

G.D. SEARLE & COMPANY	)	INTER PARTES CASE NO. 3615
Opposer,)	
	)	OPPOSITION TO:
)	
	)	Application Serial No. 69641
	)	Filed : August 22, 1989
	)	Applicant : E.R. Squibb &
	)	Sons, Inc.
- versus -	)	Trademark : ZOPRACE
	)	Used on : Cardiovascular
	)	pharmaceutical
	)	preparation
)	
	)	<u>DECISION NO. 91-6 (TM)</u>
)	
	)	March 26, 1991
E.R. SQUIBB & SONS, INC.)	
Respondent-Applicant.)	
x-----x)	

DECISION

This is an opposition filed by G.D. Searle & Co., Inc., a corporation organized under the laws of the State of Delaware with principal address at 5200 Old Orchard Road, Shokie, Illinois, U.S.A. doing business through its Philippine subsidiary, G.D. Searle (Philippines), Inc., a corporation organized under the laws of the Philippines with principal address at 2nd Floor, Greenfield Bldg. I, 750 Shaw Blvd., Mandaluyong, Metro Manila; to the application for registration of the trademark ZOPRACE used on cardiovascular pharmaceutical preparation, filed on 22 August, 1989 under Ser. No. 69641, by E.R. SQUIBB & SONS, INC., ("Applicant"), a Delaware corporation with business address at Princeton, New Jersey, United States of America.

The Verified Notice of Opposition was filed with this Office last 26 December, 1990. Subsequently, a Notice to Answer was sent to E.R. Squibb and Sons Inc. Respondent herein, through its designated resident agents, Santos Pilapil and Associates, requiring it to answer the attached Verified Notice of Opposition within fifteen (15) days from receipt thereof, which Notice to Answer was received by it on 17 January, 1991. Thereafter, on 15 February, 1991, Opposer, through Counsel filed a Motion to Declare Respondent-Applicant in Default for failure to file an Answer which this Office upon due consideration, granted subsequently set the case for hearing for the reception of evidence for the Opposer, ex-parte, on 19 March at 2:00 P.M.

On 21 February, 1991, this Office received a communication from Respondent-Applicant's resident agents, Santos Pilapil and Associates, under the signature of Carlos P. Santos Jr. advising this Office that applicant is no longer interested in prosecuting subject application.

In view thereof, Application Ser. No. 69641 filed by E.R. Squibb & Sons, Inc., on 22 August, 1989 for the registration of the trademark ZOPRACE used on cardiovascular preparations is, as it is hereby, declared VOLUNTARILY ABANDONED. Accordingly, this Opposition case is Dismissed for having become moot; the ex-parte presentation of evidence for the Opposer now CANCELLED.

Let the file wrappers of this application be forwarded to the Trademark Examining Division for appropriate action in accordance with this Decision and to update its records.

SO ORDERED.

IGNACIO S. SAPALO
Director