



NOVARTIS AG,
Opposer,

- versus -

**VITALINK HEALTH PRODUCTS,
INCORPORATED,**
Respondent-Applicant.

x-----x

IPC No. 14-2010-00096
Opposition to:

Appln. Ser. No. 4-2009-000163
Date Filed: 07 January 2009

Trademark: **SIBUTRIM**

Order No. 2012 - 4L (D)

ORDER

NOVARTIS AG ("Opposer") filed on 13 May 2010 a Verified Notice of Opposition to Trademark Application Serial No. 4-2009-000163. The Opposer opposes the registration of Respondent-Applicant's mark SIBUTRIM on the grounds that it is confusingly similar to Opposer's trademark SIBUTRIL and that the registration of the mark SIBUTRIM will violate Section 123.1 (d) of R. A. 8293 ("The Intellectual Property Code").


The records show, however, that in another case¹ involving the subject trademark application, the Respondent-Applicant filed a Manifestation dated 14 March 2011 stating that it is withdrawing Application Serial No. 4-2009-000163, which is also the subject of the instant opposition. In view of the withdrawal of Respondent-Applicant's trademark application, this Bureau in an Order² dated 30 March 2011 dismissed IPC No. 14-2010-00058.

Considering that the Respondent-Applicant has already withdrawn its trademark Application Serial No. 4-2009-000163, there is no more reason nor basis to proceed with this case.

WHEREFORE, premises considered, the instant opposition is hereby **DISMISSED.** Let a copy of this Order be forwarded to the Bureau of Trademarks for appropriate action.

SO ORDERED.

Taguig City, 14 February 2012.


Atty. NATHANIEL S. AREVALO
Director IV
Bureau of Legal Affairs

¹ IPC No. 14-2010-00058 *L. R. Imperial, Inc. v. Vitalink Health Products, Inc.*
² Order No. 2011-15 (D) dated 30 March 2011.