



UNITED LABORATORIES INC.,
Opposer,

-versus-

BAUSCH & LOMB INCORPORATED,
Respondent- Applicant.

X-----X

}
} IPC No. 14-2012-00208
} Opposition to:
} Appln. Serial No. 4-2012-500192
} Date Filed: 27 January 2012
} TM: "BIOTRUE"
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}
}
}
}

NOTICE OF DECISION

OCHAVE & ESCALONA
Counsel for the Opposer
No. 66 United Street
Mandaluyong City

HECHANOVA BUGAY & VILCHEZ
Counsel for Respondent-Applicant
Ground Floor, Chemphil Building
851 Antonio Arnaiz Avenue
1223 Makati City

GREETINGS:

Please be informed that Decision No. 2013 - 72 dated April 22, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, April 22, 2013.

For the Director:

Atty. PAUSI U. SAPAK
Bureau of Legal Affairs



UNITED LABORATORIES INC.,	}	IPC No. 14-2012-00208
<i>Opposer,</i>	}	
	}	Opposition to:
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	}	Date Filed: 27 January 2012
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<i>Respondent-Applicant.</i>	}	
x-----x		Decision No. 2013- <u>72</u>

DECISION BASED ON COMPROMISE AGREEMENT

UNITED LABORATORIES INC. ("Opposer") filed on 25 April 2012 an opposition to Trademark Application Serial No. 4-2012-500192. The application, filed by BAUSCH & LOMB INCORPORATED ("Respondent-Applicant"), covers the mark "BIOTRUE" for use on goods under Classes 05 and 09.

This Bureau issued a Notice to Answer dated 10 May 2012 and served upon a copy thereof to Respondent-Applicant on 21 May 2012. The Respondent-Applicant filed its Answer on 22 August 2012.

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 11 September 2012 Order No. 2012-185 referring the case to mediation.

On 16 April 2013, the ADR Services of this Bureau submitted a Mediation Report submitting a copy of the parties' Joint Motion to Approve and Issue Decision Based on Compromise Agreement. The pertinent portions of the COMPROMISE AGREEMENT reads, as follows:

"1. The parties have voluntarily and amicably settled their differences and that Opposer shall withdraw its opposition to the application of respondent-Applicant under the following conditions, to wit:

"1.1. Respondent-Applicant agrees to have the description or specification of goods in its trademark application no. 4-2012-500192 amended to the following:

"CLASS 5: OPTHALMIC PHARMACEUTICAL PREPARATIONS AND SUBSTANCES; OPTHALMIC VITAMIN AND MINERAL SUPPLEMENTS; CONTACT LENS SOLUTIONS; EYE DROP."

"1.2 Respondent-Applicant undertakes to file with the Bureau of Trademarks a request to amend its goods based on "1.1" above within five (5) working days from receipt of the Decision approving the instant motion.

"2. In consideration of the foregoing undertakings made by Respondent-Applicant, Opposer hereby withdraws its opposition to the registration of Trademark Application No. 4-2012-500192 for the mark "BIOTRUE".

"3. The parties, in good faith, undertake to honor their respective commitments under this Compromise Agreement."

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 opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-500192 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 22 April 2013.


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

/vanj

¹ Office Order No. 154 Series of 2010.