

LILY TAN LO,
Junior Party-Applicant

INTER PARTES CASE NO. 1721

OPPOSITION TO:

Application Serial No. 24567
Filed : November 2, 1973
Applicant : Lily Tan LO
Trademark : HUNG SUM

-versus-

-and-

Cert. of Regn. No. 22233
Issued : February 24, 1975
Registrant : Ishwari A. Mansukhani
Trademark : HUNG SUM & DEVICE

ISHWARI A. MANSUKHANI
Senior Party-Applicant

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DECISION NO. 88-56 (TM)
July 26, 1988

DECISION

This case refers to an interference between Application Serial No. 24567 filed on November 2, 1973 by Lily Tan Lo for the registration of the trademark "HUNG SUM" and Certificate of Registration No. 22233 issued on February 24, 1975 (but filed November 2, 1973) in favor of Ishwari A. Mansukhani for the trademark "HUNG SUM & DEVICE".

The Notice and Declaration of Interference was mailed to both parties on March 3, 1983.

After the lapse of more than forty (40) days for filing a motion to dissolve interference or other motions of similar character pursuant to Rule 183 of the Revised Rule of Practice in Trademark Cases, this Office set the case for pre-trial on June 2, 1983. The records however show that despite notice, both parties did not appear in the scheduled pre-trial, and in the several subsequent hearings set by the Office.

On October 2, 1987, this Office, to activate pending inter partes case, sent a written inquiry to both parties about their interest to prosecute the subject case.

To date, no motion/manifestation from both parties was ever received by this Bureau. Moreover, an examination of the records of Certificate of Registration No. 22233 revealed that no affidavit of use was filed by Senior Party-Registrant, Ishwari A. Mansukhani, for the fifth and tenth anniversary and should, therefore, be cancelled pursuant to Section 12 of Republic Act 166, as amended.

WEHEREFORE, this interference proceeding is hereby DISSOLVED and/or TERMINATED. Application Serial No. 24567 filed on November 2, 1973 by Lily Tan Lo for the trademark "HUNG SUM" is considered ABANDONED. Certificate of Registration No. 22233 issued on February 24, 1975 in favor of Ishwari A. Mansukhani for "HUNG SUM & DEVICE" is CANCELLED.

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