



STIEFEL LABORATORIES, INC.,  
*Opposer,*

- versus -

MARKET AMERICA, INC.,  
*Respondent-Applicant.*

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IPC No. 14-2010-00306  
**Opposition to:**

**Appln. Serial No. 4-2010-002188**  
**Date Filed: 26 February 2010**  
**Trademark: "PENTAXYL"**

**Order No. 2012 - 149 (P)**

### ORDER

STIEFEL LABORATORIES, INC. (Opposer) filed on 07 December 2010 an opposition to Trademark Application Serial No. 4-2010-002188. The application filed by MARKET AMERICA, INC. (Respondent-Applicant), covers the mark "PENTAXYL" for use on personal care/skin care under Cass 03 of the International Classification of goods.

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant on 16 June 2011. The Respondent-Applicant filed its Answer on 14 October 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 and Settlement Period*"), this Bureau issued on 25 October 2011 Order No. 2011-304 referring the case to mediation.

On 06 March 2012 the ADR Services of this Bureau submitted a Mediator's Report. However, the parties failed to reach a settlement within the Mediation period. On 14 June 2012, Respondent-Applicant filed a Manifestation stating, among other things, that it is withdrawing its trademark application.

With the withdrawal of the trademark application by the Respondent-Applicant, there is no more reason nor basis to proceed with this case.

**WHEREFORE**, premises considered, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2010-002188 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 18 September 2012.

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

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