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D E C I S I O N
of 28 January 2005

Case Number: T 1008/04 - 3.3.7

Application Number: WO 97/35548

Publication Number: 0889716

IPC: A61K 7/075

Language of the proceedings: EN

Title of invention:
Conditioning shampoo composition

Patentee:
THE PROCTER & GAMBLE COMPANY

Opponent:
Beiersdorf AG
Henkel Kommanditgesellschaft auf Aktien

Headword:
-

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

Keyword:
"Missing Statement of Grounds"

Decisions cited:
-

Catchword:
-



Case Number: T 1008/04 - 3.3.7

D E C I S I O N
of the Technical Board of Appeal 3.3.7
of 28 January 2005

Appellant: The Procter & Gamble Company
(Proprietor of the patent) One Procter & Gamble Plaza
Cincinnati, Ohio 45202 (US)

Representative: Kohol, Sonia
Procter & Gamble Technical Centres Limited
Patent Department
Rusham Park
Whitehall Lane
Egham
Surrey TW20 9NW (GB)

Respondents: Beiersdorf AG
(Opponent 01) Unnastrasse 48
D-20245 Hamburg (DE)

Representative: -

(Opponent 02) Henkel Kommanditgesellschaft auf Aktien
VTP (Patente)
D-40191 Düsseldorf (DE)

Representative: -

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 15 June 2004
revoking European patent No. 0889716 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: R. E. Teschemacher
Members: P. A. Gryczka
B. J. M. Struif

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 15 June 2004 revoking European patent No. 0889716 pursuant to Article 102(1)EPC.

The Appellant (Proprietor of the patent) filed a notice of appeal on 13 August 2004 and paid the fee for appeal on the same day.

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. In a communication dated 8 November 2004 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.

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:

C. Eickhoff

R. Teschemacher