



CUMMINS, INC.,
Opposer

-versus-

SHACMAN MOTORS INCORPORATED,
Respondent- Applicant.

X-----X

IPC No. 14-2012-00324

Opposition to:

Appln. Serial No. 4-2012-003201

Date Filed: 13 March 2012

TM: "SHACMAN LOGO

WITH STYLIZED WORDS
CUMMINS POWERED"

NOTICE OF ORDER

VERALAW

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Taguig City

GREETINGS:

Please be informed that Order No. 2013 - 106 (D) dated June 04, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, June 04, 2013.

For the Director:

Atty. PAUL U. SAPAK
Hearing Officer
Bureau of Legal Affairs



CUMMINS, INC.,	}	IPC No. 14-2012-00324
Opposer,	}	Opposition to:
- versus -	}	Appln. No. 4-2012-003201
	}	Date Filed: 13 March 2012
SHACMAN MOTORS INCORPORATED,	}	Trademark: SHACMAN LOGO
Respondent-Applicant.	}	WITH STYLIZED WORDS
	}	CUMMINS POWERED
x-----x	}	Order No. 2013- 106 (D)

ORDER

CUMMINS, INC. ("Opposer"), filed on 14 September 2012 an opposition to Trademark Application Serial No. 4-2012-003201 on the ground that the subject mark "SHACMAN LOGO WITH STYLIZED WORDS CUMMINS POWERED" is confusingly similar to the Opposer's "CUMMINS" trade name and mark.

Pursuant to the Regulations on Inter Partes Proceedings, this Bureau issued a Notice to Answer and served a copy thereof to SHACMAN MOTORS INCORPORATED ("Respondent-Applicant") on 11 October 2012. The Respondent-Applicant filed its Answer on 17 January 2013. 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 Settlement Period"), this Bureau issued on 06 February 2013 Order No. 2013-034 referring the case to mediation.

On 28 May 2013, the Respondent-Applicant filed a Manifestation stating that it has filed with the Bureau of Trademarks on 24 May 2013 a Voluntary Withdrawal of Application dated 23 May 2013 of Trademark Application Serial No. 4-2012-003201 for the mark "SHACMAN LOGO WITH STYLIZED WORDS CUMMINS POWERED". Attached to the manifestation is an original copy of the Voluntary Withdrawal duly stamped-received by the Bureau of Trademarks.

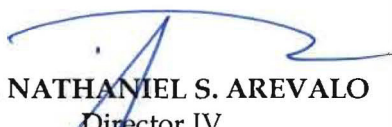
Accordingly, with the withdrawal by the Respondent-Applicant of its trademark application, there is no more reason nor basis to proceed with this case.

WHEREFORE, premises considered, the instant opposition case is hereby **DISMISSED**.

Let the filewrapper of Trademark Application Serial No. 4-2012-003201 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 04 June 2013.


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

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