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D E C I S I O N
of 19 September 2002

Case Number: T 0368/02 - 3.3.6

Application Number: 94304555.9

Publication Number: 0634484

IPC: C11D 3/39

Language of the proceedings: EN

Title of invention:
Detergent-package combination

Patentee:
THE PROCTER & GAMBLE COMPANY

Opponent:
Dalli-Werke Wäsche- und Körperpflege GmbH & Co. KG
Henkel KGaA
Unilever PLC

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 0368/02 - 3.3.6

D E C I S I O N
of the Technical Board of Appeal 3.3.6
of 19 September 2002

Appellant: The PROCTER & GAMBLE COMPANY
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Respondent: Dalli-Werke Wäsche- und Körperpflege GmbH &
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Representative: Fleischer, Sabine, Dr.
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Representative: -

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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 30 January 2002
revoking European patent No. 0 634 484 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: P. Krasa

Members: G. N. C. Raths
M. B. Tardo-Dino

Summary of Facts and Submissions

The appeal contests the decision of the Opposition Division of the European Patent Office dated 30 January 2002, revoking the European Patent No. 634 484 pursuant to Article 102(1), (3) EPC.

The Appellant (Patentee) filed a Notice of Appeal on 8 April 2002 and paid the fee for appeal on the same day.

By letter dated 5 June 2002 the Appellant informed that Grounds of Appeal will not be submitted by the patentee acknowledging by himself that the appeal would become inadmissible or would be dismissed.

Nevertheless by a communication dated 18 June 2002 sent by registered letter with advice of delivery, the Registry of the Board informed the Appellant that a Statement of Grounds was not 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 the possibility of filing a request for re-establishment of rights under Article 122 EPC.

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 and as neither the Notice of Appeal nor the letter of the Appellant dated 5 June 2002 contains anything that could be regarded as a Statement of Grounds of Appeal according 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:

G. Rauh

P. Krasa