



BAYER CONSUMER CARE AG,
Opposer,

-versus-

DBC LLC,
Respondent-Applicant.

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IPC NO. 14-2012-00277

Opposition to:

Appln. Ser. No. 4-2009-500647
Date Filed: September 11, 2009

Trademark: **ELEVIV**
Order No. 2012- 165(D)

ORDER

The records show that this Bureau issued Order No. 2012-1140 dated 29 August 2012, giving the Opposer a period of five (5) days from receipt thereof within which to submit the Special Power of Attorney authorizing ANNELLE R. GONZALEZ to sign the verification and certification on behalf of the Opposer.

On 10 September 2012, the Opposer filed its Compliance submitting therewith the Special Power of Attorney. However, upon examination of the Special Power of Attorney, it appears that it was executed only on 15 August 2012 or after the filing of the Verified Notice of Opposition. Therefore, when the Verified Notice of Opposition was filed on 10 August 2012, Annelle R. Gonzalez, who is the signatory in the verification and certification, has no authority to file the Verified Notice of Opposition. In this regard, Sec. 7 par (b) of Rule 2, states:

(b) The Opposer or petitioner shall attach to the opposition or petition the affidavits of witnesses, documentary or object evidence, which must be duly-marked starting from Exhibit "A", and other supporting documents mentioned in the notice of opposition or petition together with the translation in English, if not in English language. The verification and certification of non-forum shopping as well as documents showing authority of the signatory or signatories thereto, affidavits and other supporting documents, if executed and notarized abroad, must have been authenticated by the appropriate Philippine diplomatic or consular office. **The execution and authentication of these documents must have been done before the filing of the opposition or petition.** (Emphasis supplied)

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2009-500647 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 11 October 2012


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

Copy furnished:

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