



REGAN N. PACHECO,	}	IPC No. 14-2009-00080
<i>Petitioner,</i>	}	Cancellation of :
	}	
- versus -	}	Regn. No. 4-2004-003095
	}	Date Issued: 11 August 2005
RUSTICA Y. QUE,	}	Trademark: YELLOW BOX
<i>Respondent-Registrant.</i>	}	
x-----x	}	Order No. 2012- 80 (D)

ORDER

REGAN N. PACHECO ("Petitioner"), filed on 13 March 2009 a Verified Petition for Cancellation of Registration No. 4-2004-003095 issued on 11 August 2005 in favor of RUSTICA Y. QUE ("Respondent-Registrant") for the mark **YELLOW BOX**. The Petitioner seeks the cancellation of the subject trademark registration on the ground that the Respondent-Registrant's mark is confusingly similar with the Petitioner's.

The records show, however, that in IPC No. 14-2008-00323¹, which involves the subject trademark registration, this Bureau already rendered a decision², the dispositive portion of which provides, to wit:

"WHEREFORE, premises considered the **PETITION FOR CANCELLATION** filed by Yellow Box Corporation, against Rustica Y. Que, is, as it is hereby **SUSTAINED**. Accordingly, Registration No. 4-2004-003095 for the trademark **YELLOW BOX** in the name of Rustica Y. Que, respondent-registrant, is hereby **CANCELLED**."

The Respondent-Registrant did not seek reconsideration nor appeal the above-quoted decision, thus, on 28 January 2010, this Bureau issued an Entry of Judgment/Execution of Decision stating that Decision No. 2009-120 dated 30 September 2009 became final and executory on 27 November 2009 and is hereby recorded in this Bureau's Book of Entries of Judgments.

With the finality of the decision canceling the Respondent-Registrant's trademark registration, there is no more actual controversy nor legal basis to proceed with this case.

WHEREFORE, premises considered, the instant petition for cancellation case is hereby **DISMISSED**. Let the filewrapper of Trademark Registration No. 4-2004-003095 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 20 April 2012.


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

¹ Yellow Box Corporation vs. Rustica Y. Que.
² Decision No. 2009-120 dated 30 September 2009.