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D E C I S I O N
of 10 August 2006

Case Number: T 0200/06 - 3.2.04

Application Number: 97102156.3

Publication Number: 0857453

IPC: A47K 10/42

Language of the proceedings: EN

Title of invention:

Wet wipes having improved pick-up, dispensation and separation from the stack

Patentee:

THE PROCTER & GAMBLE COMPANY

Opponent:

Kimberly-Clark Worldwide, Inc.

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 0200/06 - 3.2.04

D E C I S I O N
of the Technical Board of Appeal 3.2.04
of 10 August 2006

Appellant: Kimberly-Clark Worldwide, Inc.
(Opponent) 401 North Lake Street
Neenah, Wisconsin 54956 (US)

Representative: Davies, Christopher Robert
Frank B. Dehn & Co.
St Bride's House
10 Salisbury Square
London EC4Y 8JD (GB)

Respondent: THE PROCTER & GAMBLE COMPANY
(Proprietor of the patent) One Procter & Gamble Plaza
Cincinnati, Ohio 45202 (US)

Representative: Kohol, Sonia
Procter & Gamble
European Service GmbH
Sulzbacher Strasse 40-50
D-65824 Schwalbach am Taunus (DE)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
1 December 2005 concerning maintenance of the
European patent No. 0857453 in amended form.

Composition of the Board:

Chairman: M. Ceyte
Members: C. Scheibling
T. Bokor

Summary of Facts and Submissions

I. The appeal contests the decision of the Opposition Division of the European Patent Office maintaining European patent No. 0 857 453 in amended form. The decision was dispatched by registered letter with advice of delivery to each party on 1 December 2005.

The Appellant (Opponent) filed a notice of appeal on 10 February 2006 and paid the appeal fee on the same day.

No statement setting out the grounds of appeal was filed.

II. By a communication dated 15 May 2006 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 invited to file observations within two months.

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 and the notice of appeal contains nothing that could be regarded as a statement of grounds pursuant 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. Magouliotis

M. Ceyte