



TRINITY MARKETING, INC.,
Petitioner,

-versus-

SCHWAN-STABILO SCHWANHAUBER
GMBH & CO, KG.,
Respondent- Registrant.

x-----x

}
} IPC No. 14-2012-00573
} Cancellation of:
} Regn. No. 4-2007-003442
} Date Issued: 11 February 2008
} TM: "EXAM GRADE & DEVICE"

NOTICE OF DECISION

SIOSON SIOSON & ASSOCIATES
Counsel for the Petitioner
Unit 903 AIC-Burgundy Empire Tower
ADB Avenue corner Garnet & Sapphire Roads
Ortigas Center, Pasig City

BARANDA & ASSOCIATES
Counsel for Respondent-Registrant
Suite 1002-B Fort Legend Towers
3rd Avenue corner 31 Street
Bonifacio Global City, Taguig City

GREETINGS:

Please be informed that Decision No. 2014 - 200 dated August 06, 2014 (copy enclosed) was promulgated in the above entitled case.

Taguig City, August 06, 2014.

For the Director:

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



TRINITY MARKETING, INC.,	}	IPC No. 14-2012-00573
<i>Petitioner,</i>	}	Cancellation of:
	}	Regn. No. 4-2007-003442
- versus -	}	Date Issued: 11 February 2008
	}	TM: EXAM GRADE & DEVICE
SCHWAN-STABILO SCHWANHAUBER	}	
GMBH & CO, KG.,	}	
<i>Respondent-Registrant.</i>	}	
-----x		Decision No. 2014- 200

**DECISION BASED ON
COMPROMISE AGREEMENT**

TRINITY MARKETING, INC. ("Petitioner"), filed on 04 February 2013 a petition for cancellation of Trademark Registration No. 4-2007-003442. The registration issued on 11 February 2008 in favor of SCHWAN-STABILO SCHWANHAUBER GMBH & CO, KG. ("Respondent-Registrant") covers the mark **EXAM GRADE & DEVICE** for use on goods under Class 16.

This Bureau issued a Notice to Answer and served a copy thereof to Respondent-Registrant on 12 March 2013. The Respondent-Registrant filed its Answer on 10 June 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 Settlement Period*"), this Bureau issued on 23 July 2013 Order No. 2013-174 referring the case to mediation.

On 03 February 2014, the ADR Services of this Bureau submitted a Mediation Report submitting a copy of the parties' Compromise Agreement. The pertinent portions of the COMPROMISE AGREEMENT reads, as follows:

NOW, THEREFORE, the Parties have agreed, by way of amicable settlement, as follows:

- "1. Petitioner recognizes the issuance and validity of respondent's Registration No. 4-2007-003437 for the mark "EXAM GRADE" issued on December 10, 2007, and Registration No. 4-2007-003442 for the mark "EXAM GRADE & DEVICE" issued on February 11, 2008;
- "2. Accordingly, petitioner hereby agrees to withdraw, as it hereby withdraws, its Petition for Cancellation of Registration No. 4-2007-003437 docketed as Inter Partes Case No. 14-2012-00572 and its Petition for Cancellation of Registration No. 4-2007-003442 docketed as Inter Partes Case No. 14-2012-00573;
- "3. In turn, respondent hereby agrees to allow petitioner TRINITY MARKETING, INC., as well as its importer GTK Trading, to continue the sale of its existing inventory of FULEJIA EXAM GRADE PENCIL SHARPENERS, all of which were imported in mid 2007 by GTK Trading. Petitioner will provide respondent with a Certification as soon as its inventory has been completely disposed off but not later than 30 June 2014.

"4. The parties will take care of their respective expenses for attorney's fees and other miscellaneous expenses.

"5. The parties agree to comply strictly with the foregoing terms and conditions."

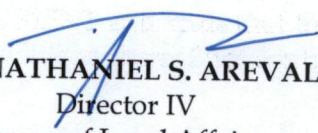
This Bureau evaluated the COMPROMISE AGREEMENT and finds that the same has been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good customs, public order or public policy.

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.¹

WHEREFORE, premises considered, the parties' Compromise Agreement is hereby **APPROVED**. Accordingly, the instant cancellation case is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2007-003442 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 06 August 2014.


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

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¹ Office Order No. 154 Series of 2010.