

J. CHOO LIMITED,	}	IPC No. 14-2015-00604
Opposer,	}	Opposition to:
	}	
-versus-	}	Application No. 4-2014-00502652
	}	Date Filed: 19 June 2014
YOLANDA L. DYLOCO,	}	
Respondent-Applicant.	}	Trademark: CHOO CHOO
x-----x	}	Order No. 2016 - <u>56</u> (D)

**ORDER**

J. CHOO LIMITED (“Opposer”) filed a Notice of Opposition to Trademark Application No. 4-2014-00502652. The opposition is anchored on Section 123.1 (d) and (f) of R. A. No. 8293 otherwise known as the Intellectual Property Code of the Philippines.

On 22 February 2016, this Bureau issued and personally served a copy of the Notice to Answer to Respondent-Applicant requiring the latter to file her Verified Answer within thirty (30) days from receipt of the notice. In compliance thereto, the Respondent-Applicant filed on 07 March 2016 a letter as purportedly a “Verified Answer” to the opposition. The said Answer provides, among other things, that:

“x x x I, the respondent-applicant strongly states my view that my application has no deliberate intent of copying, or imitating the Opposer's trademark. Neither was there any purpose of causing confusion to the mind of the public.

In accordance to Rule 2, Sec. 9 of the amended rules, I am denying all allegations made by the Opposer and have decided not to pursue my trademark application for 'Choo Choo' to avoid further disputes.”

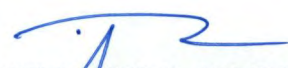
This Bureau treats the aforementioned decision of the Respondent-Applicant to no longer pursue her trademark application for CHOO CHOO as tantamount to her voluntary withdrawal or abandonment of the subject trademark.

Thus, with the voluntary withdrawal or abandonment by the Respondent-Applicant of her trademark application, there is no more factual or legal basis to proceed with this case.

**WHEREFORE**, premises considered, the instant case is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2014-00502652 be returned, together with a copy of this Order and the Respondent-Applicant's Answer, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 16 March 2016.

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

Copy furnished:

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& SA JOSE**

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