



**SUNING APPLIANCE COMPANY LIMITED,**

Opposer,

-versus-

**DANNY KO,**

Respondent- Applicant.

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**IPC NO. 14-2012-00300**

Opposition to:

Appln. Ser. No. 4-2011-015328

Date Filed: December 27, 2011

Trademark: **SUNING**

Order No. 2012- 166(1)

**ORDER**

The records show that this Bureau issued Order No. 2012-1222 dated 14 September 2012, giving the Opposer a period of five (5) days from receipt thereof within which to submit the Special Power of Attorney and/or Secretary's Certificate authorizing GUO JIANHUA to sign the verification and certification on behalf of the Opposer.

Instead of complying with the Order, the Opposer, on 24 September 2012 filed a Motion for Extension of Time to File Compliance requesting for a period of five (5) days within which to comply with the Order on the ground that the Special Power of Attorney is in the office of Opposer's counsel in People's Republic of China, and the time it takes for the courier to deliver the said document from People's Republic of China will take more than five (5) days.

On 28 September, 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 24 September 2012 or after the filing of the Verified Notice of Opposition. Therefore, when the Verified Notice of Opposition was filed on 08 August 2012, GUO JIANHUA, who is the signatory in the verification and certification, has no authority to file the Verified Notice of Opposition. Even assuming that we grant the Opposer's motion for extension, the same is of no moment since it is evident from the documents submitted that the signatory was not authorized to file the Verified Notice of Opposition at the time it was filed. 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. 4-2011-015328 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:

**COCHINGYAN & PERALTA LAW OFFICES**

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