



ROCHE DIAGNOSTICS GMBH,	}	IPC No. 14-2015-00074
Opposer,	}	Opposition to:
	}	
- versus -	}	Application No. 4-2014-00005786
	}	Date Filed: 09 May 2014
ORIENTAL AND MOTOLITE	}	
MARKETING CORPORATION,	}	Trademark: KOBA
Respondent-Applicant.	}	
x-----x	x	Order No. 2015 - <u>76</u> (D)

ORDER

ORIENTAL AND MOTOLITE MARKETING CORPORATION ("Respondent-Applicant") filed on 10 April 2015 a Manifestation stating that:

"1. On 31 March 2015, Respondent-Applicant filed a letter of even date with the Trademarks Department of this Honorable Office, wherein Respondent-Applicant requested that its goods be limited from SCIENTIFIC, NAUTICAL, SURVEYING, PHOTOGRAPHIC, CINEMATOGRAPHIC, OPTICAL, WEIGHING, MEASURING, SIGNALLING, CHECKING (SUPERVISION), LIFE-SAVING AND TEACHING APPARATUS AND INSTRUMENTS; APPARATUS AND INSTRUMENTS FOR CONDUCTING, SWITCHING, TRANSFORMING, ACCUMULATING, REGULATING OR CONTROLLING ELECTRICITY; APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; MAGNETIC DATA CARRIERS, RECORDING DISCS; COMPACT DISCS, DVDS AND OTHER DIGITAL RECORDING MEDIA; MECHANISMS FOR COIN-OPERATED APPARATUS; CASH REGISTERS, CALCULATING MACHINES, DATA PROCESSING EQUIPMENT, COMPUTERS; COMPUTER SOFTWARE; FIRE-EXTINGUISHING APPARATUS to APPARATUS AND INSTRUMENTS FOR CONDUCTING, SWITCHING, TRANSFORMING, ACCUMULATING, REGULATING OR CONTROLLING ELECTRICITY NAMELY, AUTOMOTIVE BATTERIES.

"2. With the above limitation of Respondent-Applicant's goods, we respectfully submit that no more conflict exists between the Opposer ROCHE DIAGNOSTICS GMBH's mark and Respondent-Applicant's mark."


As directed by this Bureau, the Opposer filed its Comment on 23 April 2015, manifesting, among other things, that the limitation of the goods covered by the subject application has rendered the above-captioned opposition moot and as such, shall no longer be pursued by the Opposer.

With the limitation of the Respondent-Applicant's goods covered by the subject trademark application and the Opposer's manifestation that it will no longer pursue the instant opposition, there is no more factual or legal basis to proceed with this case.

WHEREFORE, premises considered, the instant case is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2014-00005786 be returned, together with a copy of this Order and the Respondent-Applicant's Manifestation and Opposer's Comment, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 29 April 2015.



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

Copy furnished:

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