

LEE COOPER GROUP P.L.C.,
Opposer,

INTER PARTES CASE NO. 1814

OPPOSITION TO:

- versus -

Application Serial No. 40145
Filed : December 6, 1979
Applicant : Tee Liong Chai
Trademark : CALIFORNIA LEE
Used on : Jackets, jeans, shoes, T-
shirts, bags, socks, belts
and polo shirts

TEE LIONG CHAI,
Respondent-Applicant.

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DECISION NO. 88-41 (TM)
July 5, 1988

DECISION

On March 28, 1984, Lee Cooper Group P.L.C., a public company organized under the laws of England, filed an Unverified Notice of Opposition (Inter Partes Case No. 1814) to the application for registration of the trademark "CALIFORNIA LEE" for jackets, jeans, shoes, T-shirts, bags, socks, belts and polo shirts (Class 25) filed on December 6, 1979 by Tee Liong Chai, a Filipino-businessman, under Application Serial No.- 40145 published in the Official Gazette (Vol. 79, No. 45, P. 6483) on November 7, 1983 and officially released on February 3, 1984.

For failure of Respondent-Applicant to file its Answer within the reglementary period, and upon motion of Opposer's counsel, Respondent-Applicant was declared in default (Order No. 87-93 dated March 31, 1987) and Opposer was allowed to present its evidence Ex parte on April 28, 1987.

On May 13, 1987, Opposer filed its Written Formal Offer of Evidence; on June 17, 1987, Opposer filed its Memorandum and submitted this case for resolution, and on May 17, 1988, Opposer filed a Motion to Resolve the present case.

However, this Bureau rendered a decision.(Decision No. 85-88) as early as December 13, 1985 in Inter Partes Case No. 1818 (entitled H. D. Lee Company, Inc., Opposer vs. Tee Liong Chai, Respondent-Applicant), the dispositive portion of which reads as follows:

"WHEREFORE, all the foregoing premises considered, this Office believes that Opposer has successfully made out its case. Hence, the Opposition is, as it is hereby, GRANTED. Accordingly, Application Serial No. 40145 filed on December 6, 1979 by the herein Respondent-applicant, Tee Liong Chai, is, as it is hereby, REJECTED for being contrary to the provisions of Section 4(d) and (e) of Republic Act No. 166, as amended."
(Underscoring supplied)

WHEREFORE, this Opposition is DISMISSED for being moot and academic.

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