

HOT TUNA IP LIMITED,
Opposer,

-versus-

SELECT GMBH UNTERNEHMEN FUR ZEITARBEIT,
Respondent-Applicant.

X-----X

IPC No. 14-2014-00179
Opposition to:
Appln. Serial No. 4-2012-015431
Date Filed: 26 December 2012

TM: KILLERFISH (DEVICE)

NOTICE OF ORDER

BUCOY POBLADOR & ASSOCIATES

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Counsel for Respondent- Applicant
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GREETINGS:

Please be informed that Order No. 2017 - 21 (D) dated 03 February 2017 (copy enclosed) was promulgated in the above entitled case.

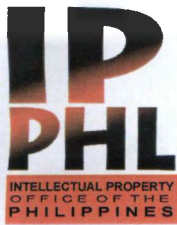
Pursuant to Section 2, Rule 9 of the IPOPHL Memorandum Circular No. 16-007 series of 2016, any party may appeal the decision to the Director of the Bureau of Legal Affairs within ten (10) days after receipt of the decision together with the payment of applicable fees.

Taguig City, 06 February 2017.

MARILYN F. RETUAL
IPRS IV
Bureau of Legal Affairs

Republic of the Philippines
INTELLECTUAL PROPERTY OFFICE

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 Date Filed: 26 December 2012
 Trademark: **KILLERFISH (DEVICE)**
 Order No. 2017- 21 (D)

ORDER

HOT TUNA IP LIMITED (“Opposer”), filed on 30 April 2014 an opposition to Trademark Application Serial No. 4-2012-015431. The application, filed by **SELECT GMBH UNTERNEHMEN FUR ZEITARBEIT** (“Respondent-Applicant”), covers the mark **KILLERFISH (DEVICE)** for use on goods under Classes 25 and 32. The opposition is anchored on Section 123.1 sub-paragraph (d) of R.A. No. 8293, also known as the Intellectual Property Code of the Philippines (“IP Code”).

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant on 14 July 2014. On 13 October 2014, Respondent-Applicant filed its Answer to the opposition refuting Opposer's allegations.


On 08 January 2017, Opposer filed a Motion to Withdraw manifesting that it has lost interest in pursuing its opposition to the registration of the mark **KILLERFISH DEVICE** with Registration No. 4-2012-015431 and it is therefore withdrawing the instant opposition.

Accordingly, with the withdrawal by the Opposer of its opposition to the subject trademark application, there is no more reason or basis to proceed with this case.

WHEREFORE, premises considered, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-015431 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 03 FEB 2017.


ATTY. LEONARDO OLIVER LIMBO
 Adjudication Officer
 Bureau of Legal Affairs