

PHILIPPINE ALLIED
LEATHERETTE CORPORATION,

INTER PARTES CASE NO. 2078

PETITION FOR CANCELLATION

- versus -

Letters Patent No. D-3891
Issued : August 5, 1987
Patentee: Bun Liong L. Santos
For: SHOE DESIGN

BUN LIONG L. SANTOS,
Respondent-Patentee.
X-----X

DECISION NO. 88-67 (PAT.)
August 4, 1988

DECISION

A Petition for Cancellation of Letters Patent No. D-3891 for "SHOE DESIGN" granted on August 5, 1987 to herein Respondent-Patentee, Bun Liong L. Santos of Quezon City, was filed on October 9, 1987 by herein Petitioner, Philippine Allied Leatherette Corporation, with address at Malabon, Maisan, Valenzuela, Metro Manila.

Records show that Letters Patent No. D-3891 was already cancelled by this Bureau in Inter Partes Case No. 2079 filed by Expo Rubber Industrial Corporation against the herein Respondent-Patentee. In deciding the said case (Decision No. 88-59), the Director ruled:

"Design Letters Patent No. 3891 likewise discloses its date of filing to be June 2, 1987. Clearly, then, it lacks novelty. The Footwear News Magazine dated April, 1983 (Exh. 'B'), November 19, 1984 (Exh. 'C') and September 22, 1986 (Exh. 'D') publishing the Tretorn Shoes, by-their dates of publication, confirms Petitioner's allegation that more than six (6) months prior to the filing by Respondent-Patentee of his design application, the design sought to be patented was already known, used by others, described or illustrated in printed publications circulated in the Philippines and had been in public use, and sale in the Philippines and in other countries as provided by Sections 55, 9 and 56, supra.,

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WHEREFORE, premises considered, the herein petition for cancellation filed by Expo Rubber Industrial Corporation is hereby GRANTED. Accordingly, Letters Patent No. D-3891 issued on August 2, 1987 to Bun Liong L. Santos is hereby ordered CANCELLED."

IN VIEW OF THE FOREGOING, the herein Petition for Cancellation is DISMISSED for being moot and academic.

SO ORDERED.

IGNACIO S. SAPALO
Director