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**Datasheet for the decision
of 28. September 2006**

Case Number: T 0534/06 - 3.2.06

Application Number: 98955201.3

Publication Number: 1061879

IPC: A61F 13/15

Language of the proceedings: EN

Title of invention:

Absorbent article comprising microporous film

Patentee:

The Procter & Gamble Company

Opponent:

Kimberly-Clark Corporation

Headword:

No grounds of appeal filed

Relevant legal provisions:

EPC Art. 108, 122

EPC R. 65(1)

Keyword:

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Decisions cited:

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Catchword:

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Case Number: T 0534/06 - 3.2.06

D E C I S I O N
of the Technical Board of Appeal 3.2.06
of 28. September 2006

Appellant: Kimberly-Clark Corporation
(Opponent) 401 North Lake Street
Neenah, WI 54956-0349 (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
(Patent Proprietor) One Procter & Gamble Plaza
Cincinnati, OH 45202 (US)

Representative: Hirsch, Uwe Thomas M. H.
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 27 January 2006
rejecting the opposition filed against European
patent No. 1061879 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: P. Alting van Geusau
Members: M. Harrison
W. Sekretaruk

Summary of Facts and Submissions

- I. This matter concerns an appeal against the decision of the Opposition Division posted on 27 January 2006, rejecting the opposition to the European Patent No. 1 061 879.

The Appellant (Opponent) filed a notice of appeal on 6 April 2006 and paid the fee for appeal on the same day.

- II. In a communication dated 11 July 2006 sent by registered letter with advice of delivery indicating reception by the Appellant on 17 July 2006, 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 Board's Registry informed the Appellant of the possibility of filing a request for re-establishment of rights under Article 122 EPC and the Appellant was invited to file observations within two months.

- III. No answer to the Registry's communication was received within the given time limit.

- IV. In response to a corresponding question of the Board's Registrar, with facsimile dated 22 September 2006 the appellant's representative withdrew the request for oral proceedings.

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:

A. Counillon

P. Alting van Geusau