STERLING PRODUCTS	) INTER PARTES CASE NO. 3521
INTERNATIONAL, INC., Opposer,	) ) OPPOSITION TO: )
- versus -	Application Serial No. 63817  Filed: February 4, 1988  Applicant: Roussel Uclaf  Trademark: STENOROL  Used on: Pharmaceutical,  veterinary and sanitary products, diet foods, plasters material for banda- ging disinfectant
ROUSSEL UCLAF	) <u>DECISION NO. 91-5 (TM)</u>
Respondent-Applicant.)	March 25, 1991
XX	

## **DECISION**

This is an opposition filed by STERLING PRODUCTS INTERNATIONAL, INC., a corporation organized and existing under the laws of the State of Delaware with offices at 90 Park Avenue, City of New York, State of New York 10016 U.S.A., to the application for registration in the Principal Register of the trademark STENOROL for pharmaceutical, veterinary and sanitary products, diet foods, plasters, material for bandaging disinfectants in class 5 filed on February 4, 1988, by ROUSSEL UCLAF, a French societe anonyme of Paris, France under Application Serial No. 63817, which was published for opposition on page 13 Volume II, No. 10 of the BPTTT Official Gazette of October 31, 1989, which was released for circulation on November 7, 1989.

The Unverified Notice of Opposition was filed on December 8, 1989 while the Verified Notice of Opposition was filed March 7, 1990. Upon receipt thereof, this Office sent to Respondent-Applicant, through its designated Resident Agent, Atty. Enrique T. Manuel, a Notice requiring Respondent-Applicant to Answer the Verified Notice of Opposition within fifteen (15) days from receipt thereof. Said Notice to Answer was mailed March 9, 1990. On June 5, 1990, Applicant through Counsel filed its Answer to the Notice of Opposition. The issues hearing been joined, this case was set for Pre-trial on July 2, 1990 which was thereafter postponed to August 2, 1990, then September 2, 1990. After which, no further hearing was set.

On January 1, 1991 both parties represented by their respective counsels submitted a Compromise Agreement which states ad follows:

"1. Respondent-applicant has agreed and undertook as it hereby agrees and undertakes to amend its Application Serial No. 63817 for the trademark STENOROL by limiting the goods applied for to only the following articles:

VETERINARY PRODUCTS AND SPECIFICALLY FOR PREVENTION OF COCCIDIOSIS

"2. Also, Respondent-Applicant agrees, consents and undertakes not to use and/or register in the Philippines the trademark STENOROL for any goods or class of goods other than those specified in the foregoing paragraph;

- "3. The Opposer, has agreed to withdraw as it hereby withdraws its Notice of Opposition to Application Serial No. 63817, as amended for trademark STENOROL of Respondent-Applicant;
- "4. It has been mutually agreed by both parties that the foregoing Compromise Agreement shall be submitted to this Honorable Bureau and on the basis of which judgment shall be rendered."

with the prayer that the foregoing Compromise Agreement be approved in toto and the corresponding judgment be rendered in accordance therewith.

WHEREFORE, considering that the Compromise Agreement appears to be in order and does not violate any law, rules and regulation nor is it contrary to any existing policy, the same is, as it is hereby approved. Accordingly, the Notice of Opposition filed by STERLING PRODUCTS INTERNATIONAL, INC., is, as it is hereby considered WITHDRAWN.

Respondent-Applicant is ordered to undertake the recording of the amendments to its Application Serial No. 63817 for the trademark STENOROL limiting the goods applied for to "Veterinary products and specifically for prevention of COCCIDIOSIS", with the Patent/Trademark Registry and EDP Division and to pay the corresponding fee therefore. After which, the filewrapper of the amended application shall be forwarded to the Application, Issuance and Publication Division for the issuance of the corresponding Certificate of Registration based on the amended application.

Let a copy of this Decision be forwarded to the Trademark Examining Division for information and to update its own record.

SO ORDERED.

IGNACIO S. SAPALO Director