



TEVA PHARMACEUTICALS INDUSTRIES, LTD., }  
 Opposer, }  
 }  
 -versus- }  
 }  
 GRIFOLS S. A., }  
 Respondent-Applicant. }  
 X-----X

IPC No. 14-2011-00124  
 Opposition to:  
 Appln. Serial No. 4-2010-500921  
 Date filed: 29 June 2010  
 TM: "ALPHANATE"

**NOTICE OF DECISION**

**CASTILLO LAMAN TAN PANTALEON & SAN JOSE**  
 Counsel for the Opposer  
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 122 Valero Street, Salcedo Village  
 1227 Makati City

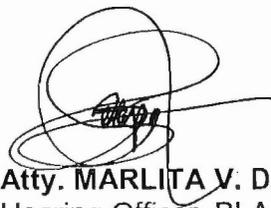
**VERA LAW**  
**(DEL ROSARIO BAGAMASBAD AND RABOCA)**  
 Counsel for the Respondent-Applicant  
 Rosadel Building, 1011 Metropolitan Avenue  
 Makati City

**GREETINGS:**

Please be informed that Decision No. 2012 - 95 dated May 22, 2012 (copy enclosed) was promulgated in the above entitled case.

Taguig City, May 22, 2012.

For the Director:

*Fr*   
 Atty. MARLITA V. DAGSA  
 Hearing Officer, BLA

**CERTIFIED TRUE COPY**

*Handwritten signature*



TEVA PHARMACEUTICALS INDUSTRIES, LTD.,}	IPC No. 14-2011-00124
Opposer, }	Opposition to:
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- versus - }	Appln. No. 4-2010-500921
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GRIFOLS S. A., }	Trademark: ALPHANATE
Respondent-Applicant. }	}
x-----x	Decision No. 2012 - <u>95</u>

**DECISION  
BASED ON COMPROMISE AGREEMENT**

TEVA PHARMACEUTICALS INDUSTRIES ("Opposer"), filed on 12 April 2011 an opposition to Trademark Application Serial No. 4-2010-500921. The application filed by GRIFOLS S. A. ("Respondent-Applicant"), covers the mark "ALPHANATE" for use on goods under Class 5. The opposition is anchored on Section 123.1 of Republic Act No. 8293 otherwise known as The Intellectual Property Code of the Philippines.

The Respondent-Applicant filed its Answer on 14 September 2011 refuting the material allegations of the Opposer.

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 and Settlement Period*"), this Bureau issued on 21 September 2011 Order No. 2011-286 referring the case to mediation.

On 8 May 2012, this Bureau received a "MEDIATOR'S REPORT" indicating the successful mediation of the instant case. Attached to the report is the parties' "SETTLEMENT AGREEMENT" submitted to this Bureau for approval. The Agreement states, among other things:

"NOW, THEREFORE, in view of the above premises, the PARTIES hereby agree as follows :

"1. GRIFOLS S.A. hereby undertakes to amend its Application No. 4-2010-500921 for the registration of its mark 'ALPHANATE' and limit its registration to 'Class 05: Blood coagulation preparations for intravenous administration.

"2. GRIFOLS S.A. hereby undertakes to limit the use and registration of the mark No. 4-2010-500921 'ALPHANATE' to BLOOD COAGULATION PREPARATIONS FOR INTRAVENOUS ADMINISTRATION ONLY.

"3. TEVA PHARMACEUTICALS INDUSTRIES LIMITED, hereby undertakes to withdraw its opposition to the registration of the mark 'ALPHANATE' under Trademark Application No. 4-2010-500921 subject to the condition stated in

foregoing paragraphs 1 and 2.

"4. This Compromise Agreement shall be respected in Philippines and shall bind the Parties and their subsidiaries, affiliates, assignees, successors-in-interest, licensees, agents and representatives.

"5. The parties hereby release, waive and quitclaim any and all claims or causes of action and defenses against each other related to or involved in any of the matters alleged in IPC No. 14-2011-00124.

"6. The parties undertake to observe the terms and conditions of this Agreement in utmost good faith.

"7. Each party shall bear the expenses, including but not limited to, attorney's fees and filing fees, which it incurred in this case.

"8. This Agreement shall become effective and enforceable immediately upon its approval by the IP Phil.

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

In this regard, 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. (Sec. 5, Office Order No. 154, s. 2010)

**WHEREFORE**, premises considered, the submitted Settlement Agreement is hereby **APPROVED**. Let the filewrapper of Trademark Application No. 4-2010-500921 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 22 May 2012.

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

