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**Datasheet for the decision  
of 26 February 2007**

**Case Number:** T 1059/06 - 3.2.06

**Application Number:** 96921773.6

**Publication Number:** 0835339

**IPC:** D04H 1/54

**Language of the proceedings:** EN

**Title of invention:**

Creased nonwoven web with stretch and recovery

**Applicant:**

KIMBERLY-CLARK WORLDWIDE, INC.

**Opponent:**

The Procter & Gamble Company

**Headword:**

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**Relevant legal provisions:**

EPC Art. 108

EPC R 65(1)

**Keyword:**

"No statement of grounds of appeal filed"

**Decisions cited:**

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**Catchword:**

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Case Number: T 1059/06 - 3.2.06

**D E C I S I O N**  
of the Technical Board of Appeal 3.2.06  
of 26 February 2007

**Appellant:** KIMBERLY-CLARK WORLDWIDE, INC.  
(Patent Proprietor) 401 North Lake Street  
Neenah, WI 54956 (US)

**Representative:** Grünecker, Kinkeldey,  
Stockmair & Schwanhäusser  
Anwaltssozietät  
Maximilianstraße 58  
D-80538 München (DE)

**Respondent:** The Procter & Gamble Company  
(Opponent) One Procter & Gamble Plaza  
Cincinnati, OH 45202 (US)

**Representative:** Boon, Graham Anthony  
Elkington and Fife LLP  
Prospect House  
8 Pembroke Road  
Sevenoaks,  
Kent TN13 1XR (GB)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 25 April 2006  
revoking European patent No. 0835339 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** P. Alting van Geusau  
**Members:** G. de Crignis  
K. Garnett

## **Summary of Facts and Submissions**

- I. This matter concerns an appeal against the decision of the Opposition Division posted on 25 April 2006, revoking the European Patent No. 0 835 339.
  
- II. The Appellant (Proprietor) filed a notice of appeal on 5 July 2006 and paid the fee for appeal on the same day. No statement of grounds was filed. The notice of appeal contained nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.
  
- III. In a communication dated 18 October 2006, sent by registered letter with advice of delivery indicating receipt by the Appellant on 19 October 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.
  
- IV. In the same communication, 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.
  
- V. By a response dated 6 February 2007 and received by the European Patent Office on the same day, the Appellant informed the Board of Appeal that, intentionally, no written statement of grounds had been filed.

## **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