

KODIAK GROUP, INC.
Opposer,

INTER PARTES CASE NO.14-2000-00035

Opposition to:

- versus -

RUFINO TAN, assignor to
ANTONIO TAN
Respondent-Applicant-

Serial No: 108266
Date Filed: 21 May 1996
Trademark: "POLAR BEAR" and "BEAR

-Assignee.

"DEVICE"

x-----x

O R D E R

On 10 October 2003, Opposer filed an APPEAL MEMORANDUM seeking a reversal of Resolution No. 2003-11 dated 25 September 2003 rendered by the Director of the Bureau of Legal Affairs, the dispositive portion of which reads as follows:

"In view of all the foregoing, this Office finds no basis to reverse nor deviate from its findings as succinctly stated under Order No. 2003-39 dated 30 July 2003.

WHEREFORE, the Motion for Reconsideration is hereby DENIED for lack of merit. Consequently, let the Pre-Trial Conference of this case be set on October 2, 2003 at 2:00 pm."

Under Section 2 of the IPO Uniform Rules on Appeal, it is explicitly provided that the decisions or final orders of the Bureau Director shall become final and executory thirty (30) days after receipt of a copy thereof by the Appellant or Appellants unless, within the same period, a motion for reconsideration is filed with the Bureau Director or an appeal to the Director General has been perfected.

Accordingly, only the decisions or final orders of a Bureau Director are appealable to the Director General. Resolution No. 2003-11 is not the decision or final order contemplated by the above-cited. Final orders are those that decide finally the rights of the parties upon the issue submitted specifically denying or granting the remedy sought in action. The resolution, in this instance, is merely an interlocutory order because it does not terminate nor finally dispose of the case, but leaves something to be done by the court (in this case The Bureau of Legal Affairs) before the case is finally decided on the merits.

WHEREFORE, the instant appeal is hereby DISMISSED for the reasons as discussed above.

Let a copy of this Order be furnished the Director of the Bureau of Legal Affairs for information and / or appropriate action.

SO ORDERED.

October 22, 2003. Makati City, Philippines

EMMA C. FRANCISCO
Director General