



THERAPHARMA, INC.,  
Opposer,

-versus-

QURAMAX LIMITED,  
Respondent- Applicant.

X-----X

}  
} IPC No. 14-2013-00406  
} Opposition to:

} Application No. M/0000/01168208  
} Date Filed: 24 January 2013  
} TM: "TRAVAMAX"

### NOTICE OF DECISION

**OCHAVE & ESCALONA**  
Counsel for Opposer  
66 United Street  
Mandaluyong City

**GUZMAN TAÑEDO & ACAIN LAW OFFICES**  
Counsel for Respondent-Applicant  
316 Mile Long Building  
Amorsolo Street, 1200 Makati City

#### GREETINGS:

Please be informed that Decision No. 2014 - 251 dated October 14, 2014 (copy enclosed) was promulgated in the above entitled case.

Taguig City, October 14, 2014.

For the Director:

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



THERAPHARMA, INC.,	}	IPC No. 14-2013-00406
Opposer,	}	Opposition to:
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- versus -	}	Application No. M/0000/01168208
	}	Date Filed: 24 January 2013
QURAMAX LIMITED,	}	
Respondent-Applicant.	}	Trademark: TRAVAMAX
x-----x	x	Decision No. 2014 - <u>251</u>

### DECISION BASED ON COMPROMISE AGREEMENT

THERAPHARMA, INC. ("Opposer") filed on 02 October 2013 a Verified Notice of Opposition to Trademark Application No. M/0000/01168208. The contested application, filed by QURAMAX LIMITED ("Respondent-Applicant"), covers the mark TRAVAMAX for use on "pharmaceutical preparations" under Class 05 of the International Classification of goods.

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant's counsel on 31 March 2014. The Respondent-Applicant filed its Verified Answer on 25 April 2014.

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 29 April 2014 Order No. 2014-064 referring the case to mediation.

On 29 September 2014, the ADR Services of this Bureau submitted a Mediation Report indicating a settlement by the parties. Attached to the report is a copy of the parties' Compromise Agreement, the pertinent portions of which reads, as follows:

"Therefore, in consideration of the mutual promises set forth, the parties agree to the following:

"a. Immediately upon signing this Agreement, Respondent-Applicant undertakes to amend the goods in its Trademark National Application No. M/0000/01168208 for the mark TRAVAMAX from Class 5 "Pharmaceutical Preparations" to Class 5 "Herbal and Ayurvedic Drugs, Medicines, Formulations and Preparations (Lozenges Syrup and Granules)".

"b. Respondent-Applicant further undertakes to limit the use of the mark TRAVAMAX specifically only for the above-described goods under Class 5. Respondent-Applicant shall not apply in the future the registration of the mark TRAVAMAX for any other class and goods other than those described above.

"c. Subject to the faithful compliance by Respondent-Applicant of the terms

and conditions set forth above, Opposer agrees to withdraw its Opposition to Respondent-Applicant's Trademark National Application No. M/0000/01168208 for the mark TRAVAMAX."

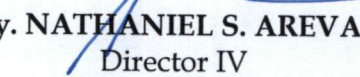
This Bureau evaluated the COMPROMISE AGREEMENT and finds that the same have been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good customs, public order or public policy.

Accordingly, an approved Compromise Agreement 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.<sup>1</sup>

**WHEREFORE**, premises considered, the parties' Compromise Agreement is hereby **APPROVED**. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. M/0000/01168208 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 14 October 2014.

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

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<sup>1</sup> Office Order No. 154 Series of 2010.