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**Datasheet for the decision
of 12 July 2016**

Case Number: T 2337/15 - 3.3.07

Application Number: 07866282.2

Publication Number: 2089039

IPC: A61K33/06, A61K33/08,
A61K33/10, A61K33/42, A61Q11/00

Language of the proceedings: EN

Title of invention:
ORAL CARE PRODUCT

Patent Proprietor:
Unilever PLC
Unilever N.V.

Opponent:
Colgate-Palmolive Company

Headword:
ORAL CARE PRODUCT/Unilever PLC, Unilever N.V.

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

Keyword:
Admissibility of appeal - missing statement of grounds

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
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Case Number: T 2337/15 - 3.3.07

D E C I S I O N
of Technical Board of Appeal 3.3.07
of 12 July 2016

Appellant: Colgate-Palmolive Company
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New York NY 10022 (US)

Representative: Jenkins, Peter David
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Respondent: Unilever PLC
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Respondent: Unilever N.V.
(Patent Proprietor 2) Weena 455
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Representative: Potter Clarkson LLP
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Decision under appeal: **Decision of the Opposition Division of the European Patent Office posted on 19 October 2015 rejecting the opposition filed against European patent No. 2089039 pursuant to Article 101(2) EPC.**

Composition of the Board:

Chairman J. Riolo
Members: D. Boulois
 I. Beckedorf

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 15 September 2015, posted on 19 October 2015.
- II. The appellant filed a notice of appeal on 17 December 2015 and paid the appeal fee on the same day.
- III. By communication of 31 March 2016, 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:



S. Fabiani

J. Riolo

Decision electronically authenticated