

MEDICHEM PHARMACEUTICALS, INC.
Opposer,

-versus-

SANOFI-AVENTIS
Respondent-Applicant

x-----x

IPC No. 14-2010-00180

Opposition to:
Appln. Serial No. 4-2009-013157
Date Filed: 22 December 2009
Trademark: "SAVINEO"
Decision No. 2011-69

DECISION
BASED ON COMPROMISE AGREEMENT

MEDICHEM PHARMACEUTICALS INC., ("Opposer") filed on 20 August 2010 an opposition to Trademark Application No. 4-2009-013157, This Bureau issued a Notice to answer and served upon a copy thereof to SANOFI-AVENTIS, ("Respondent-Applicant") on 20 September 2010. After filing several motions for extension of time to file the answer, the Respondent-Applicant timely filed its answer on 26 November 2011.

On 08 August 2011 a Comprise Agreement duly signed by the parties was submitted for the approval of this Bureau. The pertinent portion of the COMPROMISE AGREEMENT reads, as follows:

1. Respondent-Applicant will LIMIT, as it hereby LIMITS the medical indications of "SAVINEO" as a drug for cardiovascular and thrombosis diseases only.
2. Opposer's mark "SALVEO" will not be used for drugs for cardiovascular and thrombosis diseases.
 1. Respondent-Applicant can use another trademark for anti-psychotic drug other than the mark "SALVEO" and respondent-applicant cannot use the mark "SALVEO" for anti-payroll drug,
 2. In view of the foregoing, opposer agrees to withdraw its Notice of Opposition to Respondent-Applicant's Application No. 2009-013157.

With the above stated submissions the 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.

Accordingly, 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 parties' COMPROMISE AGREEMENT is hereby APPROVED. Accordingly, the COMPROMISE AGREEMENT having the force and effect of a decision or judgment the parties are hereby enjoined to comply with the terms and conditions set forth therein. Let the filewrapper of trademark Application Serial No. 4-2009-013157 be returned, together with a copy of this Order for the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City. 08 August 2011