



NOVARTIS AG,
Opposer,

-versus-

EON PHARMATEK INC.,
Respondent-Applicant.

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IPC No. 14-2014-00067

Opposition to:

Appln. Serial No. 4-2013-00011000

Date Filed: 12 September 2013

TM: KLAZIDE

NOTICE OF ORDER

JDF LAW

Counsel for Opposer
1502 One Global Place, 5th Avenue corner
25th St., Bonifacio Global City, Taguig City

**EON PHARMATEK INC.
JEEVAN KUMAR**

Respondent- Applicant
No. 17, 3rd Street, Bo. Kapitolyo
Pasig City

GREETINGS:

Please be informed that Order No. 2016 - 187 (D) dated 19 September 2016 (copy enclosed) was promulgated in the above entitled case.

Taguig City, 19 September 2016.

Atty. GINALYN S. BADIOLA
Adjudication Officer
Bureau of Legal Affairs

NOVARTIS AG,
Opposer,

- versus -

EON PHARMATEK, INC.,
Respondent-Applicant.

X----- X

IPC No. 14-2014-00067

Opposition to:

Appln. No. 4-2013-00011000

Date Filed: 12 September 2013

Trademark : "KLAZIDE"

Order No. 2016 - 1870

ORDER

NOVARTIS AG ("Opposer")¹, filed a verified opposition to Trademark Application Serial No. 4-2014-00067. The application, filed by EON PHARMATEK, INC. ("Respondent-Applicant")², covers the mark "KLAZIDE" for use on goods under class 5 of the International Classification of Goods³ namely: *pharmaceuticals - antidiabetic tablet, capsule, syrup, suspension, solution, injection*.

The records show, however, that in IPC Case No. 14-2015-121⁴, 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. 4-2013-00011000 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 05 October 2015, this Bureau issued an Entry of Judgment/Execution of Decision stating:

"The Decision became final and executory on August 23, 2015 and accordingly, is hereby recorded in this Bureau's Book of Entries of Judgments."

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 corporation duly organized and existing under and by virtue of the laws of Switzerland with principal office address at CH-4002 Basel, Switzerland.

² A domestic corporation with office address at Unit 703, AIC Burgundy Empire Tower, ADB Avenue, Ortigas Center, Pasig City, Philippines.

³ The Nice Classification of goods and services is for registering trademark and service marks, based on a multilateral treaty administered by the WIPO, called the Nice Agreement Concerning the International Classification of Goods and Services for Registration of Marks concluded in 1957.

⁴ United Laboratories, Inc. vs. EON Pharmatek, Inc.

⁵ Decision No. 2015-121 dated 29 June 2015.

WHEREFORE, premises considered, the instant opposition is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2013-00011000 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, **19 SEP 2016**



Atty. GINALYN S. BADIOLA
Adjudication Officer, Bureau of Legal Affairs