



SHAANXI HEAVY DUTY AUTOMOBILE CO., LTD., Opposer,	}	IPC No. 14-2012-00223
	}	Opposition to:
- versus -	}	Appln. Serial No. 4-2012-001001
	}	Date Filed: 26 January 2012
SHACMAN MOTORS, INC., Respondent-Applicant.	}	Trademark: SHACMAN LOGO
x-----x	x	Order No. 2013 - <u>194</u> (D)

ORDER

The records show that this Bureau issued Order No. 2012-949 dated 10 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 NEPTALI L. BULILAN 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 shall cause the dismissal of the case.

In compliance with the Order, the Opposer submitted on 17 July 2012 a photocopy of the Special Power of Attorney ("SPA") with manifestation that the original and legalized form of the SPA shall be submitted on a later date considering that the legalization in China takes one to two months. This Bureau, in another Order dated 31 July 2012, granted the Opposer another period of five (5) days to submit the original Special Power of Attorney 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.

The 5-day period to complete or cure the defects in the filing may be extended for another 5 days upon motion by the opposer or petitioner based on meritorious grounds which must be explicitly stated in the motion, and upon payment of the applicable fees.


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 Order No. 2012-949 dated 10 July 2012, requiring the submission of the original Special Power of Attorney in favor of the signatory in the Verification and Certification portion of the Opposition.

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-001001 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 18 October 2013.


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

Copy furnished:

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