September 2001 and paid the fee for appeal on the same day.

No statement of grounds was filed.

- II. By a communication dated 5 February 2002 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.
- IV. By letter dated 22 April 2002 the Appellant withdrew its auxiliary request for oral proceedings made with the notice of appeal.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, and the notice of appeal contains nothing that can 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:

C. Eickhoff

P. Alting van Geusau