

L'OREAL  
Petitioner-Appellant,  
-versus-  
EVER BILENA COSMETICS,  
INC.,  
Respondent-Appellee.  
x-----x

Appeal No. 14-09-46  
Inter Partes Case No. 13-2008-00050  
Petition for Cancellation of  
Registration No. 3-2006-000105  
Date Issued: 18 December 2006  
For: Design for Cosmetics Container

## ORDER

In an Order dated 01 February 2011, this Office referred the instant case to mediation pursuant to Office Order No. 197, series of 2010, or the Mechanics for IPO-Mediation and Settlement Period. Hence, both parties were ordered to appear in person, with or without counsel, at the IPOPHL Multi-Purpose Hall on 24 February 2011 for the purpose of choosing the mediator and the date of the initial mediation hearing and to consider the possibility of settling the dispute through mediation.

In a joint Motion to Dismiss dated 14 September 2011, both parties, through counsel, claimed that they have settled their differences and have executed a Settlement Agreement dated 06 September 2011. In light thereof, the parties moved for the dismissal of the Petition filed by Petitioner-appellant L'Oreal and the counterclaims filed by Respondent-appellee Ever Bilena Cosmetics, Inc.

WHEREFORE, finding the Parties' Settlement Agreement to have been duly executed and signed by the parties and the terms and conditions thereof to be in consonance with law, morals, good customs, public policy or public order, the same is hereby APPROVED and the instant case is hereby DISMISSED. Accordingly, Registration No. 3-2006-000105 issued for the industrial design entitled DESIGN FOR COSMETIC CONTAINER shall remain valid unless sooner terminated by operation of law, subject to the terms and conditions of the Settlement Agreement.

Let a copy of this Decision as well as the trademark application and records be furnished and returned to the Director of the Bureau of Legal Affairs for appropriate action. Further, let also the Director of the Bureau of Trademarks and the library of the Documentation, Information and Technology Transfer Bureau be furnished a copy of this Decision for information, guidance, and records purposes.

SO ORDERED.

November 23, 2011, Taguig City.

RICARDO R. BLACAFLO  
Director General