



SHOECAT, INC.,
Opposer,

-versus-

GOOD GRACE APPAREL, INC.,
Respondent-Applicant.

X-----X

IPC No. 14-2011-00348
Opposition to:
Appln. Serial No. 4-2011-001576
Date filed: 14 February 2011
TM: T.R.U. RAW DENIM

NOTICE OF DECISION

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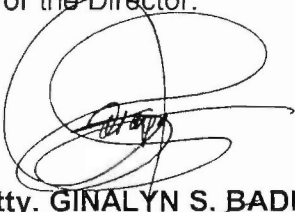
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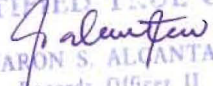
GREETINGS:

Please be informed that Decision No. 2012 - 89 dated May 08, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, May 08, 2012.

For the Director:


Fr Atty. GINALYN S. BADIOLA
Hearing Officer, BLA

CERTIFIED TRUE COPY

SHARON S. ALCANTARA
Records Officer II
Bureau of Trademark and Patent Office



SHOECAT, INC.,	}	IPC No. 14-2011-00348
Opposer,	}	Opposition to:
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- versus -	}	Appln. Serial No. 4-2011-001576
	}	Date Filed: 14 February 2011
GOOD GRACE APPAREL, INC.,	}	Trademark: T.R.U. RAW DENIM
Respondent-Applicant.	}	
x-----x		Decision No. 2012 - <u>89</u>

**DECISION
BASED ON COMPROMISE AGREEMENT**

SHOECAT, INC., ("Opposer") filed on 05 September 2011 an opposition to Trademark Application Serial No. 4-2011-001576. The application filed by GOOD GRACE APPAREL, INC. ("Respondent-Applicant") covers the mark **T.R.U. RAW DENIM** for use on goods under Classes 18 and 25. The opposition is anchored on Section 123.1 (d) of R.A. 8293 otherwise known as The Intellectual Property Code of the Philippines.

On 01 February 2012, the Respondent-Applicant filed its Answer refuting the material allegations of the Opposer.

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 07 February 2012 Order No. 2012-49 referring the case to mediation.

On 30 April 2012, the parties filed a SETTLEMENT AGREEMENT. The pertinent portions of the document reads:

"NOW THEREFORE, for and in consideration of the premises and of the following considerations, stipulations and covenants, the parties hereunto hereby agree as follows:

"1. In accordance with the provisions herein, GOOD GRACE agrees to withdraw Application No. 4-2011-001576 for the registration of the mark **T.R.U. RAW DENIM** for goods under Classes 18 and 25.

"2. With the signing of this Settlement Agreement and its submission to the Mediation Office of the Intellectual Property Office, it is understood that the Opposition case against Application No. 4-2011-001576, docketed as IPC No. 14-2011-00348 shall be dismissed.

"3. This Settlement Agreement shall bind not only the parties but also their employees, agents, successors and assigns.

"4. Each of the parties shall bear its own legal expenses and costs on account

of the execution of this Settlement Agreement and its implementation.

"5. The parties acknowledge that they have freely and voluntarily executed the foregoing Settlement Agreement.

This Bureau finds that the Agreement has been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good custom, public order or public policy.

In this regard, 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. (Sec. 5, Office Order No. 154, s. 2010)

WHEREFORE, premises considered, the submitted Settlement Agreement is hereby **APPROVED**. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2011-001576 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 08 May 2012.


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



gsb/cpb