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**D E C I S I O N**  
**of 25 January 2000**

**Case Number:** T 0834/99 - 3.3.2

**Application Number:** 92201292.7

**Publication Number:** 0519531

**IPC:** A61K 7/32

**Language of the proceedings:** EN

**Title of invention:**

Deodorant/antiperspirant products with fragrance and  
encapsulated odour counteractant

**Applicant/Patentee:**

UNILEVER N.V., et al.

**Opponent:**

Bayer AG, Leverkusen Konzernverwaltung RP Patente Konzern

**Headword:**

-

**Relevant legal provisions:**

EPC Art. 108  
EPC Rule 65(1)

**Keyword:**

Missing statement of grounds

**Decisions cited:**

-

**Catchword:**

-





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Boards of Appeal

Chambres de recours

Case Number: T 0834/99 - 3.3.2

**D E C I S I O N**  
**of the Technical Board of Appeal 3.3.2**  
**of 25 January 2000**

**Appellant:** UNILEVER N.V.  
(Proprietor of the patent) Weena 455  
NL - 3013 AL Rotterdam (NL)

**Representative:** Elliott, Peter William  
Unilever plc  
Patent Division  
Colworth House  
Sharnbrook  
Bedford MK44 1LQ (GB)

**Respondent:** Bayer AG, Leverkusen  
(Opponent) Konzernverwaltung RP  
Patente Konzern  
Bayerwerk  
D - 51368 Leverkusen (DE)

**Representative:** -

**Decision under appeal:** Decision of the Opposition Division of the  
European Patent Office posted 4 juin 1999  
revoking European patent No. 0 519 531 pursuant  
to Article 102(1) EPC.

**Composition of the Board:**

**Chairman:** P. A. M. Lançon  
**Members:** G. F. E. Rampold  
C. Rennie-Smith

## **Summary of Facts and Submissions**

- I. The appeal contests the decision of the Opposition Division of the European Patent Office posted on 4.6.99, revoking the european patent Nr. 0 519 531 pursuant to Article 102(1) EPC.

The Appellant filed a notice of appeal on 4.8.99 and paid the fee for appeal on the same day.

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 EPC.

- II. By a communication dated 4.11.99 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 the 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 within the given time limit 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 EPC in conjunction with Rule 65(1) EPC).

**Order**

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

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Dainese

P. Lançon