

AMERICAN CYANAMID COMPANY  
Opposer,

INTER PARTES CASE NO. 2028

OPPOSITION TO:

- versus

Application Serial No. 45887  
Filed : August 21, 1981  
Applicant : Johnson & Johnson  
Trademark : "SURGINE"  
Used on : Gauze & Surgical Dressings

JOHNSON & JOHNSON,  
Respondent-Applicant.

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DECISION NO. 88-75 (TM)  
August 15, 1988

### DECISION

American Cyanamid Co. on November 7, 1987 filed an Unverified Notice of Opposition against application Serial No. 45887 filed on August 21, 1981 by the herein Respondent-Applicant, Johnson & Johnson for the trademark "SURGINE" for use on gauze and surgical dressing for dental, medical and surgical use.

Opposer is a foreign corporation organized and existing under the laws of the State of New Jersey, U.S.A with its principal office at One Cyanamid Plaza, Wayne, New Jersey, U.S.A. Respondent-Applicant is also a foreign corporation organized and existing under the laws of U.S.A. with its principal business address at 501 George St., New Brunswick, New Jersey, U.S.A. Its application under Application Serial No. 45887 was published on page 81 Vol. 82, No. 4 of the Official Gazette on January 27, 1986 but officially released for circulation only October 10, 1986.

As earlier stated, having filed on November 7, 1987, an Unverified Notice of Opposition, Opposer on January 6, 1987, filed a Motion for Extension of Time to File Verified Opposition asking for a period of thirty (30) days from January 6, 1987 or up to February 6, 1987 to file the same. No Verified Opposition has yet been filed by the herein Opposer since February 6, 1987.

Clearly, the period to file the Verified Opposition fixed by Rule 187 has already lapsed.

WHEREFORE, premises considered, this Opposition (IPC No. 2028) is DISMISSED. Accordingly, Application Serial No. 45887 filed on August 21, 1981 by the herein Respondent-Applicant Johnson & Johnson for the trademark "SURGINE" for use on gauze and surgical dressing, is hereby, GIVEN DUE COURSE.

Let the records of this case be transmitted to the trademark Examining Division for appropriate action in accordance with this Decision  
SO ORDERED.

Makati, Metro Manila, July 3, 1987.

IGNACIO S. SAPALO  
Director

