

PEBA TRADING AND
MANUFACTURING CORPORATION,
Petitioner,

-versus-

DIVINA V. PALAO
Respondent-Patentee
X-----X

INTER PARTES CASE NO. 4292
Petition for Cancellation of:

Phil. Pat. No : UM - 7789
Issued : 12 May 1994
Title: *“A Ceramic Tile Installation
on Non-concrete Substrate Base
Surfaces Adapted to Form Part of
Furniture, Architectural
Components and the Like”*

DECISION NO. 2000- 09

DECISION

This is a Petition for Cancellation filed on March 25, 1997 by PEBA Trading and Manufacturing Corporation, a domestic Corporation with principal place of business at Kagodoy, Basak, Lapu-Lapu City, Mactan, Cebu, of Philippine Patent No. UM – 7789 for “A Ceramic Tile Installation on Non-Concrete Substrate Base Surfaces Adapted to Form Part of Furniture, Architectural Components and the Like” granted on May 12, 1994 to DIVINA V. PALAO, residing at Don Sergio Osmeña Sr. Ext., Maria Luisa Park, Banilad, Cebu City.

Petitioner’s grounds for cancellation were based on the provisions of Chapter VII of Republic Act No. 165, which consists among others, to wit:

“1. The utility model is not patentable for it pertains to a subject matter not defined under the first paragraph of Section 55 of the Patent Law which limits the subject matter of utility model to any new model of implements or tools or of any industrial product, or part of the same (excluding process or installation);

“2. The utility model is not new or lacks novelty as before the application for patent, it has been known or publicly used in the Philippines; has been described in a printed publication or publications circulated with this country; or is substantially similar to any other utility model so known, used or described within this country.

“3. The utility model has no practical utility as it is directed to the aesthetic appearance of the product rather than on the function or utility thereof;

“4. The person to whom the patent was not the true and actual maker or author of the utility model nor did she derive her rights from the true actual maker or author of the utility model;

“5. The specification, claim and drawings of the application for utility model do not comply with the requirements of Rules 137 and 138 of the rules of practice in patent Cases and the Director’s Memorandum Circular on the matter.”

Petition relied on the following facts to support its petition:

“1. As clearly provided in the title of the patent and in the preamble of the lone claim, the subject utility model patents pertains to a ceramic tile installation or stated differently to a process of installing ceramic tiled on non-concrete substrate. A “process” is a proper subject matter for an invention patent but not for a utility model patent;

“2. The lone claim of the utility model which is couched in a language broad enough to cover all ceramic tile installation for making mosaic publications circulated in this country describing the art of making mosaics, among which are:

- a. Sunset Mosaics by Doris & Diane Lee Aller, Lane Publishing Co., Menio Park, California, U.S.A. copyrighted 1959;
- b. Making Mosaics by John Berry, Studio Vista Limited, Blue Star House, Highgate Hill, London N19 and in New York by Watson-Guptill Publications 165 West 46th Street, New York, copyrighted 1966;
- c. MOSAICS by P.B. Hetherington, Paul Hamlyn Limited, Drury House Russell Street, London WC2, copyrighted 1967;
- d. Groiler Encyclopedia citing among others, Rossi, Fernando, Mosaics: A Survey of Their History and Techniques (1970); Rottgen, S., et. el., The Art of mosaics (1982).

Pertinent pages of the above publications are herewith attached as Annexes A – A-22; Annexes B – B-11 and Annexes C – C-6. Specifically, the use of ceramic tile installation set forth in the lone claim of the utility model is fully described in Annex A-10 of Sunset Mosaics and Annex B-3 of making Mosaics while the use of non-concrete substrate, adhesives and grout filling is fully described in Annexes A-2 to A-6 of Sunset Mosaics and Annexes B-5 to B-9. The use of mosaics to form part of furniture pieces and architectural components are disclosed in Annexes A-12 to A-22. Complete copies of the publications shall be presented during the trial;

“3. Long before the filing of the utility model, several persons skilled in the art were already engaged in the manufacture and sale of ceramic mosaic tiled forming part of furniture pieces and architectural shall be presented during the trial;

“4. The use of mosaics to form part or parts of furniture pieces and architectural component is old, and the primary purpose of using mosaics is for aesthetic purpose and not to alter the function or operation of the article where mosaics are applied, hence, not a proper subject of utility model;

“5. The utility model was obtained through fraud and misrepresentation as the named maker or author thereof was not the true and actual maker nor did she derived her rights from the true and actual maker of the utility model.”

