

FRED PERRY SPORTSWEAR LTD.,
Opposer,

INTER PARTES CASE NO. 1992

OPPOSITION TO:

Appln. Serial No. 35310
Filed : May 22, 1978
Applicant : Carlo Gruber Strick-
warenfabrik Gesell-
schaft, m.b.H.
Trademark : CG WITHIN WREATH
DEVICE

- versus -

CARLO GRUBER STRICKWAREN-
FABRIK GESELLSCHAFT, m.b.H.,
Respondent-Applicant.

x-----x

DECISION NO. 88-8 (TM)
February 3, 1988

DECISION

This refers to an Opposition filed by Opposer, Fred Perry Sportswear Ltd., against Application Serial No. 35310 dated May 22, 1978 for the trademark "CG WITHIN WREATH DEVICE" used on knitted clothing pullovers and vests filed by Carlo Gruber Strickwarenfabrik Gesellschaft, m.b.H., herein Respondent-Applicant.

Records show that Opposer is a foreign corporation domiciled and existing under the laws of England, with office address at 2300 Delmar Boulevard, St. Louis, Missouri 63166, U.S.A., which filed the subject Opposition through its counsel, Messrs. Poblador, Azada & Associates, with office address at 7th Floor, State Condominium I, 186 Salcedo Street, Legaspi Village, Makati, Metro Manila, Philippines.

Respondent-Applicant is also a foreign corporation domiciled and existing under the laws of Austria, with address at Plabutscherstrasse 115, A-8015 Graz, Austria, which filed the subject application through its local agents and counsels, Messrs. Romulo, Mabanta, Buenaventura, Sayoc & De los Angeles, holding office at C.C.P.O. Box 883, Makati, Metro Manila, Philippines, where they may be served with summons and other processes of this Bureau.

Respondent's application was published in the Official Gazette on August 19, 1985, Volume 81, No. 33 which was officially released for circulation on May 9, 1986.

Upon receipt of the Unverified Notice of Opposition which was amended on August 1, 1986 by Opposer's counsel, this Bureau sent a Notification of an Amended Unverified Opposition to herein Respondent-Applicant through its local agent who received it on August 11, 1986.

On August 28, 1986, however, Opposer filed a Motion to Withdraw Opposition, contents of which are as follows:

"1. That undersigned counsel received instructions from the Opposer to withdraw the Opposition filed in the above-entitled case as shown in the xerox copy of the telex hereto attached as Annex 'A'.

2. That in consonance with said telex instructions, undersigned counsel for Opposer hereby withdraws the opposition filed on June 6, 1986 against the above-identified trademark application."

WHEREFORE, by virtue of this Motion to Withdraw Opposition, subject Inter Partes Case No. 1992 is hereby DISMISSED. Accordingly, Application Serial No. 35310 filed on May 22, 1978 by Respondent-Applicant for the trademark "CG WITHIN WREATH DEVICE" for knitted clothing, etc. is hereby given due course.

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

SO ORDERED.

IGNACIO S. SAPALO
Director