



SPOUSES LEVI PAMA ESCOZA and JEANELYN ESCOZA, operating under the business name JYL SOLAROID INDUSTRIES, Opposers, - versus - JACS BIOCARE INDUSTRIES and/or SHEM TABUADA ANTIVEROS, Respondent-Applicants.	} } } } } } } } } }	IPC No. 14-2013-00464 Opposition to:  Application No. 4-2013-00740026 Date Filed: 06 February 2013  Trademark: EYE COOLER GLASS FILTER  Order No. 2013 - <u>235</u> (D)
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### ORDER

SPOUSES LEVI PAMA ESCOZA and JEANELYN ESCOZA, operating under the business name JYL SOLAROID INDUSTRIES ("Opposers") filed on 07 October 2013, via registered mail, a Protest/Opposition to Application No. 4-2013-00740026.

Rule 7, Section 2 of the Rules and Regulations on Inter Partes Proceedings, as amended, provides the period for filing opposition, to wit:

*"Section 2. Period to file opposition. - The verified notice of opposition must be filed within 30 days from the date of the publication of the trademark application in the IPOPHL "Gazette". Upon proper motion anchored on meritorious grounds which must be expressly indicated in the motion, and the payment of the filing fee for opposition and other applicable fees, the Bureau may grant an additional period of 30 days within which to file the opposition. A second motion for extension of 30 days may be granted on compelling grounds and upon payment of the applicable fees; *Provided*, that in no case will the filing of the opposition exceed ninety (90) days from the date of the aforementioned publication, *Provided, further*, that if the last day for filing of the verified opposition or motion for extension falls on a Saturday, Sunday, holiday, non-working day or on a day when the Office or the Bureau is closed for business as may be declared by the Director General, the filing must be done the next succeeding working day."*

In this regard, at the time the Protest/Opposition was filed by the Opposers on 07 October 2013, the subject trademark application was not yet published for opposition in the IPOPHL "Gazette". There is, therefore, no factual or legal basis for the Opposer to file the opposition.

**WHEREFORE**, premises considered, the instant protest/opposition case is hereby **DISMISSED**. Let the filewrapper Trademark Application No. 4-2013-00740026 be returned, together with a copy of this Order, to the Bureau of Trademarks for

information and appropriate action.

**SO ORDERED.**

Taguig City, 10 December 2013.

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

Copy furnished:

**LEVI PAMA ESCOZA AND  
JEANELYN ESCOZA**  
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Purok 4, Poblacion 6  
Midsayap, Cotabato

**SHEM T. ANTIVEROS**  
*Respondent-Applicant*  
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