

BRISTOL-MYERS COMPANY
Opposer,

INTER PARTES CASE NO. 3370

OPPOSITION TO:

- versus -

Application Serial No.: 63072
Filed: October 23, 1987
Applicant: Ciba Geigy Ltd.
Trademark: SCORE
Used On: Fungicides and herbicides

CIBA-GEIGY LIMITED
Respondent-Applicant.
x-----x

DECISION NO. 90-23 (TM)
June 25, 1990

DECISION

This is an opposition filed by Bristol-Myers Company, a foreign corporation located and doing business at 345 Park Avenue, New York, New York City, U.S.A., to the application for registration of the trademark "SCORE" used on herbicides and fungicides filed on October 23, 1987 under Serial No. 63072 by Ciba Geigy Limited, published on Page 15, Volume II, No..3, March 31, 1989 issue of the BPTTT's Official Gazette.

At the pre-trial conference on October 19, 1989, herein Opposer and Respondent-Registrant, represented by their respective counsel and attorneys-in-fact, agreed to explore the possibility of amicable settlement and requested for sufficient time to discuss the terms and conditions of the same.

On May 29, 1990, a Compromise Agreement signed by their respective counsel and attorneys-in-fact was filed, reciting the following terms and conditions:

- “1. Ciba-Geigy Limited undertakes to restrict registration and use of the mark SCORE to the goods listed in its application lodged with the Bureau of Patents, Trademarks and Technology Transfer on October 23, 1987 and given Serial No. 63072, namely, 'preparations for destroying vermin, fungicides, herbicides' (Class 5).
2. Bristol-Myers Company withdraws its opposition to the said application for registration by Ciba-Geigy Limited, of the trademark SCORE.
3. This compromise agreement takes effect upon execution.”

Finding said Compromise Agreement to be not contrary to law, public morals and public policy, same is, hereby APPROVED.

WHEREFORE, this case is DISMISSED for becoming moot and academic.
Let Application Serial No. 63072 for the trademark “SCORE” be forwarded to the Application, Issuance and Publication Division to be given due course.

SO ORDERED.

IGNACIO S. SAPALO
Director