

UNITED LABORATORIES, INC.,
Petitioner,

INTER PARTES CASE NO. 1735

PETITION FOR COMPULSORY
LICENSING

- versus

Letters Patent No. 7039
Issued : October 23, 1972
Patentees : Gunther Schmidt,
Robert Engelhorn and
Matyas Leitold, assignor
to Boeriger Ingelheinn
G.M.B.H
For : 11-SUBSTITUTED 5, 11-
DIHYDRO -6H-PYRIDO
[2, 3-B] [1, 4]
BENZODIAZEPIE-6-
ONES

GUNTHER SCHMIDT, ROBERT
ENGELHORN AND MATYAS LEITOLD,
Assignors to Boehringer Ingelheim
G.m.b.H,

x-----x

DECISION NO. 89-7 (TM)
February 6, 1989

DECISION

United Laboratories, Inc., a corporation duly organized and existing under the laws of the Republic of the Philippines, with principal offices at 66 United Street, Mandaluyong, Metro Manila, Philippines, filed on April 14, 1983 a Petition for Compulsory Licensing, praying that it be granted a compulsory license under Letters Patent No. 7039 for "11-SUBSTITUTED 5, 11-DIHYDRO -6H-PYRIDO [2,3-B] [1,4] BENZODIAZEPIE-6-ONES", an anti-uclear drug, issued on October 23, 1972 to Gunther Schmidt, Robert Engelhorn and Matyas Leitold, assignors to Boehringer Ingelheim G.m.b.H, Rhein, Germany, which may be served with processes through its attorney of record, Messrs. Gonsalo W. Gonzales & Associates, with offices at VMC Building, Makati, Metro Manila, Philippines.

The sole ground alleged in said petition is that the patented invention relates to medicine (anti-uclear drug) pursuant to Section 34 (e), Republic Act 165, as amended by Presidential Decree No. 1263.

On June 8, 1983, Respondent-Patentees filed its Answer denying the material allegations made in the Petition and raised affirmative defenses therein. Thereafter, the case was set for pre-trial Conference and hearing on the merits.

On January 25, 1989, Petitioner through counsel filed a Motion to dismiss herein Petition in view of the imminent expiration of subject patent on October 23, 1989.

WHEREFORE, for loss of interest to prosecute further this case, herein Petition for Compulsory Licensing of Letters Patent No. 7039 be DISMISSED.

Let the records of the case be forwarded to the Patent/Trademark Registry & EDP Division for appropriate action of filing.

SO ORDERED.

IGNACIO S. SAPALO
Director