

HEGINO DE LA CRUZ,  
Petitioner,

INTER PARTES CASE NO. 1948

PETITION FOR COMPULSORY  
LICENSING

Letters Patent No. 10710

Patentee : Janssen Pharmaceutical  
N.V.

Issued : August 24, 1977

For : BENZIMIDAZOLE  
CARBAMATES

- versus -

JANSEEN PHARMACEUTICA N.V.  
Respondent-Patentee.

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DECISION NO. 89-11 (TM)

February 15, 1989

#### DECISION

Region dela Cruz, a Filipino businessman engaged in the manufacture and sale of drugs and medicine, with office address at 148 Erwin Garcia Street, Quezon City, Philippines, filed on October 7, 1985 a Petition for Compulsory Licensing, praying that it be granted a compulsory license over Letters Patent No. 10710 for "BENZIMIDAZOLE CARBAMATES", a formula for the control of helminthes, issued on August 24, 1977 to Josephus L.H. van Gelder, Leopold F.C. Roenes and Alfons H.M Raeymaekers, all of Belgium, assignor to Janssen Pharmaceutica N.V., a Belgian corporation of Beerse, Belgium, which may served with processes through its representatives or resident agents, Messrs. Romulo, Mabanta, Buenaventura, Sayoc and Delos Angeles, with offices at 4<sup>th</sup> Floor, King`s Court, 2129 Pasong Tamo Street, Makati, Metro Manila, Philippines.

The grounds alleged in the Petition is "That the patented invention relates to medicine or is necessary for public health or public safety", pursuant to Section 34(e) of republic Act 165, as amended by Presidential Decree No. 1263.

On February 11, 1986, Respondent-Patentee filed its Answer to said Petition, denied the material allegations made therein, and also invoked affirmative facts in its defense. After the pre-trial conference, the case was heard on the merits.

On September 8, 1987, the Parties manifested in open court that there was an ongoing negotiation for the amicable settlement of the case.

On November 18, 1988, Petitioner submitted a photocopy of the "Letter of Agreement" between the parties dated February 18, 1988 accompanied by a covering letter requesting for the dismissal of the herein case.

WHEREFORE, this Petition for the grant of a compulsory license under Letters Patent No. 10710 is DISMISSED.

Let the records of the case be forwarded to the Patent/ Trademark Registry and EDP Division for filing and/or appropriate action.

SO ORDERED.

IGNACIO S. SAPALO  
Director