



MEDICHEM PHARMACEUTICALS INC.,
Opposer,

-versus-

THE CATHAY YSS DISTRIBUTORS
COMPANY, INC.,
Respondent-Applicant.

}
}
}
}
}
}
}
}
}
}

IPC No. 14-2010-00247
Opposition to:
Appln. Serial No. 4-2010-002932
Date Filed: 17 March 2010
TM: "PLAXEL"

x-----x

NOTICE OF DECISION

OCHAVE & ESCALONA
Counsel for Opposer
3rd Avenue corner 31st Street
Mandaluyong City

JIMENEZ GONZALES BELLO
Counsel for Respondent-Applicant
6th Floor, SOL Building
112 Amorsolo St., Legaspi Village
Makati City

GREETINGS:

Please be informed that Decision No. 2013 - 38 dated February 21, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, February 21, 2013.

For the Director:


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



MEDICHEM PHARMACEUTICALS, INC.,	}	IPC No. 14-2010-00247
Opposer,	}	Opposition to:
- versus -	}	Appln. Serial No. 4-2010-002932
THE CATHAY YSS DISTRIBUTORS COMPANY, INC.,	}	Date Filed: 17 March 2010
Respondent-Applicant.	}	Trademark: PLAXEL
x-----x	}	Decision No. 2013 - <u>38</u>

**DECISION BASED ON
COMPROMISE AGREEMENT**

MEDICHEM PHARMACEUTICALS, INC. ("Opposer") filed on 20 October 2010 an opposition to Trademark Application No. 4-2010-002932. The application, filed by THE CATHAY YSS DISTRIBUTORS COMPANY, INC. ("Respondent-Applicant"), covers the mark PLAXEL for use on "antiplatelet" under Class 05.

This Bureau issued a Notice to Answer dated 08 December 2010 and served upon a copy thereof to Respondent-Applicant on 28 December 2010. The Respondent-Applicant filed its Answer on 28 March 2011.

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 01 August 2012 Order No. 2012-159 referring the case to mediation.

On 23 January 2013, the ADR Services of this Bureau submitted a Mediation Report indicating a settlement by the parties. Attached to the report is the parties' COMPROMISE AGREEMENT, the pertinent portions of which reads:

"NOW, THEREFORE, in view of the above premises and for other good and valid considerations, the PARTIES hereby agree as follows:

"CYDC undertakes to withdraw its pending trademark application, 'PLAXEL' bearing Philippine TM Application No. 4-2010-002932 for goods under class 05, specifically antiplatelet drugs.

"1. MEDICHEM agrees that it will not oppose CYDC's application for the registration of the trademark 'CLIX' in class 05 should CYDC proceed to apply for its registration with the IPOPhil.

"2. This Compromise Agreement shall be limited to the territory of the Philippines and shall bind the Parties, their assignees or successors-in-interest exclusively.

"3. The parties hereby release, waive and quitclaim any and all claims or causes of action against each other related to or involved in any of the matters alleged in IPC No. 14-2010-00247.

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

"5. Each party shall bear its respective expenses, including, but not limited to, attorney's fees and filing fees, incurred in this case.

"6. This Agreement shall become effective and enforceable immediately upon approval by the IPOPhil of a duly signed copy thereof."

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 instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2010-002932 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 21 February 2013.


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

/maane

¹ Office Order No. 154, series of 2010.