



UNITED LABORATORIES INC.,
Opposer,

-versus-

REMED PHARMACEUTICALS, INC.,
Respondent-Applicant.

X-----X

}
} IPC No. 14-2013-00065
} Opposition to:
} Appln. Serial No. 4-2012-011854
} Date Filed: September 26, 2012
} TM: "REGECEF"

NOTICE OF DECISION

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Unit 301 Bormaheco Condominium
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GREETINGS:

Please be informed that Decision No. 2013 - 201 dated October 16, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, October 16, 2013.

For the Director:


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



UNITED LABORATORIES, INC.,	}	IPC NO. 14-2013-00065
Opposer,	}	Opposition to:
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-versus-	}	Appln. Ser. No. 4-2012-011854
	}	Date Filed: September 26, 2012
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REMED PHARMACEUTICALS, INC.,	}	Trademark: REGECEF
Respondent-Applicant.	}	
X-----X	}	Decision No. 2013- <u>201</u>

Decision Based on Compromise Agreement

UNITED LABORATORIES, INC., ("Opposer") filed on 15 February 2013 an opposition to Trademark Application Serial No. 4-2012-011854. The application filed by **REMED PHARMACEUTICALS, INC.,** ("Respondent-Applicant") covers the mark "**REGECEF**" for use on goods under Class 05.

This Bureau issued a Notice to Answer dated 28 February 2013 and served a copy thereof upon the Respondent-Applicant on 05 March 2013. The Respondent-Applicant filed his Answer on 18 March 2013.

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 03 May 2013 Order No. 2013-110 referring the case to mediation. On 20 June 2013, this Bureau received a "MEDIATOR'S REPORT" indicating the failure of mediation of the instant case. On 24 June 2013, Respondent-Applicant filed a Manifestation stating among other, that the reason why it declined to submit the case for mediation is because the parties are actually having an "informal" mediation proceedings between them. Accordingly, the records of the case was returned to the Hearing Officer for the conduct of the preliminary conference.

However, on 24 September 2013 a Compromise Agreement duly signed by the parties was submitted for the approval of this Bureau. The pertinent portion of the COMPROMISE AGREEMENT reads as follows:

"NOW, THEREFORE, for and in consideration of the Parties' respective concessions herein below enumerated, by way of a compromise, the Parties mutually agree as follows:

1. Upon the execution of this Agreement, REMED hereby undertakes to cause the withdrawal of its Trademark Application Serial No. 4-2012-011854 for the mark "REGECEF" with the Bureau of Trademarks, Intellectual Property Office (IPO).

2. Consequently, REMED hereby undertakes not apply in the future the registration of the mark "REGECEF" for any class and goods with the Intellectual Property Office.

3. On the other hand, UNILAB undertakes not to oppose REMED's application for registration of the mark "RETRACEF" in class 05 of the International Classification of Goods with the IPO.

4. Further, UNILAB hereby grants REMED the right to exhaust and sell its existing stocks of the products bearing the mark "REGECEF" until **December 31, 2013**. Thereafter, REMED hereby undertakes to cause the withdrawal from the market any and all of its products bearing the mark "REGECEF", including all materials, listings, brochures, labels, flyers, and other paraphernalia, whether in physical or electronic form, bearing the mark "REGECEF".

5. Each Party shall bear its own costs and expenses incurred in carrying out each of their respective undertakings and obligations required by this Agreement.

6. The Parties acknowledge that their respective signatories have full authority and/or have secured the necessary approvals to execute, and do execute, this Agreement on behalf of their Principals and that the Parties have the authority to comply with the undertakings, obligations, and acknowledgements made in this Agreement. The Parties hereto further acknowledge that they have executed this Agreement voluntarily with full knowledge of its consequences under the law.

7. This Agreement shall apply to and be binding upon the Parties' related or associated companies, including the Parties' related or associated companies, including the Parties' subsidiaries or affiliates. Further, the Parties also undertake to impose the obligations under this Agreement upon any of their legal successors or assigns.

8. The terms and conditions of this Compromise Agreement entered into by the Parties are not contrary to law, morals, good customs, public order or public policy.

This Bureau finds that the Compromise 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.

WHEREFORE, premises considered, the parties' Compromise Agreement is hereby **APPROVED**. An approved Compromise Agreement having the effect of a decision or judgment on the case, the parties are hereby enjoined to faithfully comply with the terms set forth therein. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-011854 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 16 October 2013.


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