



PROFIGEN LLC (formerly PROFIGEN, INC.),
Opposer,

-versus-

PHILLIP DON Z. MANGAWANG,
Respondent-Applicant.
X-----X

}
} IPC No. 14-2014-00016
} Opposition to:
} Appln No. 4-2013-00008925
} Date Filed: 26 July 2013
} TM: "PROGEN"
}
}
}
}
}
}

NOTICE OF DECISION

**HECHANOVA BUGAY VILCHEZ
& ANDAYA-RACADIO**
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GREETINGS:

Please be informed that Decision No. 2015 - 07 dated January 27, 2015 (copy enclosed) was promulgated in the above entitled case.

Taguig City, January 27, 2015.

For the Director:


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



PROFIGEN LLC (formerly PROFIGEN, INC.),	}	IPC No. 14-2014-00016
Opposer,	}	Opposition to:
- versus -	}	Application No. 4-2013-00008925
PHILLIP DON Z. MANGAWANG,	}	Date Filed: 26 July 2013
Respondent-Applicant.	}	Trademark: PROGEN
x-----x	}	Decision No. 2015 - <u>07</u>

DECISION BASED ON COMPROMISE AGREEMENT

PROFIGEN LLC, formerly PROFIGEN, INC. ("Opposer") filed a Verified Notice of Opposition to Trademark Application No. 4-2013-00008925. The application, filed by PHILLIP DON Z. MANGAWANG ("Respondent-Applicant"), covers the mark PROGEN for use on "tobacco, smokers' articles, matches" under Class 34 of the International Classification of goods.

This Bureau issued a Notice to Answer and served a copy thereof upon the Respondent-Applicant on 31 March 2014. The Respondent-Applicant filed his Verified Answer on 30 May 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 04 June 2014 Order No. 2014-78 referring the case to mediation.

On 27 January 2015, 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:

"NOW THEREFORE, for and in consideration of the foregoing premises, the PARTIES agree as follows:

"1. MANGAWANG agrees to amend its Trademark Application No. 4-2013-008925 to "PROGENLINE AND DEVICE", and to amend the title of its trademark accordingly.

"2. MANGAWANG agrees to limit the goods covered by the subject application by deleting "tobacco" and limiting the goods "smoker's articles" to electronic cigarettes. The goods of TM Application No. 4-2013-008925 as amended, shall be:

Class 34: "Smoker's Articles for Electronic Cigarettes, Matches"

"3. MANGAWANG undertakes to file with the Bureau of

Trademarks request to amend its trademark application no. 4-2013-008925 as stated in paragraphs "1" and "2" above within ten (10) working days from the execution of this Compromise Agreement, and furnish a copy to PROFIGEN.

"4. The PARTIES undertake to file before the Bureau of Legal Affairs, a Joint Motion to Issue Judgment based on this Compromise Agreement within five (5) days after receipt of PROFIGEN of the copy of MANGAWANG's request for amendment as stated in "3".

"5. The PARTIES undertake to honor their respective commitments under this Compromise Agreement.

"6. This Agreement shall bind the PARTIES and also their directors, officers, employees, agents, successors and assigns.

"7. This Settlement Agreement shall become effective on execution."


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.¹

WHEREFORE, premises considered, the parties' Compromise Agreement is hereby **APPROVED**. Accordingly, the instant opposition is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2013-00008925 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 27 January 2015.


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

¹ Office Order No. 154 Series of 2010.