



THE PROCTER & GAMBLE COMPANY,
Opposer,

-versus-

ACS MANUFACTURING CORPORATION,
Respondent-Applicant.

X-----X

}
} IPC No. 14-2012-00320
} Opposition to:
} Appln. Serial No. 4-2012-002627
} Date Filed: 2 March 2012
} TM: "SHIELD & DEVICE"

NOTICE OF ORDER

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Taguig City

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GREETINGS:

Please be informed that Order No. 2013 - 223 (D) dated November 13, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, November 13, 2013.

For the Director:

Edwin A. Dating
Atty. EDWIN DANILO A. DATING
Director III
Bureau of Legal Affairs



THE PROCTER & GAMBLE CO.,	}	IPC NO. 14-2012-00320
Opposer,	}	Opposition to:
	}	
-versus-	}	Appln. Ser. No. 4-2012-002627
	}	Date Filed: 2 March 2012
	}	
ACS MANUFACTURING CORP.,	}	
Respondent-Applicant.	}	Trademark: SHIELD & DEVICE
x-----x	}	Order No. 2013- <u>223 (p)</u>

ORDER

THE PROCTER & GAMBLE CO., ("Opposer") filed on 05 September 2012 an opposition to Trademark Application Serial No. 4-2012-002627. The application filed by **ACS MANUFACTURING CORP.,** ("Respondent-Registrant") covers the mark "**SHIELD & DEVICE**" for use on goods under Class 03.

This Bureau issued a Notice to Answer dated 19 September 2012 and served a copy thereof upon the Respondent-Opposer on 25 September 2012. The Respondent-Opposer filed its Answer on 27 November 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 and Settlement Period*), this Bureau issued on 17 January 2013 Order No. 2013-016 referring the case to mediation.

On 29 May 2013, this Bureau received a "MEDIATOR'S REPORT" indicating the successful mediation of the instant case. Attached to the report is the "UNDERTAKING" executed by counsel for Respondent-Applicant. The Undertaking states, among other things:

"4. Pending the Opposition, ACS filed another trademark application on August 3, 2012 for "SHIELD" with a circular shield device, which was designated Application No. 4-2012-009644, to wit:

"5. The IPOPHL granted the registration of Trademark Application No. 4-2012-009644 for "SHIELD" with the circular shield device on December 6, 2012.

"6. In light of said registration, ACS withdrew its earlier-filed trademark Application No. 4-2012-002627 for "SHIELD" (& DEVICE)," which was the trademark subject of P&G's Opposition."

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

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-002627 be returned, together with a copy of this Order to the Bureau of Trademarks for information and appropriate action.

Taguig City, 13 November 2013.



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