



THERAPHARMA, INC.,	}	IPC NO. 14-2010-00009
Opposer,	}	Opposition to:
	}	Appln. Ser. No. 4-2009-003942
-versus-	}	Date Filed: 21 April 2009
	}	Trademark: DOGREL
SUHITAS PHARMACEUTICALS, INC.,	}	
Respondent-Applicant.	}	Order No. 2015- <u>207(0)</u>
x-----x		

ORDER

THERAPHARMA, INC.¹ ("Opposer"), filed an opposition to Trademark Application Serial No. 4-2009-003942. The contested application filed by SUHITAS PHARMACEUTICALS, INC.² ("Respondent-Applicant"), covers the mark "**DOGREL**" for use on "pharmaceutical (anti-thrombotic) under Class 05 of the International Classification of Goods³.

The records show, however, that in IPC No. 14-2010-00033⁴, 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 filer wrapper of Trademark Application Serial No. 4-2009-003942 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action."

The parties did not appeal the afore-quoted decision. Thus, on 07 October 2015, this Bureau issued an Entry of Judgment/Execution of Decision stating:

"The Decision became final and executory on August 24, 2015 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.

¹ A domestic corporation duly organized and existing under the laws of the Philippines, with principal business address at 3rd Floor Bonaventure Plaza, Ortigas Avenue, Greenhills, San Juan City, Philippines.

² A domestic corporation, with principal business address at 3rd Floor Centerpoint Building, Pasong Tamo corner Export Bank Drive, Makati City, Philippines.

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 Sanofi Aventis vs. Suhitas Pharmaceuticals, Inc.

⁵ Decision No. 2015-141 dated 29 June 2015.

WHEREFORE, premises considered, the instant opposition is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2009-003942 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 26 October 2015.



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

Copy furnished:

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