

UNICHEMA CHEMIE GMBH,
Petitioner,

INTER PARTES CASE NO. 2062

CANCELLATION OF:

- versus -

Cert. of Regn. No- 33718
Issued : September 19, 1984
Trademark : UNICHEM
Used on : Fatty acid, fatty
alcohol and glycerine

UNITED COCONUT CHEMICALS, INC.,
Respondent-Registrant.

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DECISION NO. 88-24 (TM)
May 17, 1988

DECISION

A Petition for Cancellation was filed on May 18, 1987 by the above-named Petitioner seeking the cancellation of trademark "UNICHEM", used on fatty acid, fatty alcohol and glycerine under Certificate of Registration No. 33718, dated September 19, 1984, issued in favor of United Chemicals, Inc., the herein Respondent-Registrant.

Petitioner is a foreign corporation organized and existing under the laws of Germany with principal office address at Curslacke Never Deich 66, 2050 Hamburg 80, Germany and represented herein by its local counsels, Messrs. Tan, Manzano and Velez with office address at 11th Floor, Pacific Bank Makati Building, Ayala Avenue, Makati, Metro Manila; while Respondent-Registrant is a domestic corporation with office address at 17th Floor, UCPB Building, Makati Avenue, Metro Manila and represented in this case by its counsels, Messrs. Cayetano, Bautista, Picazo and Reyes with office address at 3rd Floor, Vernida IV Building, Alfaro Street, Salcedo Village, Makati, Metro Manila.

On July 3, 1987, Respondent-Registrant filed its answer, and issues having been joined, the Office sent a notice of pre-trial conference on July 10, 1987 by registered mail to both parties and their counsels.

However, parties instead of pursuing the pre-trial conference proceeded to dismiss the case. On May 4, 1988, parties thru their respective counsels filed a Joint Motion to Dismiss, stating:

"1. As shown by the Manifestation filed with this Honorable Office by counsel for petitioner, a copy of which is attached hereto as Annex 'A', petitioner and respondent-registrant have already reached an agreement to the effect that petitioner would withdraw its petition for cancellation in the case.

2. Pursuant to said manifestation, petitioner and respondent-registrant, through their respective counsel, are filing this Joint Motion to Dismiss which by itself constitutes the agreement between petitioner and respondent-registrant on the withdrawal of the petition for cancellation."

Finding the said motion to be in order and not contrary to law or rule or regulation of this Office, the same is hereby granted.

WHEREFORE, premises considered, the herein inter partes case is hereby DISMISSED. Certificate of Registration, therefore, continues to be in force and effect.

SO ORDERED.

IGNACIO S. SAPALO
Director