

FREDERICK STEKTON, JR.,
assignee of MIGUEL
SILANG JR.,
Junior Party-Applicant,

INTER PARTES CASE NO. 1797

INTERFERENCE BETWEEN:

- versus-

Letter Patent No. UM-3894
Issued : February 22, 1980
Patentee : Miguel Silang Cruz,
Jr., assignee of
Frederick Stelton, Jr.
For : BOTTLE CAP
REMOVER

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Application Serial No. UM-6009
Filed : November 5, 1979
Applicant : John Young
For : BOTTLE CAP
REMOVER

JOHN YOUNG,
Senior Party-Applicant.
x-----x

DECISION NO. 88-82 (TM)
August 18, 1988

DECISION

This interference case is declared between Application Serial No. UM-6009 filed on November 5, 1979 by John Young for "BOTTLE CAP OPENER" and Letter Patent No. UM-3894 issued on February 22, 1980 (under Application Serial No. UM-6042 filed on November 22, 1979) filed by Miguel Silang Cruz, Jr. for another "BOTTLE CAP REMOVER".

John Young, a naturalized Filipino citizen and residing at No. 18-A Bonifacio Street, Arty Subdivision, Valenzuela, Metro Manila having filed his application earlier on November 5, 1979, is designated as the Senior Party-Applicant, while Miguel Silang Cruz, Jr., who assigned his letters patent to Frederick Stelton, Jr. of No. 76-B Don Alejandrino Roces Avenue, Quezon City, having filed his Application on November 22, 1979 is designated as the Junior Party-Patentee.

The office sent the Notice and Declaration of Interference to the parties on December 1, 1983. For failure of the parties to file the required Preliminary Statements after the lapse of more than fifteen (15) days from receipt of said notice, the office initially set the case for pre-trial conference to February 27, 1984.

At the pre-trial conference, both parties did not appear, but the Junior Party-Applicant was represented by his counsel. Finding from the records that on April 10, 1980 Mr. Miguel Silang Cruz, Jr. assigned Letters Patent No. UM-3894 to Mr. Frederick Stelton, Jr., duly filed with the Office on April 16, 1980, said counsel moved in open court that his client be dropped as a party to be substituted by the Assignee as the Junior Party-Applicant. The motion was granted in Office Order No. 84-63.

The pre-trial conference was reset to March 29, 1984 and April 10, 1984. In both dates of hearing, none of the parties nor their counsels appeared.

To update the records of pending inter partes cases, the Office sent on October 2, 1987 a letter to both parties requesting them "to inform this Office if they are still interested to pursue prosecution of the case, fifteen (15) days from receipt" of said letter with the warning that "non-

receipt of any Motion/Manifestation on the matter will show that parties herein are no longer interested in the prosecution of this case; hence, appropriate actions shall be rendered accordingly”.

The Senior Party-Applicant did not respond. Counsel for the Junior Party-Applicant requested for, and was granted, thirty (30) days from November 19, 1987 within which to locate the whereabouts of Frederick Stelton, Jr. The thirty-day period lapsed and no further action was done by the Junior Party-Applicant`s counsel. The case has to be disposed as of now.

The records show that Letters Patent No. UM-3894 issued on February 22, 1980 already expired on February 23, 1985 for failure of the Assignee/Patentee to file the required petitions for Extension of term pursuant to Section 58 of Republic Act 165, as amended. For lack of interest on the part of Senior Party-Applicant to prosecute this case, as stated above, his application Serial No. UM-6009 is considered ABANDONED.

WHEREFORE, this interference case is DISSOLVED with the following declaration/pronouncements:

- (1) That Letters Patent No. UM-3894 issued on February 22, 1980 in favor of the Junior Party-Patentee is hereby declared EXPIRED and is ordered CANCELLED from the Patent Registry of this Bureau; and
- (2) That Senior Party-Applicant`s Application No. UM-6009 is hereby declared ABANDONED.

Let the records of this case be forwarded to the Mechanical and Electrical Examining Division and the Patent and Trademark Registry and EDP Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director