

SPEEDO KNITTING MILLS PTY.  
LIMITED,

Opposer,

- versus -

CONLEY UY,

Respondent-Applicant

x-----x

INTER PARTES CASE NO. 3154

OPPOSITION TO:

Application Serial No. 57728

Filed: October 25, 1982

Applicant: Conley Uy

Trademark: "SPEEDO & Device"

DECISION NO. 90-41 (TM)

November 7, 1990

### DECISION

SPEEDO KNITTING MILLS PTY. LIMITED opposed the application for registration of the trademark "SPEEDO & Device" for use on shoes, slippers and sandals falling under Class 25, filed under Serial No. 57728 on October 25, 1982 by CONLEY UY, and published for opposition on page 61, Volume 1, No. 4 of the June 17, 1988 issue of the BPTTT's Official Gazette.

Opposer is a company registered under the laws of New South Wales, Australia with present business address at 52-54 Chandos Street, St. Leopards, New South Wales, 2065, Australia, while Respondent-Applicant is a citizen of the Philippines, residing at Cebu City, Philippines.

On March 22, 1990, while this case was still at the Pre-Trial stage, the parties, through their respective counsels, filed a Compromise Agreement with the following terms and conditions:

1. For valuable consideration received, Respondent-Applicant hereby withdraws its Trademark Application Serial No. 57728 for the trademark "SPEEDO & Device".
2. Respondent-Applicant hereby undertakes the premises to immediately and permanently cease and desist from manufacturing and selling goods bearing the trademark "SPEEDO & Device" including any other mark or marks which may be confusingly similar to or may be a colorable imitation of the aforestated trademark.
3. All existing "SPEEDO & Device" labels, handtags and the like, in the possession of Respondent-Applicant shall be turned over to herein Opposer through its counsels immediately upon execution of this Compromise Agreement.
4. Respondent-Applicant likewise undertakes that it will not register or attempt to register in the future the trademark "SPEEDO & Device" or any colorable imitation thereof; that it relinquishes any right or title thereto and hereby acknowledges that the true and lawful owner of the mark is herein Opposer.
5. For a period of one year, Respondent-Applicant agrees to allow any duly authorized representative of Opposer to exercise the right of visitation at its business establishment during business days at any reasonable hour for purposes of verifying compliance with this Compromise Agreement.

Finding said Compromise Agreement to be in order and not contrary to law, morals, and public policy, same is hereby APPROVED; and

Considering that one of the stipulations therein is for Respondent-Applicant to withdraw his Application Serial No. 57728 for the trademark "SPEEDO & Device", said application is, as it is hereby, considered WITHDRAWN.

WHEREFORE, this case is DISMISSED for becoming moot and academic.

Let the records of this case be forwarded to the Application, Issuance and Publication Division for appropriate action in accordance with this decision.

SO ORDERED.

IGNACIO S. SAPALO  
Director