



MYRA PHARMACEUTICALS, INC.,
Opposer,

-versus-

FARMA IBERICA CORPORATION,
Respondent- Applicant.

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IPC No. 14-2013-00032
Opposition to:
Appln. Serial No. 4-2012-009470
Date Filed: 01 August 2012
TM: "SEREMAX"

X-----X

NOTICE OF DECISION

OCHAVE & ESCALONA
Counsel for the Opposer
No. 66 United Street
Mandaluyong City

FARMA IBERICA CORPORATION
Respondent-Applicant
2204-C West Tektite Tower
PSE Exchange Road
Ortigas Center, Pasig City

GREETINGS:

Please be informed that Decision No. 2013 - 105 dated June 17, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, June 17, 2013.

For the Director:


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



MYRA PHARMACEUTICALS, INC.,	}	IPC No. 14-2013-00032
Opposer,	}	Opposition to:
	}	
- versus -	}	Appln. Serial No. 4-2012-009470
	}	Date Filed: 01 August 2012
FARMA IBERICA CORPORATION,	}	
Respondent-Applicant.	}	Trademark: SEREMAX
x-----x	x	Decision No. 2013 - <u>105</u>

**DECISION BASED ON
COMPROMISE AGREEMENT**

MYRA PHARMACEUTICALS, INC. ("Opposer") filed on 23 May 2013 a Manifestation submitting therewith the Joint Motion to Approve Compromise Agreement executed by and between MYRA PHARMACEUTICALS, INC. ("Opposer") and FARMA IBERICA CORPORATION ("Respondent-Applicant").

The Joint Motion to Approve Compromise Agreement states that the parties have agreed to reconcile their differences and executed a Compromise Agreement, the pertinent portions of which reads:

"NOW, THEREFORE, for and in consideration of the Parties' respective concessions herein below enumerated, by way of compromise, mutually agree as follows:

"1. MYRA agrees to withdraw its opposition to FARMA IBERICA's Trademark Application No. 4-2012-009470 for the mark SEREMAX and consent to the registration of the same subject to the terms and conditions set forth below;

"2. Upon the execution of this Agreement, FARMA IBERICA undertakes to amend its Trademark Application No. 4-2012-009470 and limit the use of the mark SEREMAX for the following goods under Class 05 of the International Classification of Goods:

*Class 05 - Pharmaceutical preparation with an active ingredient
Pregabalin used for the treatment of diabetic neuropathic pain.*

"3. FARMA IBERICA undertakes to use the mark SEREMAX specifically only for the above-described goods under Class 05 of the International Classification of Goods. It shall not apply in the future the registration of the mark SEREMAX for any other goods other than those above-described;

"4. FARMA IBERICA acknowledges MYRA's ownership of the trademark "MAX". As such, FARMA IBERICA undertakes not to challenge, at any time, MYRA's rights and interest over the said trademark;

"5. Each Party shall bear its own costs and expenses incurred in

carrying out each of their respective undertakings and obligations required by this Agreement;

"6. The Parties acknowledge that their respective signatories have full authority and/or have secured the necessary approvals to execute, and do execute, this Agreement on behalf of their principals and that the Parties have the authority to comply with the promises, obligations, undertaking and acknowledgements made in this Agreement. The Parties hereto further acknowledge that they have executed this Agreement voluntarily with full knowledge of its consequences under the law;

"7. This Agreement shall apply to and be binding upon the Parties' related or associated companies, including the Parties' subsidiaries or affiliates and their respective licensees (i.e. importer, distributor, etc.) in the Philippines. Further, the Parties also undertake to impose the obligations under this Agreement upon any of their legal successors or assigns; and

"8. The Parties acknowledge that they have read and understood the contents of this Agreement and that they have signed the same willingly, voluntarily, and with full knowledge of their rights and obligations."

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, goods 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.

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. 4-2012-009470 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 17 June 2013.


Atty. **NATHANIEL S. AREVALO**
Director IX, Bureau of Legal Affairs