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**Datasheet for the decision  
of 30 July 2015**

**Case Number:** T 0317/15 - 3.3.06

**Application Number:** 05016257.7

**Publication Number:** 1632560

**IPC:** C11D17/00, B01J13/02, C11D3/22

**Language of the proceedings:** EN

**Title of invention:**  
Microcapsules

**Patent Proprietor:**  
The Procter & Gamble Company

**Opponent:**  
Henkel AG & Co. KGaA

**Headword:**  
Missing statement of grounds of appeal

**Relevant legal provisions:**  
EPC Art. 108  
EPC R. 99(2), 101(1)

**Keyword:**

**Decisions cited:**

**Catchword:**



**Beschwerdekammern  
Boards of Appeal  
Chambres de recours**

European Patent Office  
D-80298 MUNICH  
GERMANY  
Tel. +49 (0) 89 2399-0  
Fax +49 (0) 89 2399-4465

Case Number: T 0317/15 - 3.3.06

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.06**  
**of 30 July 2015**

**Appellant:** Henkel AG & Co. KGaA  
(Opponent) Henkelstrasse 57  
40589 Düsseldorf (DE)

**Representative:** Henkel AG & Co. KGaA  
Patente (FJI)  
40191 Düsseldorf (DE)

**Respondent:** The Procter & Gamble Company  
(Patent Proprietor) One Procter & Gamble Plaza  
Cincinnati, OH 45202 (US)

**Representative:** Pickford, James Lawrence  
Procter & Gamble  
Technical Centres Limited  
Whitley Road  
Longbenton  
Newcastle upon Tyne NE12 9TS (GB)

**Decision under appeal:** **Decision of the Opposition Division of the  
European Patent Office posted on 27 November  
2014 rejecting the opposition filed against  
European patent No. 1632560 pursuant to Article  
101(2) EPC.**

**Composition of the Board:**

**Chairman** B. Czech  
**Members:** G. Santavicca  
C. Heath

### **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Opposition Division to reject the opposition against European patent no. 1 632 560 posted on 27 November 2014.
- II. The appellant filed a notice of appeal on 26 January 2015 and paid the appeal fee on the same day.
- III. By communication of 23 April 2015, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication.
- IV. No reply was received.

### **Reasons for the Decision**

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of grounds pursuant to Article 108 EPC and Rule 99(2) EPC. Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

**Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



D. Magliano

B. Czech

Decision electronically authenticated