Notice to Answer was sent to Respondent-Patentee on 7 April 1997 for which an extension of fifteen (15) days from May 6, 1997 or until May 21, 1997 within which to file an Answer was requested and granted per Order No. 97-303 dated 28 May 1997.

Respondent-Patentee through Counsel filed her Answer on 22 May 1997 and interposed the following ADMISSION AND DENIALS:

“1. Respondent admits that portion of the foremost paragraph of the petition pertaining to the existence of Patent UM – 7789 issued in the name of the herein Respondent. She however denies that Petitioner would be damaged by the issuance of the subject utility model patent, the truth of the matter being that the said utility model is patentable and the patent was validly issued in accordance with law and on further grounds as stated in the Special and affirmative Defenses set forth hereinbelow;

“2. Respondent specifically denies the allegations in paragraph 1 of the grounds for cancellation and paragraph 1 of the facts relied upon by the Petitioner as they are erroneous conclusions of facts and law and on further grounds as stated in the Special and Affirmative Defenses set forth below;

“3. Respondent’s utility model was not publicly known or used in the Philippines, nor has been described in printed publications circulated within the Philippines nor it is substantially similar to other utility model so known, and/or described within the country prior to the filing by Respondent of the patent application, hence, Respondent vehemently denies the allegation in the paragraph 2 of the grounds for cancellation.

“4. Paragraph 3 of the grounds for cancellation is denied. The truth of the matter being the construction of a ceramic tile installation on surfaces of non-concrete substrate base materials to form part of a furniture, accessories and the like as embodied in the claim has practical utility if we have consider the prior art where ceramic tile is installed to cement or concrete-base substrate materials;

“5. Respondent is the true and actual maker of the subject utility model patent, hence, paragraph 4 of the grounds for cancellation and paragraph 5 of the facts relied upon by the Petitioner are specifically denied;

“6. Paragraph 5 of the grounds for cancellation is vehemently denied by the Petitioner as being contrary to the actual facts of the case. A reading of the specification and claim of the subject utility model showed full compliance of the requirements of Rules 137 and 138 of the Rules of Practice on Patent Cases and applicable memorandum-circular of the Bureau. Specifically, the specification of the subject utility

model patents contain in the prescribed order the preamble stating the name and residence of the applicant; the title of the utility model patent; brief summary of the utility model; brief description of the several views of the drawings; detailed description; claim and signature of the applicant. The claim complies with the requirement of Rule 138;

“7. The printed publications enumerated in paragraph 2 of the facts relied upon by the Petitioner do not anticipate the subject utility model patents of the Respondent. As a matter of fact they are all foreign publications not circulated in the Philippines as generally claimed by the Petitioner. Paragraph 2 of the facts relied upon by the Petitioner is therefore denied by the Respondent.

“8. Paragraph 3 of the facts relied upon by the Petitioner is likewise denied. While there were already manufacture and sale of ceramic mosaic tiles before the filing of the subject utility model application the said ceramic mosaic tiles are substantially different from the utility model of the herein Respondent. This is one reason why the subject utility model of the Respondent was allowed to be patented.

And by way of

SPECIAL AFFIRMATIVE DEFENSES

“9. Respondent repleads all the above-mentioned allegations by way of reference and further alleges, that:

“10. The utility of the Respondent is patentable under Section 55 of Republic Act 165, as amended because it is an industrial product which is of practical utility by reason of its form, configuration or construction and it is new (statutory novelty) because at the time Respondent filed her application for a patent her utility model has not been publicly known or publicly used in this country, nor has been described in a printed publication or publications circulated within the country nor it is substantially similar to any other utility model so known, used or described within the country.

“11. The Patentability of the subject utility model, including the issue of whether or not the utility model of the herein Respondent is a proper subject matter of utility model patent was passed upon by this Honorable Bureau after the application has undergone prior art search and substantive examination. As a matter of fact, not a single reference or description was found during the prior art search and substantive examination that could be cited to negative the novelty of Respondent's utility model. In other words, the prior art search revealed not a single prior description or structure which describe or show the same elements in exactly the same way to perform the same function or utility with the utility model of the Respondent.

“12. Contrary to the Petitioner's claim the utility model of the herein Respondent is a proper subject matter of

utility model patent. Obviously it is not a process as claimed by the Petitioner because it does not claim series of orderly steps or step by step claims which characterized a process patent.”

