

ACRES & ACRES FOOD, INC.,
Petitioner in IPC 1879;

INTER PARTES CASES NOS.
1879 AND 1884

- and -

PETITION FOR CANCELLATION

JUFRAN FOOD CORPORATION,
Petitioner in IPC 1884,

Cert. of Regn. No. SR -913
Issued : January 25, 1968
Registrant : Philippine Packaging
Corporation
For : DEL MONTE CATSUP
NOT TO BE REFILLED
EMBOSSSED ON A
BOTTLE

- versus -

PHILIPPINE PACKING
CORPORATION,
Respondent-Registrant.
x-----x

DECISION NO. 89-45 (TM)

July 10, 1989

DECISION

On October 15, 1984, two (2) Petitions for Cancellation were filed, each by Acres & Acres Food, Inc. and Jufran Food Corporation (herein Petitioners) to Registration Certificate No. SR-913 for the trademark "DEL MONTE CATSUP EMBOSSSED ON BOTTLE DEVICE" issued on January 25, 1968 in the name of Philippine Packing Corporation (herein Respondent-Registrant). For the reason that both Petitions involve the same issues, parties and subject matter, the two (2) inter partes cases are herein consolidated.

The records of these cases show that the proceedings on the merits have dragged for quite a time due mainly to postponements and various motions by the parties. Finally, on November 12, 1987, Respondent-Registrant filed its Memorandum.

Meanwhile, Registration Certificate No. SR-913 sought to be cancelled expired on January 25, 1988 after 20 years in force, pursuant to Section 12 of Republic Act 166, as amended. A perusal of the office records shows that the registration certificate was never renewed within six months before the expiration of the period for which said registration was issued, or within three (3) months after expiration for a good cause shown, as provided in Section 15 of Republic Act 166, as amended. As such, there is nothing more to cancel as Registration Certificate No. SR-913 has already expired.

WHEREFORE, these Petitions for Cancellation are hereby DISMISSED for being moot and academic.

Let the records of the cases be forwarded to the Patent/Trademark Registry & EDP Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director