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D E C I S I O N
of 26 August 2002

Case Number: T 0160/02 - 3.2.6

Application Number: 95102285.4

Publication Number: 0668066

IPC: A61F 13/15

Language of the proceedings: EN

Title of invention:

Body conforming absorbent article

Patentee:

McNEIL-PPC, INC.

Opponent:

SCA Hygiene Products AB

Headword:

Inadmissible appeal/SCA HYGIENE PRODUCTS

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"No statement setting out the grounds of appeal - appeal inadmissible"

Decisions cited:

-

Catchword:

-



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Boards of Appeal

Chambres de recours

Case Number: T 0160/02 - 3.2.6

D E C I S I O N
of the Technical Board of Appeal 3.2.6
of 26 August 2002

Appellant: McNEIL-PPC, INC.
(Proprietor of the patent) Van Liew Avenue
Milltown
New Jersey 08850 (US)

Representative: Groening, Hans Wilhelm, Dipl.-Ing.
BOEHMERT & BOEHMERT
Pettenkoferstrasse 20-22
D-80336 München (DE)

Respondent: SCA Hygiene Products AB
(Opponent) S-405 03 Göteborg (SE)

Representative: -

Decision under appeal: Decision of the Opposition Division of the European
Patent Office posted 28 November 2001 revoking
European patent No. 0 668 066 pursuant to
Article 102(1) EPC.

Composition of the Board:

Chairman: P. Alting van Geusau
Members: H. Meinders
R. T. Menapace

Summary of Facts and Submissions

I. The appeal lies against the decision of the Opposition Division of the European Patent Office taken at the oral proceedings held on 19 November 2001 revoking the European patent No. 0 668 066. The decision was posted to the applicant on 28 November 2001.

The Proprietor (Appellant) filed a notice of appeal on 6 February 2002 and paid the fee for appeal on the same date. 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 14 May 2002, 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 invited to file observations within two months and attention was drawn to Article 122 EPC (Re-establishment of rights).

III. No answer has been given 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:

M. Patin

P. Alting Van Geusau