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**Datasheet for the decision
of 15 February 2007**

Case Number: T 1398/06 - 3.2.02

Application Number: 00988139.0

Publication Number: 1343443

IPC: A61F 5/451

Language of the proceedings: EN

Title of invention:
Disposable excreta collector

Applicant:
THE PROCTER & GAMBLE COMPANY

Opponent:

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Headword:

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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 1398/06 - 3.2.02

D E C I S I O N
of the Technical Board of Appeal 3.2.02
of 15 February 2007

Appellant:

THE PROCTER & GAMBLE COMPANY
One Procter & Gamble Plaza
Cincinnati, OH 45202 (US)

Representative:

Kremer, Véronique Marie Joséphine
Procter & Gamble Service GmbH
Sulzbacher Straße 40
D-65824 Schwalbach am Taunus (DE)

Decision under appeal:

Decision of the Examining Division of the
European Patent Office posted 21 March 2006
refusing European application No. 00988139.0
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: T. Kriner
Members: D. Valle
M. Vogel

Summary of Facts and Submissions

I. The appeal lies from the decision of the Examining Division of the European Patent Office dated 21 March 2006, refusing the European patent application No. 00 988 139.2. The decision was dispatched by registered letter with advice of delivery to the Applicant.

The Appellant filed a notice of appeal by a letter received on 31 May 2006 and paid the fee for appeal on the same day.

No Statement of Ground was filed. The notice of appeal contains nothing that could be regarded as a Statement of Grounds pursuant to Article 108 EPC.

II. By a communication dated 15 September 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 and attention was drawn to the possibility of filing a request for re-establishment of rights under Article 122 EPC and Rule 84a EPC.

III. No answer has been given 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:

V. Commare

T. Kriner