

BBC BROWN, BOVERT & CO,  
LTD.,  
Opposer,

INTER PARTES CASE NO. 2008

OPPOSITION TO:

- versus -

Appln. Serial No. 51831  
Filed : August 3, 1983  
Applicant : Becton, Dickinson & Co.  
Trademark : BBL  
Used on : Specimen transport  
containers, petri dishes,  
etc.

BECTON, DICKINSON & CO.,  
Respondent-Applicant.  
x-----x

DECISION NO. 88-23 (TM)

May 16, 1988

### DECISION

Captioned case pertains to a Motion for Extension of Time to file Opposition to the application for registration (Serial No. 51831) of the trademark "BBL" for specimen transport containers, petri dishes, anaerobic jars and coagulation timers, filed on August 3, 1983 by Becton, Dickinson & Co., a corporation organized under the laws of the State of New Jersey, U.S.A., with offices at Mack Centre Drive, Paramus, New Jersey, U.S.A. The aforementioned application was published in the Official Gazette (O.G. No. 81, Vol. 39, P. 58) on September 3, 1985, which was officially released for circulation on July 23, 1986.

The aforesaid motion was filed with this Office on August 22, 1986 by Messrs. Bito, Misa & Lozada, counsel for Opposer, praying that Opposer be given an extension of thirty (30) days from August 22, 1986, within which to file a Notice of Opposition to the above-mentioned application, which motion was granted by this Office for being meritorious (Order No. 86-228, dated September 8, 1986). Hence, Opposer had thirty (30) days from August 22, 1986, within which to file its Opposition to the above-entitled case.

Opposer, however, did not file either an unverified or a verified Notice of Opposition. Consequently, on August 10, 1987, a Motion to Dismiss was filed by Messrs. Castillo, Laman, Tan and Pantaleon for and on behalf of respondent-applicant Becton, Dickinson & Co., stating that:

"1. On October 8, 1986, this Office issued Order No. 86 228 granting Opposer an extension of thirty (30) days from August 22, 1986, within which to file its Notice of Opposition.

2. Opposer failed to file the Notice of Opposition within the said period, however, about a year had lapsed since. This only shows that Opposer is not in any way interested in prosecuting the above-captioned case."

and praying that the instant case be dismissed and the subject trademark be registered in the name of respondent-applicant.

WHEREFORE. In view of the foregoing premises, and finding the Motion to Dismiss to be in order, the same is GRANTED. Consequently, this case is DISMISSED for lack of interest on the part of Opposer to prosecute. Accordingly, Application Serial No. 51831, filed on August 3,

1983 by Becton, Dickinson & Co. for the registration of the trademark "BBL" used on specimen transport containers, petri dishes, anaerobic jars and coagulation timers, is given due course.

Let the records of this case be remanded to the Trademark Examining Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO  
Director