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**Datasheet for the decision
of 27 November 2007**

Case Number: T 0124/07 - 3.3.06

Application Number: 96927603.9

Publication Number: 0839023

IPC: A61K 7/50

Language of the proceedings: EN

Title of invention:

Liquid cleansing composition comprising soluble, lamellar phase inducing structurant

Patentees:

UNILEVER PLC, et al

Opponent:

HENKEL KGaA

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 65(1)

Keyword:

"Missing Statement of Grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0124/07 - 3.3.06

D E C I S I O N
of the Technical Board of Appeal 3.3.06
of 27 November 2007

Appellants:
(Patent Proprietors)

UNILEVER PLC
Unilever House
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UNILEVER N.V.
Weena 455
NL-3013 AL Rotterdam (NL)

Representative:

Elliot, Peter William
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Colworth House
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Respondent:
(Opponent)

HENKEL KGaA
VTP (Patente)
D-40191 Düsseldorf (DE)

Representative: -

Decision under appeal: Decision of the Opposition Division of the European Patent Office posted 19 December 2006 revoking European patent No. 0839023 pursuant to Article 102(1) EPC.

Composition of the Board:

Chairman: P.-P. Bracke
Members: P. Ammendola
A. Pignatelli

Summary of Facts and Submissions

The appeal contests the decision of the Opposition Division of the European Patent Office posted 19 December 2006, revoking the European patent No. 839023 pursuant to Article 102(1) EPC.

The Appellants (Patentees) filed a notice of appeal on 26 January 2007 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 Appellants.

In a communication dated 4 June 2007 sent by registered letter with advice of delivery, the Board informed the Appellants 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 Appellants were 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