

JAIME U. GOSTACO,
Junior Party-Applicant,

INTER PARTES CASE NO. 1874

OPPOSITION TO:

Application Serial No.: UM-8833
Filed: April 23, 1984
Applicant: Jaime U. Gostaco
For: AN IMPROVED KNIFE

- versus -

- and -

Application Serial No.: D-5376
Filed: April 16, 1984
Applicant: Willi Hahn
For: AN IMPROVED KNIFE
HANDLE

WILLI HAHN,
Senior Party-Applicant,

x-----x

DECISION NO. 90-13 (TM)
February 22, 1990

DECISION

This interference case was declared by the Bureau between Application Serial No. D-5376 filed by Willi Hahn, the herein Senior Party-Applicant, on April 16, 1984 for a grant of letters patent to his "FAN KNIFE HANDLE" design, likewise known as "Unitized Frame Handle", and Application Serial No. UM-8833 filed by Jaime U. Gostaco, the herein Junior Party-Applicant, on April 23, 1984 for a grant of his utility model called "An Improved Fan Knife".

The Senior Party-Applicant is a Filipino citizen and a resident of 628 Wyoming Street, Mandaluyong, Metro Manila, while the Junior Party-Applicant is also a Filipino citizen residing at 2966-68 J. Abad Santos Avenue, Tondo, Manila.

Interference was declared between the above referred patent applications and a Notice sent to the applicants, requiring them to file their respective Preliminary Statement pursuant to Rule 202, 203 and 204 of the Rules of Practice in Patent Cases to determine which of the parties is the prior author (conceiver and maker) of the design/utility model sought to be registered/patented.

After the parties have filed their respective Preliminary Statements, the Bureau set the pre-trial conference to March 5, 1985. The said hearing date has been reset for several times upon agreement by the parties pending the exploration of ways by which the case could be settled amicably. Both parties have changed their original counsels while the hearing was in progress.

Finally, at the hearing of November 23, 1989, the parties resolved their differences in a proposed draft for the settlement of the case.

On December 28, 1989, the parties submitted their duly accomplished Compromise Agreement which provides:

"1. That the JUNIOR PARTY APPLICANT, JAIME V. GOSTACO, hereby admits that WILI HAHN, SR. PARTY APPLICANT in the above entitled case filed an application

on April 16, 1984 under a design 'FAN KNIFE HANDLE' and likewise known as 'UNITIZED FRAME HANDLE', under Serial No. D-5376;

2. That the JUNIOR PARTY APPLICANT likewise admits that he filed an application on April 23, 1984 for a Utility Model known as 'An Improved Knife', under Serial No. UM-8833;

3. That the herein parties agree that they shall be co-owner for the utility model/ design model under the aforementioned serial numbers and that they shall not assign their rights/interests on the co-ownership without the consent of the other party;

4. That should either party sell/assign his rights and interest thereof, the other co-owner shall be given preferential right to purchase the rights/interests of the selling co-owner."

The foregoing terms and conditions agreed upon by the parties are hereby APPROVED.

WHEREFORE, this interference case is DISSOLVED in favor of both parties. The letters patent to be issued shall be based on Application Serial No. UM-8833 in the names of both parties as co-patentees.

Let the records of the case be forwarded to the Mechanical and Electrical Examining Division for appropriate action with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director