



ALVIN T. CO,
Petitioner,

-versus-

JUANCHO PACHECO,
Respondent –Patentee.

}
} IPC No. 13-2013-00160
} Petition for Cancellation of:
} I.D. Registration No. 3-2000-000476
} Date Issued: 03 September 2003
} Title: "A SANDAL"
}
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NOTICE OF DECISION

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OFFICE OF BAGAY-VILLAMOR & FABIOSA
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Mandaue City, Cebu

GREETINGS:

Please be informed that Decision No. 2014 - 91 dated March 31, 2014 (copy enclosed) was promulgated in the above entitled case.

Taguig City, March 31, 2014.

For the Director:


Atty. EDWIN DANILO A. DATING
Director III
Bureau of Legal Affairs



ALVIN T. CO,	}	IPC NO. 13-2013-00160
Petitioner,	}	Petition for Cancellation of:
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-versus-	}	I. D. Registration No. 3-2000-000476
	}	Date Issued: 03 September 2003
JUANCHO PACHECO,	}	
Respondent-Patentee.	}	Title: A SANDAL
X-----X	X	Decision No. 2014 - <u>91</u>

**DECISION
BASED ON COMPROMISE AGREEMENT**

ALVIN T. CO ("Petitioner"), filed on 22 April 2013 a petition for cancellation of Industrial Design Registration No. 3-2000-000476 issued in favor of **JUANCHO PACHECO** ("Respondent-Patentee"). The petition is anchored on Section 113 of Rep. Act No. 8293, also known as the Intellectual Property Code of the Philippines.

On 03 September 2013, **JUANCHO PACHECO** ("Respondent-Patentee"), filed its Answer to the petition refuting the Petitioner's allegations.

In compliance to Office Order No. 154, s. 2010 ("*Rules of Procedure for IPO Mediation Proceedings*") and Office Order No. 197, s. 2010 ("*Mechanics for IPO Mediation and Settlement Period*"), this Bureau issued on 19 September 2013 Order No. 2013-214 referring the case to mediation.

On 26 March 2014, the parties filed a Joint Motion for Judgment Based on Compromise Agreement. Attached to the motion is the parties' Compromise Agreement, the pertinent portion of which reads:

"NOW, THEREFORE, the parties hereby freely agree to the following terms and conditions with full knowledge of the consequences thereof:

A) Appeal No. 14-2011-0004 (IPC No. 13-2009-00248) **JUANCHO PACHECO vs. ALVIN T. CO**, for the cancellation of MR. CO's Industrial Design No. 3-2008-00743) now pending before the Office of the Director General of the Intellectual Property Office

1. Simultaneous with the signing of this Compromise Agreement, in the spirit of good faith and without admitting any liability, MR. CO shall execute a Deed of Assignment assigning all his rights over Industrial Design No. 3-2008-00743 to MR. PACHECO.

2. Starting on October 31, 2014, MR. CO undertakes to stop importing, manufacturing, selling, and/or distributing sandals or footwear whose design is based or is similar to the design covered by Industrial Design No. 3-2008-00743.
3. Mr. Co shall not re-apply for the registration of sandals or footwear that are similar to the design covered by Industrial Design No. 3-2008-00743.
4. Mr. PACHECO hereby withdraws his Petition for the cancellation of MR. CO's Industrial Design No. 3-2008-00743 and Mr. CO hereby withdraws and dismisses Appeal No. 14-2011-0004.

B) IPV No. 10-2013-00002 (IN & OUT CORPORATION vs. ALVIN T. CO, for the infringement of IN & OUT CORPORATION's Industrial Design No. 3-2009-000584)

5. Upon the execution of this Agreement, MR. CO shall stop importing, manufacturing, selling, and/or distributing sandals or footwear whose design is based or is similar to the design covered by Industrial Design No. 3-2009-000584.
6. Mr. CO shall not apply for the registration of sandals or footwear that are similar or infringe on the design covered by IN & OUT CORPORATION's Industrial Design No. 3-2009-000584.
7. IN & OUT CORPORATION hereby waives, renounces, abandons, withdraws, and dismisses all its causes of action and claims for damages, attorney's fees, and litigation costs in IPV 10-2013-00002, against Mr. CO.
8. Mr. CO hereby waives, renounces, abandons, withdraws, and dismisses all his counterclaims for damages, attorney's fees, and litigation costs in IPV No. 10-2013-00002, against IN & OUT CORPORATION.

C) IPC No. 13-2013-00160, (ALVIN T. CO vs. JUANCHO PACHECO, for the cancellation of MR. PACHECO's Industrial Design No. 3-2000-00476)

9. Mr. CO undertakes not to import, manufacture, cause to be manufactured, sell, or distribute sandals or footwear that are similar or infringe on the design covered by Mr. PACHECO's Industrial Design No. 3-2000-00476. Mr. CO shall not apply for the registration of sandals or footwear that are similar or infringe on the design covered by Mr. PACHECO's Industrial Design No. 3-2000-00476.
10. Mr. CO hereby withdraws and dismisses IPC No. 13-2013-00160.

General Provisions

11. This Compromise Agreement and any and all of its terms, conditions, and obligations shall be binding against each party and their successors and

assigns.

12. This Compromise Agreement shall be the basis of a Decision to be issued by the Office of the Director General and the Bureau of Legal Affairs of the Intellectual Property Office in these three cases."

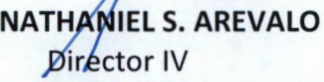
This Bureau evaluated the COMPROMISE AGREEMENT and finds that the same has been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good customs, public order or public policy.

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 (Sec. 5, Office Order No. 154, s. 2010).

WHEREFORE, premises considered, the parties' COMPROMISE AGREEMENT is hereby **APPROVED**. Accordingly, the instant cancellation case is hereby **DISMISSED**. Let the filewrapper of Industrial Design Registration No. 3-2000-000476 be returned, together with a copy of this Decision, to the Bureau of Patents for information and appropriate action.

SO ORDERED.

Taguig City, 31 March 2014.


ATTY. NATHANIEL S. AREVALO
Director IV
Bureau of Legal Affairs *pl*

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