



UNIGLOBAL PLASTIC INDUSTRIES INC.,
Complainant,

IPV No. 10-2010-00005

For: Patent Infringement
Unfair Competition and/or
FALSE Designation

-versus-

HILUCK PLASTIC CORPORATION
NEW POTENTIAL MARKETING CORP.,
Respondent.

X-----X

NOTICE OF DECISION

FELICILDA & ASSOCIATES

Counsel for the Complainant
Unit 1902-A Philippine Stock Exchange (PSE) Centre
East Tower, Ortigas Center
Pasig City

LAW FIRM OF TUNGOL & TIBAYAN

Counsel for the Respondent
G/F Costes Bldg., 821 EDSA, South Triangle
Quezon City

GREETINGS:

Please be informed that Decision No. 2013 - 06 dated May 22, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, May 22, 2013.

For the Director:

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



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For: Patent Infringement,
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Decision No. 2013- 06

**DECISION
BASED ON COMPROMISE AGREEMENT**

UNIGLOBAL PLASTIC INDUSTRIES INC., ("Complainant"), filed on 22 February 2010, a complaint against **HILUCK PLASTIC CORPORATION NEW POTENTIAL MARKETING CORP.** ("Respondent") for alleged patent infringement. The Complainant assails the Respondent's alleged illegal acts of manufacturing, producing and/or importing, selling and distributing the infringing water jug.

On 30 March 2010, the Respondent filed its Answer refuting the material allegations of the Complainant.

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 19 January 2012 Order No. 2012-24 referring the case to mediation.

On 08 March 2013, this Bureau received a "MEDIATOR'S REPORT" indicating the successful mediation of the instant case. Attached to the report is the parties' "JOINT MANIFESTATION AND MOTION" submitted to this Bureau for approval. The Agreement states, among other things:

"The Parties assisted by their respective counsels respectfully manifest as follows:

- "1. Defendants Hiluck Plastic Corporation and New Potential Marketing Corporation undertake to keep as is, or maintain, the present design of their water jugs subject of the above-entitled case and not to introduce therein any design, form and/or any changes/ revision which will make it similar and/or confusingly similar to the present design and form of the water jugs of Complainant Uniglobal Plastic Industries, Inc.

"2. All parties Complainant and Defendants further undertake that their "future goods and products" will not be similar and/or confusingly similar to the goods and products of the other/s.

"3. On account of the above undertakings, Complainant Uniglobal Plastic Industries, Inc., with the consent of Defendants, respectfully moves for the dismissal of herein IPV No. 10-2010-00005 with prejudice.

"4. The parties hereby waive any and all claims, counterclaims, any other action/s against each other, directly or indirectly arising from said IPV No. 10-2010-00005, each party bearing its own attorney's fees and legal cost.

"5. The parties respectfully move for the approval of herein Joint Manifestation and Motion and the termination/dismissal with prejudice of IPV No. 10-2005-00005.

This Bureau finds that the Joint Manifestation and Motion 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 Joint Manifestation and Motion 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 parties' JOINT MANIFESTATION AND MOTION is hereby **APPROVED**. Accordingly, with the approved JOINT MANIFESTATION AND MOTION having the force and effect of a decision or judgment, the parties are enjoined to faithfully comply with the terms set forth therein.

SO ORDERED.

Taguig City, 22 May 2013.


ATTY. NATHANIEL S. AREVALO

Director IV
Bureau of Legal Affairs