



**MARCIANO D. MAGTIBAY,**  
Complainant,

**-versus-**

**JACINTO A. CERVANTES,**  
Respondent.

X-----X

IPV No. 10-2012-00011

For: Infringement of Patent  
with Damages

### NOTICE OF DECISION

#### JAO LAW OFFICE

Counsel for the Complainant  
Dr. 7 Building 3 Regina Complex  
C. M. Recto Street, Davao City

#### JACINTO A. CERVANTES

For Respondent  
77 Times Trading  
Unit 2 Habana Building  
J. Rizal Street, Davao City

#### GREETINGS:

Please be informed that Decision No. 2013 - 15 dated November 21, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, November 21, 2013.

For the Director:

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



MARCIANO D. MAGTIBAY, }  
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Respondent. }  
x-----x }  
Decision No. 2013- 15

### DECISION BASED ON COMPROMISE AGREEMENT

MARCIANO D. MAGTIBAY ("Complainant") filed on 26 July 2012, a complaint against JACINTO A. CERVANTES ("Respondent") for alleged Infringement of Patent. The Complainant assails the Respondent's alleged unauthorized use, making or supplying service for Kraft pads insertion using the process which is the subject of the patent application of the Complainant.

This Bureau issued a Notice to Answer and served upon a copy thereof to Respondent on 2 August 2013. The Respondent-Applicant filed his Answer on 7 October 2013 refuting the material allegations of the Complainant.

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 24 October 2013 Order No. 2013-238 referring the case to mediation.

On 18 November 2013, the ADR Services of this Bureau submitted a Mediation Report submitting a copy of the parties' Compromise Agreement. The pertinent portions of the COMPROMISE AGREEMENT reads, as follows:

- "1. That both parties have mutually agreed to settle the case amicably.
- "2. That in view thereof, the Complainant resolves to withdraw his complaint and the Respondent likewise undertakes to withdraw his counterclaims against the Complainant.
- "3. That the parties shall bear their own cost and that this agreement shall be effective immediately."

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.<sup>1</sup>

**WHEREFORE**, premises considered, the parties' Compromise Agreement is hereby **APPROVED**. Accordingly, with the approved **COMPROMISE AGREEMENT** having the force and effect of a decision or judgment, the parties are enjoined to faithfully comply with the terms set forth therein.

**SO ORDERED.**

Taguig City, 21 November 2013.

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

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<sup>1</sup> Office Order No. 154 Series of 2010.