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**Datasheet for the decision
of 31 May 2010**

Case Number: T 1697/09 - 3.2.07

Application Number: 03763970.5

Publication Number: 1539605

IPC: B65D 65/46

Language of the proceedings: EN

Title of invention:
WATER SOLUBLE CONTAINER

Patent proprietor:
Reckitt Benckiser (UK) Limited

Opponent:
Henkel AG & Co. KGaA

Headword:

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Relevant legal provisions:
EPC Art. 108, third sentence
EPC R. 101(1)

Relevant legal provisions (EPC 1973):

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Keyword:
"Missing statement of grounds"

Decisions cited:

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Catchword:

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Case Number: T 1697/09 - 3.2.07

D E C I S I O N
of the Technical Board of Appeal 3.2.07
of 31 May 2010

Appellant: Reckitt Benckiser (UK) Limited
(Patent Proprietor) 103-105 Bath Road
Slough
Berkshire SL1 3UH (GB)

Representative: Brown, Andrew Stephen
Reckitt Benckiser plc
Group Patents Department
Dansom Lane
Hull HU8 7DS (GB)

Respondent: Henkel AG & Co. KGaA
(Opponent) VTP Patente
D-40191 Düsseldorf (DE)

Representative: -

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 16 June 2009
revoking the European patent No. 1 539 605
pursuant to Article 101(3)(b) EPC.

Composition of the Board:

Chairman: H. Meinders
Members: P. O'Reilly
I. Beckedorf

Summary of Facts and Submissions

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 16 June 2009 revoking the European patent No. 1 539 605 pursuant to Article 101(3)(b) EPC.

The appellant (patent proprietor) filed a notice of appeal on 13 August 2009 and paid the fee for appeal on the same day.

No statement of grounds was filed.

- II. By a communication dated 2 December 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 13 August 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

V. Commare

H. Meinders