



HOME BOX OFFICE,  
Opposer,

-versus-

MA. CATHERINA V. TOLENTINO,  
Respondent- Applicant.

X-----X

} IPC No. 14-2013-00102  
}  
} Opposition to:  
} Appln. Serial No. 4-2012-006192  
} Date filed: May 24, 2012  
} TM: "BAGS IN THE CITY MANILA"

### NOTICE OF DECISION

#### SANTOS PILAPIL & ASSOCIATES

Counsel for the Opposer  
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Emerald Avenue, Ortigas Center  
Pasig City

#### ATTY. LAURICE MARIA ANGELA T. AUSTRIA

Counsel for the Respondent-Applicant  
18 C. San Francisco St., Brgy. Plainview  
Mandaluyong City

#### GREETINGS:

Please be informed that Decision No. 2013 - 233 dated December 02, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, December 02, 2013.

For the Director:

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



<b>HOME BOX OFFICE,</b>	}	<b>IPC No. 14-2013-00102</b>
Opposer,	}	Opposition to:
	}	
-versus-	}	Appln. Serial No. 4-2012-006192
	}	Date Filed: 24 May 2012
	}	
<b>MA. CATHERINA V. TOLENTINO,</b>	}	<b>TM: BAGS IN THE CITY MANILA</b>
Respondent-Applicant.	}	
x-----x		Decision No. 2013- <u>238</u>

**DECISION BASED  
ON COMPROMISE AGREEMENT**

**HOME BOX OFFICE** ("Opposer") filed on 14 May 2013 an opposition to Trademark Application Serial No. 4-2012-006192. The application filed by **MA. CATHERINA V. TOLENTINO** ("Respondent-Applicant") covers the mark "**BAGS IN THE CITY MANILA**" for use on goods under Class 35.

This Bureau issued a Notice to Answer dated 24 May 2013 and served a copy thereof upon the Respondent-Registrant on 29 May 2013. The Respondent-Applicant filed its Answer on 05 June 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 and Settlement Period"*), this Bureau issued on 04 October 2013 Order No. 2013-226 referring the case to mediation.

On 27 November 2013 a Compromise Agreement duly signed by the parties was submitted for the approval of this Bureau. The pertinent portion of the COMPROMISE AGREEMENT reads, as follows:

- "1. They have agreed to amicably settle their differences which brought about the filing of this case, under the following terms and conditions.
2. Opposer agrees to withdraw its opposition to Respondent's application for registration of the trademark 'BAGS IN THE CITY MANILA' provided, firstly, that Respondent amends her application by changing the stylized letterings of her applied-for mark from its present format into plain capital letters and provided, secondly, that her mark will be depicted in one straight line and not in the two line format so that it will not

appear similar to Opposer's mark 'SEX IN THE CITY' which is in two line format.

3. The above terms and conditions shall be reciprocal in nature. Failure or refusal by the Respondent to amend her application in accordance with the above provisions shall result *ipso facto* in the retraction of Opposer's withdrawal to the opposition and reinstatement of said opposition for all legal purposes.

4. Parties agree to submit this compromise agreement for the consideration and approval of this Honorable Office and they jointly pray that judgment be rendered on the basis thereof."

This Bureau finds that the Compromise Agreement has been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good custom, public order or public policy.

In this regard, 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 opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No.4-2012-006192 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 02 December 2013.

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