The issues of having been joined, the case was set for the Pre-Trial Conference on July 11, 1997 wherein the parties submitted their respective Pre-Trial Brief. Failing to reach an amicable settlement, trial on the merits proceeded where the parties adduced their respective testimonial and documentary evidence.

ADMITTED in evidence for Petitioner are Exhibits “A” to “FFF-9” and the OBJECTIONS raised thereto by the Respondent-Patentee shall from apart of the records to be considered in the final adjudication of this case, per this Office Order No. 97-636 dated 24 March 1997.

Respondent-Patentee, through Counsel filed a MOTION FOR RECONSIDERATION of the above Order admitting Petitioner’s evidence on 21 January 1998 praying therein that said Order be modified by excluding Exhibit “M” to “CCC-1” representing the direct testimony of Ms. Belleza S. Villarta and the documentary exhibits supporting her testimonies on the ground that said witness failed to appear fro cross-examination. Petitioner, through Counsel filed an Opposition thereto on January 23, 1998.

After a careful consideration of the parties’ respective arguments and of the records of the case, this Office in its Order No. 98-135 dated 21 April 1998 resolves in favor of Respondent-Patentee.

Said Order provides in part:

“x x x”

No less that the Supreme Court has emphatically stressed the significance of due process in judicial and quasi-judicial proceedings, part of due process is the right of the respondent to cross-examine the witness presented by Petitioner against him. This elementary rule of procedure is enshrined in the 1987 Constitution and observed with strict adherence as a pivotal cornerstone of justice and fair play;

x x x:

WHEREFORE, considering that the witness, Ms. Belleza S. Villarta failed to appear for cross-examination, her affidavit and other supporting documents marked as Exhibits “M” to “CCC-1” are hereby ordered expunged form the records. Consequently, Order No. 97-636 is, as it is hereby MODIFIED to the effect that Exhibit “M” to “CCC-1” are hereby excluded as evidence for the Petitioner. x x x”

(underscoring ours)

As per Office Order No. 99-135 date 15 April 1999, this Office ADMITTED in evidence for the Respondent-Patentee Exhibits “1” to “17-J” and the objection raised hereto by petitioner shall form part of the records to be considered in the adjudication of this case.

The issue to be resolved in this case is:

WHETHER OR NOT RESPONDENT-PATENTEE’S UTILITY MODEL PATENT SUBJECT OF THE INSTANT PETITION FOR CANCELLATION IS PATENTABLE UNDER SECTION 55 OF REPUBLIC ACT 165, AS AMENDED.

Section 55 of RA 165 as amended provides:

“Sec. 55. Design Patents and Patents for Utility Models.- (a) Any new, original and ornamental design for an article of manufacture and (b) any new model of implements or tools or of any industrial product, or of part of the same, which does not possess the quality of invention; but which is of practical utility or composition, may be protected by the author thereof, the former by a patent for a design and the latter by a patent for a utility model, in the same manner and subject to the same provisions and requirements as related to patents for inventions in so far as they are practicable, except as otherwise herein provided. (underscoring ours)

It is the Petitioner’s contention that Respondent-Patentee’s Utility Model No. 7789 entitled “A Ceramic Tile Installation on Non-Concrete Substrate Base Surfaces Adapted to Form Part of Furniture, Architectural Components and the Like” does not conform to the requirements set forth in the above-quoted provisions of the Patent Law as the same does not pertain to a statutory subject matter for a utility model which is confined to something which is tangible and has specific form, configuration, construction or composition such as a model not include intangible thing such as a “process” or method of installation as set forth in the Respondent-Patentee’s claim

To test the veracity of this argument, the recital of the patent claim as contained in UM No. 7789 of respondent-patentee is imperative, to wit:

CLAIM

“The construction of a ceramic tile installation on surfaces of non-concrete substrate base material adapted to for part of furniture, accessories, architectural components and the like comprising an arrangement of ceramic tiles securely inlaid and adhesively bonded in place on surfaces of respective non-concrete substrate base material with the use of adhesives and grout filling up the gaps in between said inlaid tiles.”

Upon a keen reading of the aforequoted claim, the Bureau is of the conclusion that there is nothing in the claim that would exclude it from the Tenor of Section 55, R.A. 165, as amended.

Specifically, the claim stated therein refers directly to the construction of ceramic tiles installation on the surfaces of non-concrete substrate base material. contrary to the view of petitioner, this does not involve a “process” on intangible things but relates to the expression to attain a certain form.

