

NEW COTTON PHIL. CORP.,
Junior Party-Applicant,

INTER PARTES CASE NO. 3185

OPPOSITION TO:

Application Serial No. 53885
Filed : May 25, 1984
Applicant : New Cotton Phil. Corp.
Trademark : MARTINO
Used on : Shoes, sandals, slippers,
T-shirts, shirts, jeans, pants, jogging
pants, jogging suits, handkerchiefs, shorts,
socks, briefs and lingerie

- versus -

-and-

Application Serial No. 469040
Filed : December 9, 1981
Trademark: MARTINI
Applicant : Martini & Rossi S.p.A.
Used on : Clothing, namely, knitted and
women clothes and garments, sports
clothes and garments, sports clothes,
boots, shoes and slippers

MARTINI & ROSSI S.p.A
Senior Party-Applicant.

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DECISION NO. 89-33 (TM)
June 13, 1989

DECISION

This is an interference case declared by the Bureau between Application Serial No. 53885 filed on May 5, 1984 by New Cotton Phil. Corp., the herein Junior Party-Applicant, for the trademark "MARTINO" used on shoes, sandals, slippers, T-shirts, jeans, pants, jogging pants, jogging shirts, handkerchiefs, shorts, socks, briefs and lingerie; and Application Serial No. 46940 filed on December 9, 1981 by Martini & Rossi S.p.A, the herein Senior Party-Applicant, for the trademark "MARTINO", used on clothing, namely, knitted and women clothes and garments, sport clothes, boots, shoes and slippers.

The Junior Party-Applicant is a domestic corporation with business address at 151 Quirino Avenue, Paranaque, Metro Manila, while the Senior Party-Applicant is an Italian Joint Stock Company with business address at Corso Vittorio Emanuele, 42 Turin, Italy.

The parties were directed to file within forty (40) days from receipt of the Notice of Interference a motion to dissolve or other motions, similar in character, pursuant to Rule 183 of the Rules of Practice in Trademark Cases.

On September 5, 1988, the Senior Party-Applicant by counsel filed a motion requesting that the case be set for trial. The Bureau set the pre-trial conference to October 11, 1988 but was postponed on motion of the Senior Party-Applicant.

On September 19, 1988, counsel for the Junior Party-Applicant filed a Manifestation of informing the Bureau that his client "had already closed shop without any specific instruction to him as to what to do with its above application".

Based on such information, the Junior Party-Applicant is deemed to have abandoned its application in question.

WHEREFORE, premises considered, this interference case is DISSOLVED in favor of the Senior Party-Applicant. The Senior Party`s Application Serial No. 53885 is hereby declared ABANDONED.

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

SO ORDERED.

IGNACIO S. SAPALO
Director