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**Datasheet for the decision
of 14 December 2006**

Case Number: T 0413/06 - 3.3.06

Application Number: 97945461.8

Publication Number: 0934391

IPC: C11D 3/386

Language of the proceedings: EN

Title of invention:

Detergent composition comprising lipase enzyme and cationic surfactant

Patentee:

THE PROCTER & GAMBLE COMPANY

Opponent:

HENKEL KGaA

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 0413/06 - 3.3.06

D E C I S I O N
of the Technical Board of Appeal 3.3.06
of 14 December 2006

Appellant: THE PROCTER & GAMBLE COMPANY
(Patent Proprietor) One Procter & Gamble Plaza
Cincinnati, Ohio 45202 (US)

Representative: Peet, Jillian Wendy
Procter & Gamble Technical Centres Limited
Whitley Road
Longbenton
Newcastle upon Tyne NE12 9TS (GB)

Respondent: HENKEL KGaA
(Opponent) Henkelstrasse 67
D-40589 Düsseldorf (DE)

Representative: Stevermann, Birgit
Henkel KGaA
TTP/Patentabteilung
D-40191 Düsseldorf (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 10 January 2006
revoking European patent No. 0934391 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: P.-P. Bracke
Members: L. Li Voti
A. Pignatelli

Summary of Facts and Submissions

The appeal contests the decision of the Opposition Division of the European Patent Office posted 10 January 2006, revoking the European patent No. 934 391 pursuant to Article 102(1) EPC.

The Appellant (Patentee) filed a notice of appeal on 20 March 2006 and paid the fee for appeal on the same day.

No written statement setting out the grounds of appeal was filed within the four-month time limit provided for in Article 108 EPC.

The notice of appeal does not contain anything that could be regarded as a statement setting out the grounds of appeal pursuant to Article 108 EPC. No further submissions were filed by the Appellant.

In a communication dated 16 June 2006 sent by registered letter with advice of delivery, The Board informed the Appellant that no statement setting out the grounds of appeal had been received and that the appeal could be expected to be rejected as inadmissible pursuant to Article 108 EPC in conjunction with Rule 65(1) EPC.

The Appellant was invited to file observations within two months from notification of the communication and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC.

No answer has been given within the given time limit to the Board's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal was filed and as the notice of appeal does not contain anything that could be regarded as a statement setting out the 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.-P. Bracke