

BRITANIA SPORTSWEAR LTD.,  
Opposer,

INTER PARTES CASE NO. 3143

OPPOSITION TO,

- versus

Application Serial No. 52164  
Filed : September 8, 1983  
Applicant : Rogelio S. Bonales  
Trademark : BRITISH SPORT &  
BASEBALL DEVICE  
Used on : T-shirts, shorts,  
undershirts

ROGELIO S. BONALES,  
Respondent-Applicant.

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DECISION NO. 88-98 (TM)  
October 11, 1988

### DECISION

Britania Sportswear Ltd. filed on June 23, 1988 an Urgent Motion for Extension of Time to File Opposition against the registration of the trademark "BRITISH SPORT" for T-shirts, shirts and undershirts applied on September 8, 1983 by Rogelio S. Bonales in Application Serial No. 52164 published on Page 87 of the Bureau of Patents, Trademarks and Technology Transfer (BPTTT) Official Gazette, Volume I, No. 3, released for circulation on May 23, 1988.

Opposer is a foreign corporation with business address at 1155 Battery Street, San Francisco, California U.S.A., 94111, while Respondent-Applicant is a Filipino citizen doing business under the name and style "R.S.B. Quality Wear" located at 3794 Guadalcanal Street, Sta. Mesa, Metro Manila, Philippines.

The verified Notice of Opposition was filed on July 22, 1988 based on the following grounds:

"1. The mark BRITISH SPORT under Serial No. 52164 of respondent-applicant is not only confusingly similar but identical to the trademark "BRITISH SPORT" of Opposer, which opposer owns and have not abandoned;

2. The Opposer will be damaged and prejudiced by the registration of the mark BRITISH SPORT in the name of respondent-applicant, and its business reputation and goodwill will suffer great and irreparable injury;

3. Respondent-Applicant's use of the mark BRITISH SPORT for T-shirts, shirts and undershirts which mark so resembles/identical with the trademark owned and used by Opposer constitutes an unlawful appropriation of a trademark owned and currently used by Opposer."

Respondent-Applicant was furnished copy of the Notice of Opposition on August 1, 1988 requiring him to file an Answer thereto within fifteen (15) days from receipt thereof.

In its Answer dated August 22, 1988, respondent by counsel stated, among others, that:

"1.03. Respondent-Applicant, for a short period of time, used the trademark believing that no other person, firm, corporation or association has the right to use it;

1.04. Respondent-applicant has not been using the trademark for a long time now and is not interested in pursuing its application for registration." (Underscoring supplied)

WHEREFORE, without ruling on the merits of the issues raised in the Opposition, Respondent's Application Serial No. 52164 for the registration of the mark "BRITISH SPORT & BASEBALL DEVICE" is hereby declared voluntarily ABANDONED.

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

SO ORDERED.

IGNACIO S. SAPALO  
Director