



SHAANXI HEAVY DUTY AUTOMOBILE CO., LTD., Opposer,	}	IPC No. 14-2012-00254
	}	Opposition to:
- versus -	}	Appln. Serial No. 4-2012-000068
	}	Date Filed: 03 January 2012
SHACMAN MOTORS, INC., Respondent-Applicant.	}	Trademark: SHACMAN
x-----x	}	Order No. 2013 - <u>196</u> (D)

ORDER

The records show that this Bureau issued Order No. 2012-1106 dated 13 August 2012, directing the Opposer to submit within five (5) days from receipt thereof the original, legalized and authenticated Special Power of Attorney. The Order further states that the Opposer's failure to comply shall cause the dismissal of the case.

The Opposer, however, did not comply with the Order despite receipt thereof on 16 August 2012.

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.

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2012-000068 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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