

BURGER KING CORPORATION, }  
*Petitioner,* }  
 - versus - }  
 RICHMEAL FOODS CORPORATION, }  
*Respondent-Registrant.* }  
 x-----x

IPC No. 14-2011-00078  
 Petition for Cancellation:  
 Reg. No. 4-2009-008027  
 Date Issued: 5 September 2010  
 Trademark: FRESH... YOUR WAY  
 Order No. 2016- 82 (b)

**ORDER**

BURGER KING CORPORATION ("Petitioner") filed on 04 March 2011 a petition for cancellation of Trademark Registration No. 4-2009-008027. The registration issued on 5 September 2010 in favor of RICHMEAL FOODS CORPORATION ("Respondent-Registrant") covers the mark FRESH... YOUR WAY for use on goods under Class 30. The Petitioner seeks the cancellation of the subject trademark registration on the ground that the Respondent-Registrant's mark is confusingly similar with the Petitioner's mark HAVE IT YOUR WAY.

Pursuant to the Regulations on Inter Partes Proceedings, this Bureau issued a Notice to Answer and served a copy thereof to Respondent-Registrant on 05 July 2011. The Respondent-Registrant filed its Verified Answer on 30 September 2011.

However, the records of the Intellectual Property Office of the Philippines, in particular the Trademarks Registry, show that Trademark Registration No. 4-2009-008027 for the mark FRESH...YOUR WAY issued in the name of Richmeal Foods Corporation has been removed from Register due to non-filing of Declaration of Actual Use (DAU).

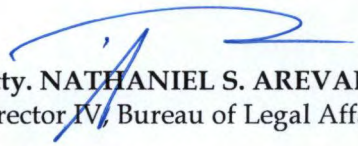
Accordingly, with the removal from Register of the mark FRESH... YOUR WAY there is no more reason nor basis to proceed with this case.

**WHEREFORE**, premises considered, the instant cancellation case is hereby **DISMISSED**.

Let the filewrapper of Trademark Registration No4-2009-008027 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

**SO ORDERED.**

Taguig City, 14 April 2016.

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

Copy furnished:

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