Under our jurisdiction, devices or industrial products are often patented wherein process or steps of constructing or forming the utility model are included.

A utility model with effects directly arising from its form and which were not achieved by others is recognized as novel irrespective of its manufacturing process, effects attained by the form of the utility model relating to a process which is interpreted as to its form or construction is taken into account in granting the utility model patent.

Hence, the transformation of the conventional furniture, accessories and the like to a newly-faceted furniture, accessories and the like makes it fall squarely within the statutory requirements of Section 55 hereof mainly because of the changes brought by the new form arising from the construction of the ceramic tiles.

This is further emphasized in the specification which states: (t)his tile installation xxx is shown on cross sectional view in Fig. 1 so as to emphasize the constructional layers in which the new and innovative teaching and principle of the present utility model reside – that it, the application or inlaying of ceramic tiles xxx on surfaces of non-concrete/non-cement substrate base xxx such as wooden or fiberglass-reinforced plastic or glass-reinforced concrete carcass with the use of an adhesive xxx and grout xxx.” In effect, the observation of Engr. Cornelio G. Embradora that the construction of ceramic tiles does not involve any element but an arrangement (TSN, p. 61, Sept. 9, 1997) is belied by these prevailing facts.

In addition, before the subject utility model was granted a patent, it had undergone rigid examination by several technical personnel, e.g. patent examiner, the senior patent examiner, assistant division chief, and finally, the division chief whose technical expertise on the subject are put beyond reproach.

No less that the Supreme Court had accorded high respect on their expertise. Thus, in *Manzano v. Court of Appeals* 278 SCRA 688-701 (1997), it opined:

“The primary purpose of the patent system is not the reward of the individual but the advancement of the arts and science. The function of the patent is to add the sum of useful knowledge and one of the purposes of the patent system is to encourage dissemination of information concerning discoveries and inventions. This is a matter which is properly within the competence of the Patent Office the official action of which the presumption of correctness and may not be interfered with in the absence of new evidence carrying through conviction that the office has erred. Since the Patent Office is an expert body preeminently qualified to determine questions of patentability, its findings must be accepted if they are consistent with evidence, with doubts to patentability resolved in favor of the Patent Office.”
(Underscoring supplied)

Regarding the Petitioner’s allegation that the claim was amended even without the written advice form the Office, let Petitioner be informed that amendments by Application are allowed under the Rules of Practice in Patent Cases even without express authority of the Office. Consonant to Rule 95 in relation to Rule 99, amendments of claim may successfully be made upon the initiative of the applicant during the examination period, to viz:

“ 95. Amendments by applicant. – The applicant may amend before or after the first examination and action and also after the second or subsequent examination or reconsideration, as specified in Rule 93, or when and as specifically required by the Principal Examiner.”

“ 99. Amendments of claims. The claims may be amended by canceling particular claims, by presenting new claims or by amending the language of particular claims (such amendment claims being in effect new claims). In presenting new or amended claims, the applicant must point out how they avoid reference or ground of rejection of record which may be pertinent.”

Petitioner likewise posited the view that Respondent-Patentee’s utility model patent contains a claim of very broad features of a subject matter without reference to a specific embodiment of a particular product, enabling her to have patent rights over any furniture, architectural components and the like using mosaic (ceramic) tiles on non-concrete substrate.

Again, Petitioner had missed the point. A careful of the subject utility model patent would reveal that what is being claimed as patent is directed to the construction of a ceramic tile installation on one kind of surface such as non-concrete or non-cemented substrate base which comprises one specific subject matter only, and not any other surfaces of other forms of structures. In a nutshell, the Office had seen this construction or composition as new or novel

idea and an improvement of an industrial product which have never been introduced, used or applied in the Philippines.

Glancing over the patent claim in its totality, the statements therein were specific, distinctive and pointed statements referring to the construction of the ceramic tiles on non-concrete or non-cemented substrate base which are found on the surfaces of furniture, architectural components, and the like. To conclude that the patentee has embraced patent rights over all furnitures, architectural components and the like is relatively erroneous because the concentration of the patent claim is exclusive on non-cemented or non-concrete base and may not and will never be interpreted to encroach on other kinds of bases which may also form part of furniture, architectural components and the like.

Rule 138 of Rules of Practice in Patent Cases provided:

“138. Requirements for the claim. – The specification must conclude with a claim specifically pointing out and distinctively claiming the form, configuration, construction or composition of the new model of implement or tool or of industrial product or part of the same.

