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**Datasheet for the decision  
of 4 September 2017**

**Case Number:** T 0058/17 - 3.3.07

**Application Number:** 09775403.0

**Publication Number:** 2349490

**IPC:** A61Q11/00, A61K8/22, A61K8/25

**Language of the proceedings:** EN

**Title of invention:**  
WHITENING COMPOSITION WITH FUSED SILICA

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

**Opponent:**  
Colgate-Palmolive Company

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

**Keyword:**  
Admissibility of appeal - missing statement of grounds



**Beschwerdekammern**  
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Case Number: T 0058/17 - 3.3.07

**D E C I S I O N**  
**of Technical Board of Appeal 3.3.07**  
**of 4 September 2017**

**Appellant:** Colgate-Palmolive Company  
(Opponent) 300 Park Avenue  
New York NY 10022-7499 (US)

**Representative:** Jenkins, Peter David  
Page White & Farrer  
Bedford House  
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London WC1N 2BF (GB)

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

**Representative:** Herzog, Fiesser & Partner Patentanwälte PartG  
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Isartorplatz 1  
80331 München (DE)

**Decision under appeal:** **Decision of the Opposition Division of the European Patent Office posted on 15 November 2016 rejecting the opposition filed against European patent No. 2349490 pursuant to Article 101(2) EPC.**

**Composition of the Board:**

**Chairman** J. Riolo  
**Members:** A. Usuelli  
Y. Podbielski

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

- I. The appeal is directed against the decision of the Opposition Division of 17 October 2016, posted on 15 November 2016.
- II. The appellant filed a notice of appeal on 6 January 2017 and paid the appeal fee on the same day.
- III. By communication of 18 April 2017, 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