



<b>SWEETYET DEVELOPMENT LTD.,</b>	}	<b>IPC No. 14- 2011-00563</b>
<i>Opposer,</i>	}	Case Filed: 20 February 2012
	}	
	}	Opposition to:
	}	Appln. Ser. No.: 4-2011-009581
- versus -	}	Date Filed: 12 August 2011
	}	
<b>ANTONIO DEUS,</b>	}	<b>TM: "AMERICAN DENIM BAR</b>
<i>Respondent-Applicant.</i>	}	<b>AND DEVICE"</b>
x-----x		Order No. 2013 - 72 (D)

**ORDER**

**SWEETYET DEVELOPMENT, LTD.** ("Opposer") filed on 20 February 2012 an opposition to Trademark Application Serial No. 4-2011-009581. The application, filed by **ANTONIO DEUS** ("Respondent-Applicant"), covers the mark "**AMERICAN DENIM BAR AND DEVICE**" for use on goods under Classes 03, 09, 14, 25 & 35. The Respondent-Applicant filed his Answer on 26 April 2012 refuting the material allegations of the Opposer.

In compliance to Office Order No. 154, s. 2012 ("*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 10 May 2012 Order No. 2012-105 referring the case to mediation.

On 01 August 2012, the ADR Services of this Bureau submitted a Mediator's Report. Attached to the report is a Compromise Agreement entered into by the parties on 17 July 2012.

On 12 February 2013, this Bureau issued Order No. 2013-44 (D) dismissing the instant case, stating among other things:

*"x x x With the withdrawal by the Respondent-Applicant of its trademark application, there is no more reason or basis to proceed with this case."*

On 20 February 2013, this Bureau received a MOTION FOR CLARIFICATION from the Respondent-Applicant stating:

*"2. That on July 23, 2012, Respondent-Applicant submitted a letter to the Director of the Bureau of Trademarks requesting for the amendment of his application to conform with the Compromise Agreement.*

*" 3. Respondent-Applicant did not submit any letter withdrawing his application. Hence, Order No. 2013-44 (D) dated February 12, 2013 appears not in accord with the parties' Compromise Agreement, nor with the records of this case."*

A review of the records shows that indeed the Respondent-Applicant did not withdraw his trademark application. It was the Opposer who filed on 29 October 2012 a NOTICE OF WITHDRAWAL of opposition based on the parties' compromise agreement.

This Bureau therefore erred in dismissing the opposition on the ground that the Respondent-Applicant withdrew his trademark application. Nonetheless, the case must be dismissed in view of the Opposer's withdrawal of its opposition pursuant to the parties' compromise agreement.

**WHEREFORE**, premises considered, Order No. 2013-44 is hereby revoked/vacated. Accordingly, the instant case is hereby **DISMISSED** on the ground of the Opposer's withdrawal of its Opposition to Trademark Application Serial No. 4-2011-009581. Let the filewrapper of the subject trademark application be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 21 March 2013.

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

Copy furnished:

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