

HERITAGE MARKETING CORP.,
Petitioner,

INTER PARTES CASE NO. 1278

PETITION FOR CANCELLATION

- versus

Letters Patent No. UM-2249
Issued :
Patentee : Victor L. Tibay, Jr.
For : FLOOR POLISHER

VICOR L. TIBAY, JR.,
Respondent-Patentee.
x-----x

DECISION NO. 88-53 (TM)
July 22, 1988

DECISION

This is a petition for cancellation of Utility Model Patent No. 2249 issued August 6, 1976 filed by Petitioner, a domestic corporation organized and existing under the laws of the Philippines holding offices at HMC Building, South Superhighway, corner Rockefeller Street, Makati, Metro Manila. Respondent-Patentee is a Filipino citizen with address at 46 Consul Street, Fairview Subdivision, Capitol Site, Quezon City and assignor to Koppel, Inc. at Km. 16 South Superhighway, Paranaque, Metro Manila.

The grounds of the petition for cancellation are as follows:

“(a) That the Respondent’s alleged invention is not new or patentable because it was publicly known or had been in public use or sale in the Philippines or that it was described in printed publications circulated in the Philippines and foreign countries for more than one year before the application for a patent therefore was filed in the Philippines on May 14, 1976;

(b) That the respondent’s alleged invention cannot be considered new or capable of being patented because it is substantially similar to other utility models known, used, publicized or described in the Philippines:

(c) That the respondent was not the true and actual inventor or designer of the alleged invention”.

After Respondent-Patentee filed his Answer on January 14, 1984, this case was set for pre-trial and thereafter trial on merits.

Several postponements took place as well as substitution and/or withdrawal of counsel for Respondent-Patentee. These developments caused considerable delay in proceeding of this case.

On March 13, 1985, this Bureau sent a letter to both counsels on record directing them to take such steps as may be necessary to prosecute this case. None replied. The letter was just ignored by both of them up to the present.

It was also found out that the utility model sought to be cancelled (Patent No. UM-2249) was due for renewal on August 6, 1981. No renewal having been made by Respondent, the utility model is cancellable by operation of law.

WHEREFORE, Letters Patent No. UM-2249 issued on August 6, 1976 to the herein Respondent-Patentee, Victor L. Tibay, Jr., for "FLOOR POLISHER" is hereby ordered CANCELLED.

Let the records of this case be transmitted to the Mechanical and Electrical Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director