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D E C I S I O N
of 11 April 2003

Case Number: T 1049/02 - 3.3.6

Application Number: 96914435.1

Publication Number: 0773984

IPC: C11D 3/386

Language of the proceedings: EN

Title of invention:

Enzyme-containing granulated substance and preparation process thereof

Patentee:

Kao Corporation

Opponent:

Henkel KGaA

Headword:

Enzyme-containing granulate/KAO

Relevant legal provisions:

EPC Art. 108

Keyword:

"Missing statement of grounds (yes)"

Decisions cited:

-

Catchword:

-



Case Number: T 1049/02 - 3.3.6

D E C I S I O N
of the Technical Board of Appeal 3.3.6
of 11 April 2003

Appellant: Kao Corporation
(Proprietor of the patent) 14-10, Nihonbashi Kayabacho 1-chome
Chuo-Ku
Tokyo 103 (JP)

Representative: VOSSIUS & PARTNER
Siebertstrasse 4
D-81675 München (DE)

Respondent: Henkel KGaA
(Opponent) VTP (Patente)
D-40191 Düsseldorf (DE)

Representative: -

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 29 July 2002
revoking European patent No. 0 773 984 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: P. Krasa
Members: L. Li Voti
C. Holtz

Summary of Facts and Submissions

An appeal was filed on 8 October 2002 against the decision of the Opposition Division of 29 July 2002 by which the patent was revoked. The appeal fee was paid on the same day.

The Appellant (Patent Proprietor) was invited with a communication pursuant to Article 108 and Rule 65(1) EPC of 6 February 2003 to file any observations on the finding that, since no written statement of grounds of appeal had been filed, it could be expected that the appeal would be rejected as inadmissible.

In reply to this communication, the Appellant stated in a letter dated 24 March 2003 that it had no observations and that it withdrew the request for oral proceedings.

Reasons for the Decision

The time period for filing the written statement of grounds of appeal expired on 8 December 2002. Since no grounds of appeal had been filed on or before that date and the notice of appeal does not contain any matter that could be considered as grounds of appeal, the appeal must be rejected as inadmissible under Article 108 EPC.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

C. Eickhoff

P. Krasa