

FLORENTINO C. OZAETA,
Petitioner,

INTER PARTES CASE NO. 861

PETITION TO CANCEL:

- versus -

Application Serial No. 5496
Issued : February 8, 1971
Patentee : Ronaldo A. Datuin,
assignor to Jalwindor Manufacturers, Inc.
For : A PROCESS FOR THE
MANUFACTURE OF TRIPLEX GLASS

RONALDO A. DATUIN,
Assignor to Jalwindor
Manufacturers, Inc.,
Respondent-Patentee.

x-----x

DECISION NO. 89-30 (PAT)
May 31, 1989

DECISION

This is a Petition filed on October 31, 1974 by Florentino Ozaeta seeking for the cancellation of Philippine Letters Patent No. 5496 for "A Process for the Manufacture of Triple Glass" issued to Ronaldo A. Datuin, assignor to Jalwindor Manufacturers, Inc. on February 8, 1971.

Petitioner is a resident of No. 16 H. Francesco, San Francisco del Monte, Quezon City doing business under the name and style of "Ohio Safety Glass Industries", while Respondent-Patentee is doing business at 292 Roosevelt Avenue, San Francisco del Monte Quezon City.

The grounds for cancellation are:

"1. The alleged invention is not new or patentable x x x.

2. The assignor to Jalwindor Manufacture, Inc. of the letters patent was not the true and actual inventor and did not derive his rights from the true and actual inventor."

Respondent-Patentee filed a timely Answer and later filed a Motion to dismiss the Petition on the ground of Petitioner's lack of legal capacity to sue, which was denied.

After his Motion for reconsideration was likewise denied, Respondent-Patentee appealed by Certiorari to the Court of Appeals which affirmed the Director of Patents' Order of denial. His petition for review likewise dismissed by the Supreme Court.

The case was remanded to this Bureau for the continuation of the proceedings.

The Bureau resumed the proceedings on February 26, 1987 and Petitioner completed the presentation and offer of its evidence, which were admitted in due course.

Despite the lapse of more than a year since the date set for the presentation of his evidence, Respondent failed to do so.

Subject Letters Patent No. 5496 meanwhile expired on February 8, 1988.

This case is, therefore, moot and academic.

WHEREFORE, this Petition for Cancellation of Philippine Letter Patent No. 5496 is DISMISSED. Accordingly, said Letters Patent No. 5496 is declared EXPIRED as of February 8, 1988.

Let the records of the case be transmitted to the Party/Trademark Registry and EDP Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director