

LEXAL LABORATORIES,
Petitioner,

INTER PARTES CASE NO. 274

PETITION FOR COMPULSORY
LICENSING

- versus -

Letters Patent No. 148
Granted : October 30, 1952
Patentee : Chas. Pfizer & Company,
Inc.
For : PREPARATION OF
ANTI-BIOTICS (TERRAMYCIN)

CHAS. PFIZER & COMPANY, INC.,
Respondent-Patentee.
x-----x

DECISION NO. 88-22 (PAT)
May 12, 1988

DECISION

This case pertains to a Petition for Compulsory Licensing filed on September 3, 1962 by Lexal Laboratories, a corporation duly organized under the laws of the Philippines with principal office at 2331 España Street, Sampaloc, Manila, praying for the grant of compulsory license to import, package and sell the medicine "TERRAMYCIN" covered by Letters Patent No. 148 for an invention entitled "Preparation of Antibiotics" issued by the Philippine Patent Office (now Bureau of Patents, Trademarks and Technology Transfer) on October 30, 1952 in favor of Chas. Pfizer & Company, Inc., a foreign corporation of New Jersey, U.S.A., whose sister company Pfizer Laboratories (Phils.), Inc., is located at Malugay Street, Makati, Rizal (now Makati, Metro Manila) and where notices and processes may be served.

Pursuant to Section 21 of Republic Act 163, as amended, which reads:

"SEC. 21. Term of Patent. - The term shall begin on the date when the patent is issued as begin on the face thereof and shall expire seventeen years thereafter x x x." the term of the above letters patent has already expired as of October 30, 1969; therefore the invention forms part of the public domain.

WHEREFORE, premises considered, the above-captioned case is hereby DISMISSED for being moot and academic.

Let the records of this case be transmitted to the Application, Publication & Documentation Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO
Director

