

ASIAN ARTS, INC.,
Petitioner,

INTER PARTES CASE NO. 1899

PETITION FOR CANCELLATION

- versus -

Letters Patent No. D-2850
Issued : June 22, 1982
Patentee : Jose S. Orosa
For : RATTAN STRUCTURE

JOSE S. OROSA,
Respondent-Patentee.
X-----X

DECISION NO. 88-52 (PAT)
July 22, 1988

DECISION

On January 4, 1985, Asian Arts, Inc., a domestic corporation, filed a Petition for Cancellation (Inter Partes Case No. 1899) of Letters Patent No. D-2859 issued on June 22, 1982 to Jose S. Orosa, a Filipino citizen, for "RATTAN STRUCTURE". Said Petition was filed on the grounds that the design covered by Letters Patent No. D-2859 does not constitute new, original and ornamental design within the meaning of Section 55 of Republic Act 165, as amended, and that Respondent-Patentee is not the first, true and actual designer of the design in question nor did he derive his rights from the first, true and actual designer thereof.

On May 21, 1985, Respondent-Patentee filed his Answer alleging, among others, that the reinforced rattan pole and rattan structure were conceived and developed by him in the course of his manufacturing rattan furnitures and other rattan products for export in his two companies, the Philcadan, Inc. and Asian Design Manufacturing Corporation, and that he is the actual and original designer of the said pole and structure, the first patentee and the first user thereof.

During the trial on the merits, both parties submitted and formally offered in evidence their respective documentary and testimonial exhibits. On March 5, 1987 and March 19, 1987, counsels for Respondent-Patentee and Petitioner submitted their respective Memorandum. On May 20, 1988, Petitioner filed a Motion for Early Resolution of the case.

However, on July 15, 1988, Petitioner's counsel filed a Motion to Withdraw/Dismiss Petition, which Motion states as follows:

"1. This case was submitted for resolution on March 19, 1987 and the parties are just awaiting the Decision which to date has not been promulgated.

2. On June 14, 1988, the parties herein executed a Compromise Agreement wherein they settled amicably all their differences. A copy of the Agreement is attached as Annex 'A'.

3. Under the agreement, both parties committed to withdraw the actions they filed against each other.

4. Accordingly, petitioner instructed its undersigned counsel to move for the withdrawal/dismissal of its petition against respondent-patentee Jose S. Orosa. A copy of such letter is attached as Annex 'B'.

WHEREFORE, in view of the foregoing, it is respectfully prayed that the instant Petition be withdrawn/dismissed."

Finding the above Motion to be in order and not contrary to law or rules of this Bureau, the same is GRANTED.

WHEREFORE, this Petition for Cancellation is DISMISSED.

Let the records of this case be remanded to the Patent/Trademark Registry and EDP Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director