

AMERICAN WIRE & CABLE CO., INC.,
Opposer

(INTER PARTES CASE NO. 3913)

- versus -

DUREX INDUSTRIES COPORATION
Respondent-Applicant.
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ORDER

Before this Office is the Manifestation filed via registered mail by DUREX INDUSTRIES CORPORATION, the Respondent-Applicant in the above captioned case, on 25 January 2005 seeking the reconsideration of the Order of Deputy Director General Ireneo M. Galicia dated 14 January 2005. Said Order denied the Respondent-Applicant's earlier Motion for Reconsideration dated 03 January 2005 of the Decision of the Director of the Bureau of Legal Affairs (Director) in Inter Partes Case No. 3913 date 25 November 2004, on ground of lack of jurisdiction.

In its manifestation, which is actually another motion for reconsideration requiring the payment of Six Hundred Fifty-Six Pesos and Fifty Centavos (Php 656.550) as prescribed under the IPO Fee Structure, Respondent-Applicant asks this Office to remand the earlier Motion for Reconsideration to the Director, claiming that it had inadvertently furnished this Office the said motion. According to respondent-Applicant, the motion was meant for the Director as the addressee and which contained the payment for the required fee.

This Office notes that the copy of the Motion for Reconsideration was not inadvertently furnished and filed with the Office of the Director General as claimed by the Respondent-Applicant. Our records show that the said party sent a copy of the said pleading to this Office through registered mail on 04 January 2005 (Registry Receipt No. 000381) indicating on the envelope containing the said pleading in the Director General of the Intellectual Property Office as addressee. In the first sentence of the Motion for Reconsideration, the Respondent-Applicant state "COMES NOW, the Respondent –Applicant, through its undersigned counsel, and into the Honorable Director General..."

Nevertheless, per verification with the Bureau of Legal Affairs, the copy of the Motion for Reconsideration intended for the Director and the fees to cover the filing thereof, were indeed received by the said Office. In view thereof, there is no more need to remand it the Director. It is well within the Director's jurisdiction to take cognizance thereof and resolve the same.

WHEREFORE, premises considered, the instant Manifestation / Motion is hereby DENIED.

SO ORDERED.

February 7, 2005, Makati City, Philippines

IRENEO M. GALICIA
Deputy Director General