

BESCHWERDEKAMMERN  
DES EUROPÄISCHEN  
PATENTAMTS

BOARDS OF APPEAL OF  
THE EUROPEAN PATENT  
OFFICE

CHAMBRES DE RECOURS  
DE L'OFFICE EUROPEEN  
DES BREVETS

**Internal distribution code:**

- (A)  Publication in OJ  
(B)  To Chairmen and Members  
(C)  To Chairmen  
(D)  No distribution

**Datasheet for the decision  
of 10 December 2007**

**Case Number:** T 0639/07 - 3.3.07

**Application Number:** 96911814.0

**Publication Number:** 0825847

**IPC:** A61K 7/16

**Language of the proceedings:** EN

**Title of invention:**  
Dentifrice compositions

**Patent Proprietors:**  
THE PROCTER & GAMBLE COMPANY

**Opponent:**  
INEOS Silicas Limited

**Headword:**

-

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 101(1) (formerly 65(1))

**Keyword:**  
"Missing Statement of Grounds"

**Decisions cited:**

-

**Catchword:**

-



Case Number: T 0639/07 - 3.3.07

**D E C I S I O N**  
of the Technical Board of Appeal 3.3.07  
of 10 December 2007

**Appellants:** THE PROCTER & GAMBLE COMPANY  
(Patent Proprietors) One Procter & Gamble Plaza  
Cincinnati, Ohio 45202 (US)

**Representative:** Clemo, Nicholas Graham  
Procter & Gamble Technical Centres Limited  
Patent Department  
Rusham Park  
Whitehall Lane  
Egham, Surrey TW20 9NW (GB)

**Respondents:** INEOS Silicas Limited  
(Opponents) Bank Quay  
Warrington  
Cheshire WA5 1AB (GB)

**Representative:** Collingwood, Anthony Robert  
Marks & Clerk  
Sussex House  
83-85 Mosley Street  
Manchester, M2 3LG (GB)

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 30 January 2007  
revoking European patent No. 0825847 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** S. Perryman  
**Members:** B. ter Laan  
G. Santavicca

## **Summary of Facts and Submissions**

I. In its written decision issued 30 January 2007 the Opposition Division revoked the European patent No. 825847.

With facsimile dated 5 April 2007 the Appellants (Patent Proprietors) filed a Notice of Appeal against this decision and paid the appeal fee on the same date. The Appellants requested that the patent be maintained as granted.

No statement of Grounds had arrived during the 4 month filing period envisaged by Article 108 EPC.

II. By a communication dated 18 July 2007 and sent by registered letter, the Registry of the Board informed the Appellants that no Statement of Grounds had been filed and that the appeal would be rejected as inadmissible. The Appellants were invited to file observations within two months.

III. No response to said communication was received by the EPO.

## **Reasons for the Decision**

As no written statement setting out the grounds of appeal has been filed, and since the Notice of Appeal does not contain anything 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 101(1) (formerly 65(1)) EPC).

**Order**

**For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

K. Götz

S. Perryman