



PEDIATRICA, INC.,
Opposer,

-versus-

KOREA UNITED PHARM, INC.,
Respondent-Applicant.

} **IPC No. 14-2011-00479**
} Opposition to:
} Appln. Serial No. 4-2011-006577
} Filing Date: 06 June 2011
} **TM: "CITILIN"**

x-----x

NOTICE OF DECISION

OCHAVE & ESCALONA

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GREETINGS:

Please be informed that Decision No. 2013 - 31 dated February 08, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, February 08, 2013.

For the Director:

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



PEDIATRICA, INC.,	}	IPC No. 14-2011-00479
<i>Opposer,</i>	}	
	}	Opposition to:
-versus-	}	Appln. No. : 4-2011-006577
	}	Filing Date: 06 June 2011
KOREA UNITED PHARM, INC.,	}	TM: "CITILIN"
<i>Respondent-Applicant.</i>	}	
x-----x		Decision No. 2013- <u>31</u>

**DECISION BASED ON
COMPROMISE AGREEMENT**

PEDIATRICA, INC., ("Opposer") filed on 26 October 2011 an opposition to Trademark Application Serial No. 4-2011-006577. The application, filed by KOREA UNITED PHARM, INC. ("Respondent-Applicant"), covers the mark "CITILIN" for use on goods under Class 05.

This Bureau issued a Notice to Answer dated 14 November 2011 and served upon a copy thereof to Respondent-Applicant on 21 November 2011. The Respondent-Applicant filed its Answer on 24 July 2012.

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 31 July 2012 Order No. 2012-154 referring the case to mediation.

On 25 October 2012 the ADR Services of this Bureau submitted a Mediation Report indicating a non-settlement by the parties' of the case. However, during the preliminary conference on 07 February 2013, the parties submitted a COMPROMISE AGREEMENT, the pertinent portions of which read, as follows;

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

"1. PEDIATRICA hereby withdraws its opposition to KOREA UNITED's Trademark Application No. 4-2011-006577 for the mark "CITILIN" and consent to the registration of the same subject to the conditions set forth below.

"2. KOREA UNITED hereby agrees to limit the use of its mark "CITILIN" for the goods listed in Application Serial No. 4-2011-006577, namely:

"Class 05 - "anti-inflammatory preparations, medicines for sensory organs, medicine for circulatory organs, medicine for tumor treatment, medicines for central nervous system, antibiotic preparations, medicine for respiratory organs, chemotherapeutics and medicine for digestive organs"

"3. KOREA UNITED undertakes to use the mark "CITILIN" specifically only for the above-described goods and class provided in Application Serial No. 4-2011-006577.

"4. KOREA UNITED further undertakes not to apply in the future for the registration of the mark "CITILIN" for "vitamin preparations".

"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 acknowledgments 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.

"8. The Parties acknowledge that they have read and understood the contents of this Agreement and 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, 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

¹ Office Order No. 154 Series of 2010.

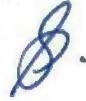
WHEREFORE, premises considered, the parties' Compromise Agreement is hereby **APPROVED**. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2011-006577 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 08 February 2013.



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



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