



NOVARTIS AG,
Opposer,

-versus-

MYLAN PHARMACEUTICALS PRIVATE
LIMITED,
Respondent-Applicant.

}
} IPC No. 14-2013-00054
} Opposition to:
} Appln No. 4-2012-010518
} Date filed: 29 August 2012
} TM: "SISTIN"
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X-----X

NOTICE OF DECISION

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FEDERIS AND ASSOCIATES LAW OFFICES

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GREETINGS:

Please be informed that Decision No. 2014 - 304 dated November 25, 2014 (copy enclosed) was promulgated in the above entitled case.

Taguig City, November 25, 2014.

For the Director:

Edwin A. Dating
Atty. EDWIN DANILO A. DATING
Director III
Bureau of Legal Affairs



NOVARTIS AG,

Opposer,

-versus-

MYLAN PHARMACEUTICALS PRIVATE LIMITED,

Respondent-Applicant.

IPC No. 14-2013-00054

Opposition to Trademark

Appln. No. 4-2012-010518

Date Filed: 29 August 2012

Trademark: "**SISTIN**"

X ----- X Decision No. 2014- 304

DECISION

Novartis AG¹ ("Opposer") filed an opposition to Trademark Application Serial No. 4-2012-010518. The contested application, filed by Mylan Pharmaceuticals Private Limited² ("Respondent-Applicant"), covers the mark "SISTIN" for use on *"pharmaceutical preparations for respiratory system, gastrointestinal system, endocrine system, cardiovascular system, nervous system, musculoskeletal system, urinary system, integumentary system, reproductive system; for treatment of blood disease and disorder; for treatment of cancer; for treatment of colds, cough and influenza; dermatologic pharmaceutical preparations; pharmaceutical preparations for ophthalmic use; for treatment for hypertension; for treatment of obesity; for treatment of gout; anti-inflammatory pharmaceuticals; antibiotics, anti allergic pharmaceutical preparations; pharmaceutical preparations for fungal infections, viral infections, anti-retroviral medicines, pharmaceutical preparations for anesthesia, for asthma, for arthritis; pharmaceutical preparations for diabetes; for benign prostatic hyperplasia; for tuberculosis; for malaria; hormonal preparations, vitamin preparations, immunosuppressants"* under Class 05 of the International Classification of Goods³.

The records show, however, that in IPC Case No. 14-2013-00053⁴, which involves the subject application, this Bureau already rendered a decision⁵, the dispositive portion of which provides:

"WHEREFORE, premises considered, the instant opposition is hereby **SUSTAINED**. Let the filewrapper of Trademark Application Serial No. 4-2012-010518 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action."

¹ A corporation organized and existing under the laws of Switzerland, with office address at CH-4002, Basel, Switzerland.

² Appears to be a foreign corporation with office address at One India Bulls Centre, Tower 2-B, 7th Floor, 841, Senapati Bapat Marg, Elphinstone (West), Mumbai-400 013, India..

³ The Nice Classification is a classification of goods and services for the purpose of registering trademark and services marks, based on the multilateral treaty administered by the World Intellectual Property Organization. The treaty is called the Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks concluded in 1957.

⁴ Biomedis, Inc. vs. Mylan Pharmaceuticals Private Limited.

⁵ Decision No. 2014-216 dated 19 August 2014.

The parties did not appeal the afore-quoted decision. Thus, on 11 November 2014, this Bureau issued an Entry of Judgment/Execution of Decision stating:

"The Decision became final and executory on October 02, 2014 and accordingly, is hereby recorded in this Bureau's Book of Entries of Judgment."

With the finality of the decision sustaining the opposition to the subject trademark application, there is no more actual controversy or legal basis to proceed with this case.

WHEREFORE, premises considered, the instant opposition is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-010518 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 25 November 2014.


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