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**Datasheet for the decision  
of 27 September 2010**

**Case Number:** T 0341/10 - 3.2.06

**Application Number:** 00117536.3

**Publication Number:** 1077053

**IPC:** A61F 13/47

**Language of the proceedings:** EN

**Title of invention:**

Compression-resistant sanitary napkin

**Patentee:**

JOHNSON & JOHNSON INC.

**Opponent:**

SCA Hygiene Products AB  
The Procter & Gamble Company  
KIMBERLY-CLARK WORLDWIDE, INC.  
Paul Hartmann AG

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101

**Keyword:**

"Inadmissibility of the appeal"

**Decisions cited:**

-

**Catchword:**

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Case Number: T 0341/10 - 3.2.06

**D E C I S I O N**  
**of the Technical Board of Appeal 3.2.06**  
**of 27 September 2010**

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**Decision under appeal:** Interlocutory decision of the Opposition  
Division of the European Patent Office posted  
21 December 2009 concerning maintenance of  
European patent No. 1077053 in amended form.

**Composition of the Board:**

**Chairman:** K. Garnett  
**Members:** G. de Crignis  
M. Harrison

## **Summary of Facts and Submissions**

- I. This matter concerns an appeal against the interlocutory decision of the Opposition Division posted on 21 December 2009, concerning the maintenance of European patent N° 1 077 053 in amended form.
- II. The appellant (opponent 01) filed a notice of appeal on 19 February 2010 and paid the fee for appeal on the same date. No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108, third sentence, and Rule 101(1) EPC.
- III. By a communication dated 04 June 2010, sent by registered letter with advice of delivery and received on 08 June 2010, 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. The appellant was invited to file observations within two months.
- IV. No response was 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, 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:

M. Patin

K. Garnett