| ORION INDUSTRIES, INC., Junior Party-Applicant |) INTER PARTES CASE NO. 3418 | |
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| ourner randy represent |) INTERFERENCE BETWEEN: | |
| - versus - | , | ember 24, 1985 Industries, LE |
| |) - and - | |
| | Cert. of Regn. No. 381 Issued : Febru Applicant : Felix Trademark : EAGL Used on : Draw | uary 10, 1988 G. Chan LE & DEVICE |
| FELIX G. CHAN, Senior Party-Registrant. | DECISION NO. 91-13 (TM) September 27, 1992 | |
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DECISION

Submitted for consideration is the COMPROMISE AGREEMENT filed by the parties through their respective Counsel on August 19, 1991 with this Honorable Office, which provides, as follows to wit:

- 1. That Felix G. Chan, Senior Party-Registrant has adopted and used in his business the mark "EAGLE & DEVICE" on his products, particularly drawer locks;
- 2. That Orion Industries, Inc., Junior Party-Applicant has also adopted and used in its business the same mark "EAGLE & DEVICE" on its products, particularly drawer locks;
- 3. That both parties have filed their respective applications for registration of said mark before this Honorable Office;
- 4. That Certificate of Registration No. 3820 has been used to Felix G. Chan;
- 5. That the parties herein have decided to terminate and settle this interference case amicably through a joint and common use of the mark "EAGLE & DEVICE" in the business and products of both parties;
- 6. That for and in consideration of the sum of Eighty Eight Thousand Five Hundred and Fifty Pesos (P88,550.00), Philippine Currency, and other good and valuable consideration in hand paid by Orion Industries, Inc., to Felix G. Chan and receipt of which amount is acknowledged through his Counsel and Attorney in Fact, the said Felix G. Chan, hereby GRANTS, ALLOWS and permits Orion Industries, Inc., & Joint and common use of the trademark "EAGLE & DEVICE" for drawer locks for the entire duration of Certificate of Registration No. 38120 and subsequent renewals thereof;

7. That Junior Party-Applicant hereby withdraws its application Serial No. 57447 for the registration of the trademark "EAGLE & DEVICE" for drawer locks;

Considering the Compromise Agreement to have been duly executed and assigned by Counsels of both parties and the terms and conditions thereof to be in consonance with law, morals, good customs, public policy or public orders;

WHEREFORE, this Compromise Agreement is hereby <u>APPROVED</u>. Consequently, Inter Partes Case No. 3418 is <u>DISMISED</u> as all issued of facts and law affecting the subject trademark "EAGLE & DEVICE" have become moot and academic and application Serial No. 57447 for the mark "EAGLE & DEVICE" is <u>voluntarily withdrawn</u>.

Let the records of this case be remanded to the Patent/Registry and EDP Division for appropriate action in accordance with this DECISION.

SO ORDERED.

IGNACIO S. SAPALO Director