



**FIGARO COFFEE CO., INC. and
FIGARO COFFEE SYSTEMS, INC.,**
Petitioners,

- versus -

**LE CAFÉ FIGARO ENTERPRISES,
INC.,**
Respondent-Registrant-Assignee.
x-----x

IPC No. 14-2008-00267
Petition for Cancellation:

Reg. No. 4-2003-008298
Date Issued: 24 October 2005

Trademark: **Figaro with Rep.
of a Cup and Saucer Inside
an Elongated Circle**
Order No. 2012 - 71 (D)

ORDER

FIGARO COFFEE CO., INC. and FIGARO COFFEE SYSTEMS, INC. ("Petitioners") filed on 30 October 2008 a petition for cancellation of Trademark Registration No. 4-2003-008298 issued to Pacita U. Juan and subsequently assigned to LE CAFÉ FIGARO ENTERPRISES, INC. ("Respondent-Registrant"). The Petitioners allege, among other things, that they are the sole and exclusive owner and user of the subject trademarks and trade name and that the Respondent-Registrant obtained the trademark registration fraudulently.

The Respondent-Registrant-Assignee filed its Verified Answer on 12 October 2009 refuting the material allegations of the Petitioners. Thereafter, the case was set for preliminary conference and the same was terminated on 23 November 2009.

On 14 October 2011, the Petitioners' counsel filed a letter with the Bureau of Trademarks requesting the registration of the transfer of all the rights, title and interest over the subject trademark registration and the issuance of the corresponding certificate of registration further to the Deed of Assignment executed by the parties in compliance with the Omnibus Compromise Agreement dated 19 September 2011.

With the assignment of the subject trademark registration by virtue of the Omnibus Compromise Agreement executed between the parties, there is no more reason nor basis to proceed with this case.

WHEREFORE, premises considered, the instant cancellation case is hereby **DISMISSED**. Let the filewrapper of Trademark Registration No. 4-2003-008298, together with a copy of this Order, be returned to the Bureau of Trademarks (BOT) for appropriate action.

SO ORDERED.

Taguig City, 21 March 2012.

Atty. NATHANIEL S. AREVALO
Director IV, Bureau of Legal Affairs