

GENERAL ELECTRIC COMPANY,  
Opposer,

INTER PARTES CASE NO. 3058

OPPOSITION TO,

- versus

Application Serial No. 48967  
Filed : August 18, 1982  
Applicant : Manuel Go Ong  
Trademark : CARBOLOY  
Used on : Cemented carbide tools

MANUEL GO ONG,  
Respondent-Applicant.  
x-----x

DECISION NO. 88-61 (TM)  
August 3, 1988

### DECISION

The General Electric Company filed on March 28, 1988 an Unverified Notice of Opposition to the registration of the trademark "CARBOLOY" for cemented carbide tools which was applied for on August 18, 1982 by Manuel Go Ong under Application Serial No. 48967, published for opposition on Page 1, Volume 1, No. 1, February 25, 1988 issue of the Bureau of Patents Official Gazette, officially released on March 8, 1988.

Opposer is a foreign corporation organized under the laws of the State of New York, United States of America, with principal office at One River Road, Schenectady, New York, U.S.A., while Respondent-Applicant is a Filipino citizen with business address at No. 9 Northern Polytech, Malabon, Metro Manila, Philippines.

Opposer filed its Verified Notice of Opposition on June 21, 1988 based on the following grounds:

"1. The trademark "CARBOLOY", which has been previously registered in Opposer's name under Registration Certificate No. 13268, and used in commerce in the Philippines and other parts of the world and not abandoned, is likely, when applied to or used in connection with the goods of the Applicant, to cause confusion, mistake or deception on the part of the purchasing public.

2. The registration of the trademark "CARBOLOY" will contravene Section 37 of Republic Act No. 166, as amended, and Section 6bis and other provisions of the Paris Convention for the Protection of Industrial Property to which the Philippines and the United States of America are parties.

3. The registration of and use by Applicant of "CARBOLOY" will diminish the distinctiveness and dilute the goodwill of Opposer's previously registered trademark "CARBOLOY"."

Respondent-Applicant was furnished a copy of the Verified Notice of Opposition on June 22, 1988, requiring him to file his Answer thereto within fifteen (15) days from receipt thereof.

On July 20, 1988, this Office received from the Respondent-Applicant a letter dated June 30, 1988 "disclaiming" his application for the following reasons:

"After going over the manifestation and motion of GENERAL ELECTRIC COMPANY together with the copy of their labels, I am convinced that General Electric Company of U.S.A. has used the trademark earlier than I did. Due to this finding, I am disclaiming my application for the said trademark "CARBOLOY" filed on August 18, 1982 with Serial No. 48967." (Underscoring supplied)

WHEREFORE, Application Serial No. 48967 bearing trademark "CARBOLOY" filed on August 18, 1982 is hereby declared EXPRESSLY ABANDONED by the Applicant himself, pursuant to Rule 100 of the Rules of Practice in Trademark Cases. Accordingly, this Opposition is DISMISSED for having become moot.

Let the records of this case be forwarded to the Trademark Examining Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO  
Director