



BENITO LIM,
Opposer,

-versus-

RK MANUFACTURING CORPORATION,
Respondent-Applicant.

X-----X

} IPC No. 14-2012-00146
} Opposition to:
} Appln. Serial No. 4-2011-008969
} Date filed: 01 August 2011
} TM: "SAMARA AND DEVICE"

NOTICE OF DECISION

SIOSON SIOSON & ASSOCIATES
Counsel for the Opposer
Unit 903 AIC-Burgundy Empire Tower
ADB Avenue corner Garnet & Sapphire Roads
Ortigas Center, Pasig City

PRISHOTAM R. MIRPURI
RK MANUFACTURING CORPORATION
For Respondent-Applicant
210 Fresno St.,
Pasay City

GREETINGS:

Please be informed that Decision No. 2012 - 189 dated October 04, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, October 04, 2012.

For the Director:

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

CERTIFIED TRUE COPY
Sharon S. Alcantara
SHARON S. ALCANTARA
Records Officer II
Bureau of Legal Affairs: IPC



BENITO LIM,
Opposer,

IPC No. 14-2012-00146
Case Filed: 26 March 2011

-versus-

Opposition to:
Appln. Serial No. : 4-2011-008969
Date Filed: 01 August 2011

RK MANUFACTURING
CORPORATION,
Respondent.

TM: "SAMARA AND DEVICE"

x-----x

Decision No. 2012- 189

**DECISION BASED ON
COMPROMISED AGREEMENT**

BENITO LIM, ("Opposer") filed on 26 March 2011 an opposition to Trademark Application Serial No. 4-2011-008969. The application filed by RK MANUFACTURING CORPORATION ("Respondent-Applicant") covers the mark "SAMARA AND DEVICE" for use on goods under Class 25.

This Bureau issued a Notice to Answer dated 17 April 2012 and served a copy thereof upon the Respondent-Applicant on 28 May 2012. The Respondent-Applicant filed his Answer on 27 June 2012.

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 11 July 2012 Order No. 2012-146 referring the case to mediation.

On 11 September 2012, this Bureau received a "MEDIATOR'S REPORT" indicating the successful mediation of the instant case. Attached to the report is the parties' "COMPROMISE AGREEMENT" submitted to this Bureau for approval. The Agreement states, among other things:

1. Respondent RK Manufacturing Corporation will limit the use of the trademark "SAMARA AND DEVICE" to the goods listed in its opposed Application SN 4-2011-008969 filed on 01 August 2011, namely:

"CASUAL CLOTHES FOR WOMEN" falling under Class 25.

2. In addition, Respondent expressly recognizes the issuance and validity of Opposer's Registration No. 29293 for the trademark "SAHARA INSIDE A RECTANGLE" originally issued on 22 May 1981 and renewed on 22 May 2001, for use on t-shirts, suits, blouses, pants, jeans, jackets, dresses, socks, nighties, brief falling under Class 25.

3. In consideration of the foregoing, Opposer agrees to withdraw, as he hereby withdraws his Notice of Opposition docketed as Inter Partes Case No. 14-2012-00146, to Respondent's Application SN 4-2011-008969.

4. The Parties undertake to observe the terms and conditions of this Agreement in utmost good faith.

5. Each party shall bear their respective expenses incurred in this case.

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.¹

WHEREFORE, premises considered, the parties' COMPROMISE AGREEMENT is hereby **APPROVED**. Accordingly, the Compromise Agreement having the force and effect of a decision or judgment, the parties are hereby enjoined to comply with the terms and conditions set forth therein. Let the filewrapper of Trademark Application Serial No. 4-2011-008969 be returned, together with a copy of this Decision, to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 04 October 2012.


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

/joanne

¹ Sec. 5, Office Order No. 154 Series of 2010