

THE WELLA CORPORATION,  
Opposer,

INTER PARTES CASE NO. 3047

OPPOSITION TO:

- versus -

Application Serial No. 58824  
Filed : April 8, 1986  
Applicant : Philippine Refining  
Company, Inc.  
Trademark : WHEELA  
Used on : Toilet soaps

PHILIPPINE REFINING COMPANY, INC.,  
Respondent-Applicant.

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DECISION NO. 89-18(TM)  
March 7, 1989

### DECISION

On February 19, 1988, a Notice of Opposition was filed by the Opposer, The Wella Corporation, thru counsel, against Application Serial No. 58824 dated April 8, 1986 for the trademark "WHEELA" used for toilet soaps filed by the herein Respondent-Applicant, Philippine Refining Company, Inc.

Opposer is a foreign corporation organized and existing under the laws of the United States of America, with business address at 524 Grand Avenue, Englewood, New Jersey 07631, while Respondent-Applicant is a domestic corporation doing business at 1351 United Nations Avenue, Manila, Philippines.

Upon due notice, Respondent-Applicant filed its Answer on September 2, 1988 and, issues having been joined, the case was set for pre-trial conference on October 27, 1988. In the said pre-trial conference, this case was ordered consolidated with Inter Partes Case No. 3048, an Opposition Case between the same parties against the registration of trademark "WHEELA" for toilet soaps in favor of the herein Respondent-Applicant.

In the pre-trial conference conducted on January 16, 1989, counsel for Respondent-Applicant manifested in open court that it is no longer interested in pursuing their application for the mark "WHEELA" under the Inter Partes Case No. 3047 but continue with its application for the trademark "WHEELA" under Inter Partes Case No. 3048.

WHEREFORE, premises considered, Inter Partes Case No. 3047 is DISMISSED. Accordingly, hearing will continue with respect to Inter Partes Case No. 3048.

Let the records of Application Serial No. 58824 for "WHEELA" be remanded to the Application, Issuance & Publication Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO  
Director