

DORMAN INTERNATIONAL LIMITED,  
Junior Party-Applicant,

INTER PARTES CASE NO. 1834

INTERFERENCE AMONG:

Application Serial No. 32257  
Filed : April 29, 1977  
Trademark : DORS  
Applicant : Anna L. Ko  
Used on :

-versus-

Application Serial No. 36155  
Filed : August 25, 1978  
Trademark : DORS & DEVICE  
Applicant : Dorman International  
Limited  
Used on : Garments and clothing  
such as T-shirts, etc.

Application Serial No. 36156  
Filed : August 25, 1978  
Trademark : DORS  
Applicant : Dorman International  
Limited  
Used on : Garment and clothing

ANNA L. KO,  
Senior Party-Applicant.  
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DECISION NO. 88-77 (TM)  
August 17, 1988

#### DECISION

This is an interference case between Senior Party-Applicant, Anna L. Ko, of Ilaya Street, Tondo, Manila and Junior Party-Applicant, Dorman International Limited, of Blocks B, C, and D, 5<sup>th</sup> Floor, Shun Wai Industrial Building, Tokwawan, Kowloon, Hongkong, involving the above-written applications for trademark registration.

Notice of declaration of interference was sent to parties on April 17, 1984. On April 27, 1984, Junior Party-Applicant filed its motion to dissolve interference on the ground that Senior Party-Applicant has abandoned her application. On the other hand, the notice that was sent to Senior Party-Applicant was returned unclaimed.

On February 2, 1984, prior to the declaration of interference, this Bureau sent an official communication to Senior Party-Applicant, thru registered mail, requiring her to inform this Bureau, within one (1) month from receipt thereof, whether or not she is still interested to prosecute here interfering application with the admonition that:

“Failure to respond to this Action within the specified time would constitute an abandonment of this application without further notice to you.”

Records show that the mailed envelope containing the Official action was returned unclaimed, with a postmark thereon that a second notice to claim mail was sent to Senior Party-Applicant. Pursuant to Section 8 of Rule 13 of the Rules of Court, if addressee fails to claim her

registered mail, complete service of the same is affected upon the expiration of five (5) days from the date of first notice of the postmaster.

The failure of Senior Party-Applicant to claim her registered mail despite proper service thereof is a waiver of her right to be notified by this Bureau; thus she is deemed to have abandoned her application.

WHEREFORE, this Bureau gives due course to the Junior Party-Applicant's Application Serial Nos. 36155 and 3156 for the registration of trademarks "DORS & DEVICE" and "DORS", respectively.

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

SO ORDERED.

IGNACIO S. SAPALO  
Director