



OFFICE OF THE DIRECTOR GENERAL

**UNITED AMERICAN
PHARMACEUTICAL, INC.,
Appellant,**

-versus-

**PHARMA AG, INC.,
Appellee.**

x-----x

**APPEAL NO. 14-2013-0017
IPC No. 14-2009-00293
Opposition to:**

**Application No. 4-2008-710028
Date Filed: 25 November 2008
Trademark: CEDEN**

ORDER

The Appellant filed on 02 May 2013, an "APPEAL MEMORANDUM [Re: Decision No. 2013-07 dated 15 March 2013]". The Appellant seeks the reversal of Decision No. 2011-42 dated 26 April 2011 and Resolution No. 2013-07 dated 15 March 2013 issued by the Director of the Bureau of Legal Affairs ("Director") dismissing the Appellant's opposition to the Appellee's Trademark Application No. 4-2008-710028 for "CEDEN".

Section 2 of the Uniform Rules on Appeal, as amended, provides¹:

Section 2. Appeal to the Director General.- 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 parties 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; Provided, that only one (1) motion for reconsideration of the

Section 5. Action on the Appeal Memorandum. xxx

b. The appeal shall be dismissed outright on any of the following grounds:

1. the appeal is filed out of time;
2. the subject of the appeal is an interlocutory order, or is not a decision or final order;
3. the appeal fee and other applicable fees are not paid within the reglementary period.

Thus, pursuant to Sec. 5 (b) of the Uniform Rules on Appeal, the appeal must be dismissed outright because it was filed out of time. In *Sehwani, Incorporated and/or Benita's Frites, Inc. v In-N-Out Burger, Inc.*,² the Supreme Court affirmed the Court of Appeals ruling which sustained this Office's decision dismissing an appeal that was filed out of time, thus:

The court has invariably rules that perfection of an appeal within the statutory or reglementary period is not only mandatory but also jurisdictional; failure to do so renders the questioned decision/final order final and executory, and deprives the appellate court of jurisdiction to alter the judgment or final order, much less to entertain the appeal. True, this rule had been relaxed but only in highly meritorious cases to prevent a grave injustice from being done. Such does not obtain in this case.

Wherefore, premises considered, the instant appeal is hereby dismissed.

SO ORDERED.

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, Taguig City.