

PEDIATRICA, INC.
Opposer,

IPC No. 14—2010-00250
Opposition to:

Versus

Appln. No. 4-2010-000989
Date Filed: 28 January 2010
Title: "MUCOPHILEX"
SYRUP"

INTERPHIL LABORATORIES, Inc.
Respondent-Applicant
X-----X

Decision No. 2011-07

DECISION
BASED ON COMPROMISE AGREEMENT

PEDIATRICA INC. ("Opposer") filed on 10 October 2010 an opposition to Trademark Application No. 4-2010-000989. The application filed by INTERPHIL, LABORATORIES INC, ("Respondent-Applicant") covers the mark MUCOPHLEX for human use under Class 05. The Opposition is anchored on Sec. 123.1 (d) of Rep. Act. 8293 also known as the Intellectual Property Code of the Philippines.

The Respondent-Applicant filed as Answer on 11 January 2011 refuting the material allegations of the Opposer.

In compliance to Office Order No, 154, s. 2010 ("Rules of Procedure for IPO Mediation Proceedings ") and Office Order No. 197, sec. 2010 ("Mechanics for IPO Mediation Settlement Period') issued on 02 February 2011 Order No. 2001-53 referring the case to mediation.

On 09 February 2011 this Bureau received a "MEDIATOR's REPORT" indicating the successful medication of the instant case. Attached to the report is the parties' COMPROMISE AGREEMENT submitted to the Bureau for approval, the Agreements states among other things:

NOW THEREFORE in view of the foregoing, the Opposer and Respondent-Applicant duly authorized representatives, hereby enter into and execute this Compromise Agreement not to proceed with the above case in view of the Respondent-Applicant withdrawal of the Trademark Application for the registration of the mark MUCOPHLEX.

This Bureau finds that the Agreement has been duly entered by the Parties with the terms and conditions thereof not contrary to law, morals, good customs. Public order and public policy.

In this regard, 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 COMPROMISE AGREEMENT is hereby APPROVED. Accordingly, the instant Opposition case is hereby DISMISSED. Let the filewrapper of subject Trademark Application be returned together with a copy of this Decision to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Makati City, 15 February 2011.

NATHANIEL S. AREVALO
Director, Bureau of Legal Affairs
Intellectual Property Office