

Internal distribution code:

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

**Datasheet for the decision
of 23 November 2009**

Case Number: T 0165/09 - 3.2.07

Application Number: 02769002.3

Publication Number: 1434715

IPC: B65B 9/04

Language of the proceedings: EN

Title of invention:

process for the production of water-soluble pouches as well as
the pouches thus obtained

Patentee:

THE PROCTER & GAMBLE COMPANY

Opponent:

Henkel AG & Co. KGaA

Headword:

-

Relevant legal provisions:

EPC Art. 108, third sentence
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

-

Keyword:

"Missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 0165/09 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
of 23 November 2009

Appellant:

(Patent Proprietor)

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

Representative:

Samuels, Lucy Alice
Gill Jennings & Every LLP
Broadgate House
7 Eldon Street
London EC2M 7LH (GB)

Respondent:

(Opponent)

Henkel AG & Co. KGaA
VTP Patente
Henkelstrasse 67
40589 Düsseldorf (DE)

Representative:

-

Decision under appeal:

Decision of the Opposition Division of the
European Patent Office posted 11 December 2008
revoking the European patent No. 1 434 715
pursuant to Article 101(3)(b) EPC.

Composition of the Board:

Chairman:

H. Meinders

Members:

K. Poalas

I. Beckedorf

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 11 December 2008 revoking the European patent No. 1 434 715 pursuant to Article 101(3)(b) EPC.

The appellant (patent proprietor) filed a notice of appeal on 16 January 2009 and paid the fee for appeal on 29 January 2009.

No statement of grounds was filed.

- II. By a communication dated 2 June 2009 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 its appeal could be expected to be rejected as inadmissible.

The appellant was invited to file observations within two months.

- III. No answer has been given to the registry's communication.

Reasons for the Decision

1. The notice of appeal filed on 16 January 2009 contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

2. As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC, third sentence, in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar

The Chairman

G. Nachtigall

H. Meinders