

TROPONWERKE DINKLAGE &
COMPANY,
Senior Party-Applicant,

INTER PARTES CASE NO. 3222

INTERFERENCE BETWEEN:

Application Serial No. 30087
Filed : June 15, 1976
Applicant : Troponwerke Dinklage
& Company
Trademark : DILATOL
Used on : Pharmaceutical
preparations

-versus-

-and-

Application Serial No. 30363
Filed : June 23, 1976
Applicant : Bayer
Pharmaceuticals, Inc.
Trademark : DILATOL
Used on : Pharmaceutical Products

BAYER PHARMACEUTICALS, INC.,
Respondent-Applicant.
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DECISION NO. 88-110 (TM)
December 1, 1988

DECISION

This Bureau declared an interference case between Bayer Pharmaceuticals, Inc., the herein Junior Party-Applicant, for the trademark "DILATOL" used on pharmaceutical preparations, and Troponwerke Dinklage & Company, the herein Senior party-Applicant for the same trademark "DILATOL" used on Pharmaceutical products.

The Junior Party-Applicant is a Philippine corporation with business address at No. 622 Shaw Boulevard, Mandaluyong, Metro Manila, while the Senior Party-Applicant is a foreign company organized under the laws of the Federal Republic of Germany with business address at Berlin Strasse 220-232, Cologne, West Germany.

The parties were duly notified of the Declaration of Interference for the marks "DILATOL" and were directed to file within a period of forty (40) days from receipt of the notice a motion to dissolve interference and other motions of similar character.

On September 26, 1988, the Senior Party-Applicant through counsel filed a manifestation informing this Bureau that Junior Party-Applicant has assigned the subject mark to the Senior Party-Applicant on October 19, 1977 (Annex "A").

A check on the records show that Bayer Pharmaceuticals Inc., of 622 Shaw Boulevard, Mandaluyong, Metro Manila executed on October 19, 1977 an "Assignment of Mark" in favor of Troponwerke GmbH & Co. KG, the party-assignee, in the "Assignment of Mark".

On October 19, 1988, the Senior Party-Applicant through counsel filed a letter addressed to the Director of this Bureau with the information that Troponwerke Dinklage & Co. had changed its name to Troponwerke GmbH & Co. KG.

Records further show that this Bureau was duly informed of such "Assignment of Mark" from Bayer Pharmaceuticals, Inc. to Troponwerke gmbH & Co. KG on November 17, 1977 in reply to our Paper No. 6, this Bureau was also informed of the submission of the original copy of the duly notarized and authenticated "Deed of Assignment from Bayer Pharmaceuticals, Inc. to Troponwerke GmbH 7 Co. KG" and was indeed, recorded in the Book of Assignment No. XII, Page 176 of this Bureau on April 13, 1978.

The Senior Party-Applicant, therefore, now owns both Application Serial Nos. 30087 and 30363 for the trademark "DILATOL" used on Pharmaceutical preparations/products.

WHEREFORE, premises considered, this interference case is DISSOLVED. Senior Party-Applicant has the option, to be exercised within thirty (3) days from receipt of this Decision, to prosecute either application Serial No. 30087 or Serial No. 30363.

SO ORDERED.

IGNACIO S. SAPALO
Director