

MYRA PHARMACEUTICALS INC.,
Opposer,

-versus-

MAX INTERNATIONAL LLC. LTD.
LIAB., Co.
Respondent-Applicant.
X-----X

IPC NO. 14-2010-00170
Opposition to:

Appl.No.4-2009-007098
Date Filed: 20 July 2009
Trademark: "MAXGXL"

Order No.2011-43

DECISION
BASED ON COMPROMISE AGREEMENT

MYRA PHARMACEUTICALS INC. ("Opposer") filed on 18 August 2010 an opposition to Trademark Application Serial No. 4-2009-007098. This Bureau issued a Notice to Answer and served upon a copy thereof to MAX INTERNATIONAL LLC, LTD. LIAB. CO. ("Respondent-Applicant") on 20 September 2010. After filing several motions for extension of time to file the answer, the Respondent-Applicant filed its answer on 18 January 2001.

In compliance to Office Order No. 154, s. 2010 ("Rules of Procedure for IPO Mediation Proceedings) an Office Order No. 197 s. 2010) Mechanics for IPO Mediation and Settlement Period, (This Bureau issued on 21 January 2011 ordered No, 2011-21 referring the case to Mediation.

On 30 May 2011, the Mediation Office submitted a MEDIATOR'S REPORT indicating the "successful settlement" of the case and the Compromise Agreement signed by the parties. The pertinent portions of the COMPROMISE AGREEMENT read as follows:

1. MYRA shall withdraw its opposition against MAX's pending Trademark Application No. 42009007098 for the trademark "MAXGXL" and consent of the registration of the same.
2. Within fifteen (15) days from the execution of this agreement, MAX shall amend and limit its Trademark Application No. 42009007098 for the trademark 'MAXGXL' for the following goods:

'DIETARY AND NUTRITIONAL SUPPLEMENT'S GLUTATHIONE ENHANCER'
(glutathione enhancer)
3. MAX shall use the trademark "MAXGXL' specifically only for its glutathione enhancer product and/or other glutathione based products.
4. MAX shall not apply in the future the registration of the trademark 'MAXGXL' for goods other than glutathione enhancers and/or other glutathione based products.
5. The Agreement shall apply to and be binding upon the parties' related or association companies, including the parties' subsidiaries or affiliates and their respective licensees in the Philippines. Further, the parties also undertake to impose the obligations under this Agreement upon any of their legal successors or assigns.

This Bureau evaluated the COMPROMISE AGREEMENT and finds that the same has been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good customs, public order or public policy,

An approved Compromise Agreement shall have the effect of a decision or judgment on the case and shall be enforced accordingly in accordance with the pertinent rules of IPO and the Rules of Court.

WHEREFORE, premises considered the submitted the parties' COMPROMISE AGREEMENT is hereby APPROVED. Accordingly, COMPROMISE AGREEMENT having the force and effect of a decision or judgment the parties are hereby enjoined to comply with the terms and condition set forth therein. Let the filewrapper of Trademark Application Serial No, 4-2009-007098 be returned, together with s copy of this Order to the Bureau of Trademark (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 06 June 2011.