

DAVID WARREN ENTERPRISES,  
INC.,

Opposer,

INTER PARTES CASE NO. 1965

OPPOSITION TO:

Application Serial No. 42866  
Filed : October 16, 1980  
Applicant : Vicente Sitosta  
Trademark : WARREN & DEVICE  
Used on : Briefs

VICENTE SITOSTA,  
Respondent-Applicant.

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Decision No. 88-90 (TM)  
August 22, 1988

### DECISION

This pertains to an Unverified Notice of Opposition against the registration of Application Serial No. 42866 for trademark "WARREN & DEVICE" used for briefs filed by Vicente Sitosta, a Filipino citizen residing at Paso de Blas, Valenzuela, Metro Manila. The application was published for opposition on Page 46, Volume 81, No. 20 of the May 20, 1985 issue of the Official Gazette officially released for circulation on November 8, 1985.

The said Unverified Notice was filed on December 9, 1985 by Messrs. Sycip, Salazar, Feliciano & Hernandez for and in behalf of the Petitioner, David Warren Enterprises, Inc., a corporation under the laws of New York, U.S.A., with principal office at 498 Seventh Avenue, City and State of New York, U.S.A.

Rule 187(c) of the Rules of Practice in Trademark Cases provides:

"Notice filed by attorney. - An unverified notice of opposition may be filed by a duly authorized attorney, but such opposition will be null and void unless verified by the opposer in person within sixty days, after such filing. This period for verification may be extended by the Director for an additional thirty days, if the opposer is out of the country, upon written request made by the attorney and upon-payment of a surcharge fee of P50. The Director shall cause the applicant to be notified of the filing of any unverified notice of opposition and of any extension granted of the period for verifying the opposition, if any has been granted. (As amended by Patent Office Administrative, Order No. 82-3, effective April 26, 1982)" (Underscoring supplied)

To date, which is more than 60 days from the date of filing of the Unverified Notice, Opposer has yet to file the authenticated Verified Notice of Opposition. Pursuant to Rule 187(c), supra, the Unverified Notice of Opposition is null and void.

WHEREFORE, the herein Opposition is DISMISSED. Accordingly, Application Serial No. 42866 is hereby given due course.

Let the records of this case be remanded to the Application, Issuance and Publication Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO  
Director