

BRITISH AMERICAN TOBACCO (BRANDS) LTD., }
Opposer, }

-versus-

MIGHTY CORPORATION, }
Respondent-Applicant. }

X-----X

IPC No. 14-2013-00135
Opposition to:

Appln. Serial No. 4-2012-008579
Date Filed: 13 July 2012

TM: LUCKY STAR

NOTICE OF DECISION

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Taguig

MIGHTY CORPORATION
Respondent- Applicant
No. 55 Mc Arthur Highway
Bo. Tikay, Malolos City

GREETINGS:

Please be informed that Decision No. 2016 - 298 dated August 31, 2016 (copy enclosed) was promulgated in the above entitled case.

Taguig City, 31 August 2016.

Atty. Z'SA MAY B. SUBEJANO-PE LIM
Adjudication Officer
Bureau of Legal Affairs

**BRITISH AMERICAN TOBACCO
(BRANDS) LTD.,**

Opposer,

-versus-

MIGHTY CORPORATION,
Respondent-Applicant.

X ----- X

IPC No. 14-2013-00135
Opposition to Trademark
Appln. No. 4-2012-008579
Date Filed: 13 July 2012
Trademark: **"LUCKY STAR"**

Decision No. 2016- 298

DECISION

British American Tobacco (Brands) Ltd.¹ ("Opposer") filed an opposition to Trademark Application Serial No. 4-2012-008579. The contested application, filed by Mighty Corporation² ("Respondent-Applicant"), covers the mark "LUCKY STAR" for use on "cigarettes" under Class 34 of the International Classification of Goods³.

The records show, however, that in IPC Case No. 14-2013-00134⁴, 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. 4-2012-008579 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 10 August 2016, this Bureau issued an Entry of Judgment/Execution of Decision stating:

"The Decision became final and executory on June 10, 2016 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 company organized and existing under the laws of United Kingdom/England and Wales, having principal place of business at Globe House, 4 Temple Place, London, WC2R 2PG, England.

² With known address at 1706 Jose Abad Santos Avenue, Tondo, Manila.

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.

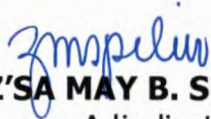
⁴ Biomedis, Inc. vs. Mylan Pharmaceuticals Private Limited.

⁵ Decision No. 2016-132 dated 03 May 2016.

WHEREFORE, premises considered, the instant opposition is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-008579 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 31 AUG 2016


ATTY. Z'SA MAY B. SUBEJANO-PE LIM
Adjudication Officer
Bureau of Legal Affairs