

TERESITA PE,
Senior Party-Applicant,

INTER PARTES CASE NO. 1988

INTERFERENCE BETWEEN:

Application Serial No.: 51082
Filed: May 12, 1983
Applicant: Teresita Pe
Trademark: SLASHER FEED
Used On: Animal feeds

-versus-

-and-

Application Serial No.: 53039
Filed: December 15, 1983
Applicant: Associated Agro
Products Dealer Corporation
Trademark: SLASHER FEED
Used On: Feeds for fighting cocks

ASSOCIATED AGRO PRODUCTS
DEALERS CORPORATION
Junior Party-Applicant

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DECISION NO. 90-6 (TM)
February 14, 1990

DECISION

This interference case was declared by the Bureau between Application Serial No. 51082 filed on May 12, 1983 by Teresita Pe, the herein Senior Party-Applicant, for the trademark "SLASHER FEED" used on animal feeds, and Application Serial No. 53039 filed on December 15, 1983 by Associated Agro Products Dealers Corporation, the herein Junior Party-Applicant, for the similar trademark "SLASHER" used on feeds for fighting cocks.

Senior Party-Applicant is a Filipino citizen doing business under the name and style "Progressive Poultry Supply" located at 1013 Epifanio de los Santos Avenue, Quezon City, Philippines, while Junior Party-Applicant is a domestic corporation with business address at Bagbagin, Sta. Maria, Bulacan, Philippines.

On June 9, 1986 the parties were directed to file within forty (40) days from receipt of the Notice of Interferences a motion to dissolve or other motions, similar in character, pursuant to Rule 183 of the Rules of Practice in Trademark Cases.

On July 8, 1986, Senior Party-Applicant filed a Petition for the dissolution of the herein interference for reasons alleged therein.

After entry of appearance, Junior Party-Applicant's counsel filed a Motion for extension of time within which to file its appropriate pleadings relative to the case.

On August 11, 1986, Junior Party-Applicant filed a Motion to shift burden of proof but was denied in Order No. 88-49 dated October 28, 1988 and the case was scheduled for pre-trial conference to December 13, 1988.

After several resetting, the pre-trial was held and terminated on April 26, 1989 without prejudice to the pursuit of an amicable settlement of the case out-of-court.

Finally, on January 18, 1990, the parties assisted by their respective counsels, submitted for the consideration of this Bureau a Compromise Agreement, which contains the following terms and conditions:

“1. Senior Party-Applicant will assign, as she hereby assigns, in favor of Junior Party-Applicant her Application bearing Serial No. 51082 filed May 12, 1983 with the request that the corresponding registration certificate be issued in favor of Junior Party-Applicant;

2. In turn, Junior Party-Applicant will withdraw, as it hereby withdraws, its Application bearing Serial No. 53039 filed on December 15, 1983;

3. Junior Party-Applicant, as assignee of Application Serial No. 51082 and eventually, registered owner of the trademark SLASHER, hereby grants unto the Senior Party-Applicant a non-transferable but without time limit, license to use the trademark SLASHER for animal feeds without any obligation of paying any royalty, subject only to the condition that it will continue using not change her present label, x x x and will indicate in said label the fact that the trademark is used under license.”

The above terms and conditions agreed upon by the parties are hereby approved as basis for the amicable settlement and termination of this inter partes case.

WHEREFORE, this interference case is DISSOLVED in favor of the Junior Party-Applicant, subject to the provisions of the attached Compromise Agreement. As agreed in Item 2 of said Compromise Agreement, Application Serial No. 53039 filed on December 15, 1983 is declared WITHDRAWN.

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

SO ORDERED.

IGNACIO S. SAPALO
Director