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**Datasheet for the decision
of 15 February 2008**

Case Number: T 1163/07 - 3.3.07

Application Number: 01988578.9

Publication Number: 1328243

IPC: A61K 7/075

Language of the proceedings: EN

Title of invention:

Mono and dialkyl quats in hair conditioning compositions

Patentee:

UNILEVER PLC, et al

Opponent:

Henkel Kommanditgesellschaft auf Aktien

Headword:

-

Relevant legal provisions:

EPC Art. 108

EPC R. 101(1) (formerly 65(1))

Relevant legal provisions (EPC 1973):

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Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

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Case Number: T 1163/07 - 3.3.07

D E C I S I O N
of the Technical Board of Appeal 3.3.07
of 15 February 2008

Appellant: Henkel Kommanditgesellschaft auf Aktien
(Opponent) Patente (VTP)
D-40191 Düsseldorf (DE)

Representative: -

Respondent: UNILEVER PLC
(Patent Proprietors) Unilever House
Blackfriars
London EC4P 4BQ (GB)

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

Representative: Whaley, Christopher
Unilever Patent Group
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Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 27 June 2007
rejecting the opposition filed against European
patent No. 1328243 pursuant to Article 102(2)
EPC.

Composition of the Board:

Chairman: S. Perryman
Members: B. ter Laan
B. Struif

Summary of Facts and Submissions

- I. In its written decision issued 27 June 2007 the Opposition Division rejected the Opposition against the European patent No. 1328243.

With facsimile dated 12 July 2007 the Appellant (Opponent) filed a Notice of Appeal against this decision and paid the appeal fee on the same date. The Appellant requested that the decision of the Opposition Division be set aside and the European Patent revoked.

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

- II. By a communication dated 12 December 2007 and sent by registered letter, the Registry of the Board informed the Appellant that no Statement of Grounds had been filed and that the appeal would be rejected as inadmissible. The Appellant was invited to file observations within two months.

- III. With facsimile letter dated 19 December 2007, received on 20 December 2007 the Appellant informed the Board that no Statement of Grounds had been filed.

With facsimile letter dated 6 February 2008 received on 7 February 2008 the Appellant informed the Board that its request for oral proceedings was withdrawn and that the proceedings could be closed.

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 101(1) (formerly 65(1)) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

C. Eickhoff

S. Perryman