“If the application relates to an improvement of a model of implement or tool or of industrial product or of part of the same, the claim shall specifically point out and distinctively claim the improvement.

“More than one claim is neither required nor permitted.

Dwelling on the next argument, Petitioner contended that Respondent-Patentee is not the owner and actual maker of the utility model patent as the same was already practiced by many industries and disclosed in printed publications prior to the application for patent.

A cursory reading of the third paragraph of Sec. 55, *ibid.* with respect to the publication proscription stated that:

“xxx

“A utility model shall not be considered ‘new’ if, before the application for patent, it has been publicly known or publicly used in this country, or has been described in a printed publication or publications circulated within the country, or it is substantially similar to any other utility model so known, used or described within the country.” (underscoring ours)

xxx

In support of this contention, Petitioner presented in evidence different publications such as Crafts by George F. horn copyrighted 1972 (Exh. “B” including sub-markings); Meaning in Crafts by Edward L. Mattil copyrighted 1959 (Exh. “C” including sub-markings); Mosaics by Doris and Dianne Lee Aller copyrighted 1959 (Exh. “D” including sub-markings); Mosaics by P.B. Hetherington copyrighted 1967 (Exh. “F” including sub-markings); Tiled Furniture by Hans Van Lurmen (Exh. “EEE” including sub-markings); Course in Making Mosaics by Joseph L. Young (Exh. “FFF” including sub-markings), and the testimonies of Engr. Cornelio Embradora (Exh. “A”); Mr. John William Mallory (Exh. “L”); and Atty. Neptali L. Bulilan (Exh. “DDD”, “DDD-1”).

On the other hand, Respondent-Patentee through Counsel, in his Memorandum dated October 15, 1999 (pp. 4 to 6) contended that Petitioner failed to prove that the publications were in circulation before the filing of the patent application nor the testimonies of the three witnesses were corroborated by documentary evidence attesting to the fact that the publications were in circulation prior to the filing date of application.

It should be noted that as set forth in Section 55 hereof and cited jurisprudence, the date of circulation or distribution of the printed publication or publications within this country (Philippines) must be before the filing date, which is the reckoning period in determining whether prior art exists to bar an application for utility model patent.

Thus, the date of copyright (e.g. 1959, 1966, 1967 and 1972), on the printed publications offered in evidence by Petitioner, even if made prior to the filing date of subject utility model patent, could not be used as prior art reference because Copyright merely refer to the incorporeal right of the author over a literary production (Black's Law Dictionary, 6th ed., p. 366). It is not a proof nor does it show that said printed publications were circulated or distributed within the Philippines, as required by law.

Not even the testimonies of Petitioner's witnesses, (Exhs. "A", "L", "DDD") will cure this deficiency in light of the fact that there is no specific, definite, and categorical statements with reference to the date of distribution/circulation of the printed publication or publications in this country. The broad averments that these publications were found in some public libraries in the Philippines before the filing date will not suffice absent of any showing that they were actually in circulation in the Philippines prior to the filing date. In legal parlance, a thing is circulated when it passes, as from one person to another, or spreads, as a report or tale (Willard v. State, 129 Tex.Cr.R. 384, 87 S.W. 2d 269, 270).

In *Manzano v. Court of Appeals* 278, supra, SCRA 688-701 (1997) the Supreme Court cited with imprimatur Patent Decision No. 86-56 dated July 7, 1986, to wit:

"xxx The decision stated that even assuming that the brochures depicted clearly each and every element of the patented gas burner device so that the prior art and patented device became identical although in truth they were not, they could not serve as anticipatory bars for the reason that they were undated. The dates when they were distributed to the public were not indicated and, therefore, were useless prior art references. xxx (underscoring ours)

It appearing that nowhere in Petitioner's evidence categorically and unequivocally proved that the publications submitted in evidence and testified to were in circulation prior to the filing date of the patented utility model, nor were there any evidence to show that some industries are using the utility model patent prior thereto, hence, the presumption of novelty, newness, or precedence was not sufficiently overcome.

Going into the allegation that the patented utility model has no practical utility as it more than enhanced the aesthetic appearance of the pieces of furniture rather than the practical use or of its improvement thereto, this allegation is relatively erroneous. A reading of the specification and claim of the subject utility model patent readily shows that it is directed mainly toward the construction, formation of materials (ceramic tiles) with the resultant effect of improving the practical utility of an industrial product (non-concrete substrate bases of furniture, accessories and the like).

