

Internal distribution code:

- (A) [] Publication in OJ
(B) [] To Chairmen and Members
(C) [X] To Chairmen
(D) [] No distribution

D E C I S I O N
of 14 September 2003

Case Number: T 0201/03 - 3.2.6
Application Number: 96933710.4
Publication Number: 0855890
IPC: A61F 13/15
Language of the proceedings: EN

Title of invention:

Absorbent structure in an absorbent product such as an absorbent pants, diaper, incontinence protector, sanitary napkin, panty liner, dressing or the like

Patentee:

SCA Hygiene Products AB

Opponent:

Paul Hartmann AG
The Procter & Gamble Company

Headword:

-

Relevant legal provisions:

EPC Art. 108
EPC R 65(1)

Keyword:

"Statement of grounds for the appeal - not filed"

Decisions cited:

-

Catchword:

-



Case Number: T 0201/03 - 3.2.6

D E C I S I O N
of the Technical Board of Appeal 3.2.6
of 14 September 2003

Appellant: SCA Hygiene Products AB
(Proprietor of the patent) S-405 03 Göteborg (SE)

Representative: Franks, Barry Gerard
Albihns Patentbyrå Stockholm AB
Box 5581
S-114 85 Stockholm (SE)

Respondents:
(Opponent) Paul Hartmann AG
Paul-Hartmann-Straße 12
D-89522 Heidenheim (DE)

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

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

Representative: MgGregor, Judit Ester
Procter & Gamble Service GmbH
Sulzbacher Straße 40-50
D-65824 Schwalbach am Taunus (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 13 December 2002
revoking European patent No. 0855890 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: P. Alting van Geusau
Members: G. Pricolo
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 3 December 2002 revoking the European patent No. 0 855 890. The decision was posted to the appellant on 13 December 2002. The appellant filed a notice of appeal on 11 February 2003 and paid the fee for appeal on 13 March 2003.

No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as statement of grounds pursuant to Article 108 EPC.

II. By a communication dated 5 June 2003, sent by registered letter with advice of delivery and received by the Appellant on 13 June 2003, the Registry of the Board informed the Appellant that no statements of grounds had been filed and that the appeal would 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 response 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. H. A. Patin

P. Alting Van Geusau