



GUTHY-RENKER LLC,	}	IPC No. 14-2012-00252
Opposer,	}	Opposition to:
	}	
- versus -	}	Appln. Serial No. 4-2012-002720
	}	Date Filed: 05 March 2012
LABORATOIRE GARNIER & CIE,	}	
Respondent-Applicant.	}	Trademark: PUREACTIVE
x-----x	x	Order No. 2013 - <u>212</u> (D)

## ORDER

The records show that this Bureau issued Order No. 2012-1042 dated 05 July 2012, directing the Opposer to submit within five (5) days from receipt thereof the original Special Power of Attorney and/or Secretary's Certificate showing the authority of FRANCO NOEL A. MANAIG to sign the Verification and Certification of Non-Forum Shopping on behalf of the Opposer. The Order further states that the Opposer's failure to comply with the same shall cause the dismissal of the case.

On 13 August 2012, the Opposer filed its Compliance with Order No. 2012-1042 submitting the copies of the notarized Special Power of Attorney and Certificate of Authority. The Opposer prays that the subject documents be provisionally admitted and that it be allowed to submit the legalized documents upon completion of the legalization process. Acting thereto, this Bureau issued Order No. 2012-1152 dated 31 August 2012 giving the Opposer another period of five (5) days within which to submit the original Special Power of Attorney and Certificate of Authority with stern warning that failure to do so shall cause the dismissal of the case.

Rule 2, Section 8 (c) of the amended *Rules and Regulations on Inter Partes Proceedings* provides, to wit:

Section 8. *Action on the Notice of Opposition or Motion for Extension to File Notice of Opposition and Petition.* - x x x (c) The opposer, including those who file a motion for extension of time to file notice of opposition, or the petitioner shall be given a period of five (5) days from receipt of the order to complete or to cure any of the following defects:

x x x

(2) Failure to attach the originals of the following documents:

x x x

- (iii) Special Power of Attorney of representative(s) who signed the pleadings, the verification, and the certification of non-forum shopping; the proof of authority to issue or execute the Special Power of Attorney; and
- (iv) Proof of authentication by the appropriate Philippine diplomatic or consular office, of the foregoing documents, if executed abroad.

x x x

Failure to complete or cure the defect shall cause the dismissal of the case.

In the instant case, the extended period lapsed without the Opposer having complied with the Order requiring the submission of the original Special Power of Attorney and Certificate of Authority.

**WHEREFORE**, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-002720 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 31 October 2013.



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

Copy furnished:

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