



TOYO TIRE & RUBBER CO., LTD.,  
Opposer,

-versus-

WHEEL GALLERY, INC.,  
Respondent- Applicant.

X-----X

}  
} IPC No. 14-2010-00274  
} Opposition to :  
} Appln. Serial No. 4-2010-000671  
} Date filed: 20 Jan. 2010  
} **TM: "NITTO & NT LOGO"**  
}  
}  
}  
}  
}

**NOTICE OF ORDER**

**FEDERIS & ASSOCIATES LAW OFFICES**  
Counsel for the Opposer  
Suite 2004 & 2005 , 88 Corporate Center  
141 Valero St., Salcedo Village, Makati City

**SAMUEL G. LUISON**  
Counsel for the Respondent-Applicant  
Kartek Building, Santolan,Road  
corner Pasadena Street, Brgy. Pasadena  
San Juan, Metro Manila

**GREETINGS:**

Please be informed that Order No. 2013 - 239 (D) dated December 16, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, December 16, 2013.

For the Director:

  
**Atty. EDWIN DANILO A. DATING**  
Director III  
Bureau of Legal Affairs



TOYO TIRE & RUBBER CO., LTD.,	}	IPC No. 14-2010-00274
<i>Opposer,</i>	}	Opposition to :
	}	
- versus -	}	Appln. No. 4-2010-000671
	}	Date Filed: 20 January 2010
WHEEL GALLERY, INC.,	}	Trademark: NITTO & NT LOGO
<i>Respondent-Applicant.</i>	}	
x-----x		Order No. 2013- 239 (D)

### ORDER

TOYO TIRE & RUBBER CO., LTD., ("Opposer"), filed on 08 November 2010 an opposition to Trademark Application Serial No. 4-2010-000671. The application, filed by WHEEL GALLERY, INC. ("Respondent-Applicant"), covers the mark "NITTO & NT LOGO" for use on goods under Class 12.

This Bureau issued a Notice to Answer dated 06 December 2010 and served a copy thereof to Respondent-Applicant on 06 January 2011. The Respondent-Applicant, however, did not file an Answer.

On 04 December 2013, the Opposer filed an Ex-Parte Manifestation stating a check with the Bureau of Trademarks indicates that the Respondent-Applicant failed to file its 3<sup>rd</sup> year Declaration of Actual Use (DAU) for the trademark application of "NITTO & NT LOGO" covered by Application No. 4-2010-000671. The Respondent-Applicant's failure to file the DAU caused the abandonment of the said application. Attached to the Opposer's Manifestation is a Certification issued by the Bureau of Trademarks on 13 November 2013.

Accordingly, with the abandonment of the application for registration of the mark NITTO & NT LOGO, there is no more reason nor basis to proceed with this case.

**WHEREFORE**, premises considered, the instant opposition case is hereby **DISMISSED**.

Let the filewrapper of Trademark Registration No. 4-2010-000671 be returned, together with a copy of this Order to the Bureau of Trademarks (BOT) for information and appropriate action.

**SO ORDERED.**

Taguig City, 16 December 2013.

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