



|                             |   |                                 |
|-----------------------------|---|---------------------------------|
| NOVARTIS AG,                | } | IPC No. 14-2012-00195           |
| Opposer,                    | } | Opposition to:                  |
|                             | } |                                 |
| - versus -                  | } | Appln. Serial No. 4-2012-000615 |
|                             | } | Date Filed: 17 January 2012     |
| ENGELHARD ARZNEIMITTEL GMBH | } |                                 |
| & CO., KG,                  | } | Trademark: PROSPANTUS           |
| Respondent-Applicant.       | } |                                 |
| x-----x                     |   | Order No. 2013 - <u>52</u> (D)  |

### ORDER

NOVARTIS AG ("Opposer") and ENGELHARD ARZNEIMITTEL GMBH & CO. KG ("Respondent-Applicant") filed on 25 February 2013 a Joint Manifestation. The said Joint Manifestation states the following:

"2. Novartis and Engelhard have agreed to settle the case amicably. Accordingly, Novartis and Engelhard executed a Compromise Agreement dated 21 November 2012, copy of which is attached hereto as Annex "A". In this Agreement, Novartis and Engelhard have agreed to co-existence in the use of their respective marks, but Engelhard must amend its Trademark Application No. 4-2012-000615 for the mark 'PROSPANTUS' in the following manner:

"Pharmaceutical preparations, in particular (A)ntitussives, expectorants and preparations for treating diseases of the respiratory tract and the bronchia; veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use only, all goods herein excluding dermatological and urological preparations."

"4. On 21 February 2013, Engelhard filed an amendment of its Trademark Application No. 4-2012-000615 in accordance with the Compromise Agreement. A copy of Engelhard's filing letter dated 19 February 2013, duly stamped received by the Bureau of Trademarks on 21 February 2013, is attached hereto as Annex "B".

"5. With Engelhard's amendment of its Trademark Application No. 4-2012-000615 pursuant to the Compromise Agreement executed on 21 November 2012, Novartis hereby confirms that it is now withdrawing its Notice of Opposition dated 31 May 2012.

"6. In view thereof, Engelhard shall no longer be filing its Verified Answer to the withdrawn Notice of Opposition. The case should therefore be dismissed for being moot and academic."

With the express withdrawal by the Opposer of its Notice of Opposition pursuant to the Compromise Agreement executed by the parties on 21 November 2012, there is no more factual or legal basis to proceed with this case.


Republic of the Philippines  
INTELLECTUAL PROPERTY OFFICE

Intellectual Property Center, 28 Upper McKinley Road, McKinley Hill Town Center

**WHEREFORE**, premises considered, the instant case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-000615 be returned, together with a copy of this Order and the parties' Joint Manifestation, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 27 February 2013.



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

Copy furnished:

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