The Respondent-Registrant's specification states:

"xxx So it doesn't matter whatever decorative forms it takes or applications it is applied or adapted to, e.g. on furniture, architectural components, accessories and the like because its main teaching does not reside on a particular embodiment of a furniture, accessories or whatever desired industrial product applications, but on the basic constructional or structural set-up and principle of installing or attachment of an arrangement of ceramic tiles on non-concrete or non-cement substrate base material that forms part or whole of various preferred applications."

This is in accordance with Rule 133 of the Rules of Practice in Patent Cases implementing Sec. 55 of R.A. 165, as amended, which provided:

“133. Requirements for patentability of utility models; inventiveness not required. – According to the law, in order to be entitled to a patent, a utility model must consist in a ‘new’ model of implement or tool, or of any industrial product, or of part of the same, which does not possess the quality of invention, but which is of practical utility by reason of its form, configuration, construction, or composition.”

While it is admitted that such construction would inevitably enhance the aesthetic and decorative appeal of furniture, structural accessories, and the like nonetheless, these features are accompanied by an improvement of the constructional component, in the form of finer and smoother surface, brought about by the installation of ceramic tiles. Thus, the installation, by way of conclusion, does not only please the eyes but also promotes utility as well.

That is why the subject cannot fall squarely within the framework of a patent design, the essence of which being appearance only – artistic and pleasing appearance and not for the purpose of utility (Sapalo, Background Material on the Intellectual Property System of the Philippines, 1994 ed.. p. 127).

And lastly, Petitioner argued that Respondent-Registrant’s Specification, claim and drawings of the application did not comply with Rules 137 and 138 of the Rules of Practice in Patent Cases, more specifically the drawings which contain only a cross-sectional view.

This is untenable. Said Rule 137 stated that:

“137. Special form of the specification required in applications for utility model patent. The specification required in applications for utility model patent shall contain the following matters, arranged in the order hereinafter shown:

- (a) Preamble stating the name and residence of the applicant.
- (b) Title of the utility model. (See Rule 59)
- (c) Brief summary of the utility model. (See Rule 60)
- (d) Brief description of the several views of the drawings. (See Rule 61)
- (e) Detailed description.
- (f) Claim.
- (g) Signature of the applicant. (See Rule 51)

(underscoring provided; please see Rule 138 as quoted herein-above)

In relation thereto, Rule 61 provided, to wit:

“61. Description of the drawings. – When there are drawings, there shall be a brief description of the several views of the drawings and the detail description of the invention shall refer to its different parts, as shown in the views, by use of reference letters or numerals (preferably the latter).

A keen reading of the foregoing would reveal that nowhere in these rules did it require an applicant to present numerous views of the subject. It should be noted that premium is put on the brief description of the views as presented by the drawing. No definite number of views is required. On the basis, it may reasonably be inferred from the above that for as long as the presentation of the drawing/s is sufficient enough to clearly understand the structure in the light of the disclosure presented in the specification and claim and can fully satisfy the rightful understanding of the utility model, through the description provided thereof, and its presentation fully satisfies the requirements of Rules 69 and 70, supra, the view presented should be considered as complete irrespective of their number. Moreover, subject patent is a utility model, hence, it is more important to show the cross-sectional view rather than the outside appearance since the cross-sectional view will show the structural interrelationship of the parts of the utility model.

There being no justification for this instant petition to be given due consideration as it failed to overcome the presumption of validity of a patent grant by clear and convincing evidence, this Bureau has no recourse but to deny the same.

WHEREFORE, premises considered, the Petition for Cancellation of Patent No. UM-7789 entitled "*A Ceramic Tile Installation on Non-Concrete Substrate Base Surfaces Adapted to Form Part of Furniture, Architectural Components and the Like*", is, as it hereby DENIED. Consequently, Letters Patent No. UM-7789 issued in favor of Ms. Divina V. Palao on May 12, 1994 with five-year extension from May 12, 1999 remains VALID AND SUBSISTING unless sooner terminated as provided for by law.

Let the filewrappers of the utility model patent, subject matter of the instant case be forwarded to the Administrative, Financial and Human Resource Development Services Bureau (AFHRDSB) for appropriate action in accordance with this Decision with a copy to be furnished the Bureau of Trademarks for information and update of its records.

SO ORDERED.

Makati City, August 22, 2000.

ESTRELLITA BELTRAN-ABELARDO
Director