

PAGODA PHILIPPINES, INC.,	}	IPC NO. 14-2008-00216
<i>Opposer,</i>	}	Opposition to:
	}	
-versus-	}	Appln. Serial No. 4-2006-009060
	}	Date Filed: August 17, 2006
FAMILY CHOICE GRAINS	}	Trademark: WHITE RABBIT
PROCESSING CENTER, INC.,	}	FAMILY CHOICE AND DEVICE
<i>Respondent-Applicant.</i>	}	
x-----x		Decision No. 2009-65

JUDGMENT BASED ON COMPROMISE AGREEMENT

For this Bureau's consideration is the parties' Compromise Agreement submitted in open court during the preliminary conference on 28 May 2009.

The Compromise Agreement executed by and between Opposer, Pagoda Philippines, Inc. and Respondent-Applicant Family Choice Grains Processing Center, Inc., represented by their respective duly authorized counsel, provides, to wit:

1. Respondent-Applicant will limit, as it hereby limits, its Application Serial No. 4-2006-009060 to the registration of the mark "WHITE RABBIT" only, as originally indicated in its Trademark Application Form, a certified copy of which has been attached to its Answer dated January 7, 2009 as Exhibit "2".
2. With the above clarification/amendment, Opposer will withdraw, as it hereby withdraws, its Notice of Opposition to Application Serial No. 4-2006-009060.

It appearing that the parties' Compromise Agreement 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.

WHEREFORE, Application Serial No. 4-2006-009060 shall be GIVEN DUE COURSE subject to the terms and conditions of the Compromise Agreement. Consequently, the parties are hereby enjoined to faithfully comply with the terms and conditions of the Compromise Agreement, failure of which shall be cause for the erring party to be cited for indirect contempt after proper charge and hearing.

Let the filewrapper of the trademark "WHITE RABBIT FAMILY CHOICE AND DEVICE" subject matter of this case together with this Decision be forwarded to the Bureau of Trademarks (BOT) for appropriate action.

SO ORDERED.

Makati City, 29 May 2009.

ESTRELLITA BELTRAN-ABELARDO
 Director, Bureau of Legal Affairs
 Intellectual Property Office