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**Datasheet for the decision
of 13 August 2007**

Case Number: T 0356/07 - 3.2.06

Application Number: 01122027.4

Publication Number: 1161928

IPC: A61F 13/15

Language of the proceedings: EN

Title of invention:

Absorbent article

Patentee:

KIMBERLY-CLARK WORLDWIDE, INC.

Opponent:

The Procter & Gamble Company

Headword:

Inadmissibility of the appeal

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 0356/07 - 3.2.06

D E C I S I O N
of the Technical Board of Appeal 3.2.06
of 13 August 2007

Appellant: KIMBERLY-CLARK WORLDWIDE, INC.
401 North Lake Street
Neenah
Wisconsin 54956 (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
(Opponent) One Procter & Gamble Plaza
Cincinnati
Ohio 45202 (US)

Representative: Kremer, Véronique Marie Joséphine
Procter & Gamble Service GmbH
D-65823 Schwalbach am Taunus (DE)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 22 December 2006
revoking European patent No. 1161928 pursuant
to Article 102(1) 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 22 December 2006, revoking the European Patent No. 1 161 928.

- II. The Appellant (Proprietor) filed a notice of appeal on 28 February 2007 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 5 June 2007, sent by registered letter with advice of delivery indicating receipt by the Appellant on 12 June 2007, 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. No response has been made 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:

N. Maslin

P. Alting van Geusau