

STARTER SPORTWEAR, INC.,  
Petitioner,

IPC No. 2059

PETITION FOR CANCELLATION

Cert. of Regn. No. SR-6639

Issued : October 2, 1984

Registrant : Shirley K. Daswani

Trademark : STARTER & DEVICE  
LABEL

Used on : Men's, women's and  
children's wearing  
apparel, such as T-shirts,  
jeans, etc.

SHIRLEY K. DASWANI,  
Respondent-Registrant.  
x-----x

Decision No. 88-86 (TM)  
August 19, 1988

DECISION

On March 31, 1987 Starter Sportswear, Inc., an American corporation, filed a Petition for Cancellation (Inter Pastes Case No. 2059) of Certificate of Registration No. SR-6639 issued on October 2, 1984 to Shirley K. Daswani, a Filipino citizen, for the trademark "STARTER & DEVICE LABEL" used on wearing apparels (Class 25).

On May 5, 1987, this Bureau sent to Respondent-Registrant a Notice to Answer. On May 19, 1987, Respondent-Registrant filed an Ex-Parts Motion for Extension of Time to file responsive pleading, which motion was granted (Order No. 87-123). On July 2, 1987, Respondent-Registrant filed an Answer and a Motion for Leave to Admit Answer, which motion was likewise granted (Order No. 87-154). On September 2, 1987, the case was scheduled for pre-trial.

On August 24, 1987, however, this Bureau received a Joint Motion to Dismiss which states as follows:

"PARTIES, through their respective counsels, to this Honorable Office respectfully state that petitioner and respondent- registrant have mutually agreed to the dismissal of the instant Petition for Cancellation, respondent-registrant having assigned her Trademark Registration No. SR-6639 in favor of petitioner.

WHEREFORE, it is respectfully prayed that this Petition for Cancellation be dismissed.

Makati, Metro Manila, 6 August 1987."

Finding the above motion to be in order and not contrary to law or rules of this Bureau, the same is GRANTED.

WHEREFORE, the Petition is DISMISSED.

Let the records of this case be remanded to the Application, Issuance and Publication Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO  
Director