



XOOM CORPORATION,
Opposer,

-versus-

MOTOROLA TRADEMARK HOLDING, INC.,
Respondent- Applicant.

x-----x

} **IPC No. 14-2011-00256**
} Opposition to:
} Appln. Serial No. 4-2010-501595
} Date Filed: 28 October 2010
} TM: "MOTOROLA XOOM"

NOTICE OF ORDER

**ORTEGA, BACORRO ODULIO, CALMA
AND CARBONELL**

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Makati City

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Counsel for Respondent-Applicant
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GREETINGS:

Please be informed that Order No. 2013 - 162 (D) dated September 04, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, September 04, 2013.

For the Director:

ATTY. PAUSI U. SAPAK
Bureau of Legal Affairs



XOOM CORPORATION,	}	IPC No. 14-2011-00256
<i>Opposer,</i>	}	Opposition to:
	}	Appln. Serial No. 4-2010-501595
- versus -	}	Date Filed: 28 October 2010
	}	TM: MOTOROLA XOOM
MOTOROLA TRADEMARK HOLDINGS,	}	
INC.,	}	
<i>Respondent-Applicant.</i>	}	Order No. 2013 - <u>162 (D)</u>
x-----x		

ORDER

XOOM CORPORATION ("Opposer") filed on 5 July 2011 an opposition to Trademark Application Serial No. 4-2010-501595. The application, MOTOROLA TRADEMARK HOLDINGS INC. ("Respondent-Applicant"), covers the mark "MOTOROLA XOOM" for use on goods under Class 09.

This Bureau issued a Notice to Answer dated 26 July 2011 and served upon a copy thereof to Respondent-Applicant on 13 February 2012. The Respondent-Applicant filed its Answer on 02 November 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 Settlement Period*"), this Bureau issued on 16 November 2011 Order No. 2011-318 referring the case to mediation.

On 26 March 2012, the ADR Services of this Bureau submitted a Mediation Report indicating the unsuccessful mediation of the instant case. On 07 August 2013, the Opposer filed a Manifestation with Motion to Dismiss stating that the parties have entered into a worldwide settlement agreement and that the Respondent-Applicant have filed a voluntary withdrawal of its trademark application. Attached to the manifestation and motion is a copy of the Respondent-Applicant's letter dated 24 July 2013 addressed to the Director of the Bureau of Trademarks withdrawing its Trademark Application No.4-2010-501595.


Accordingly, with the withdrawal by the Respondent-Applicant of its trademark application, 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. 4-2010-501595 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 04 September 2013.


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

/nanj/GSB