



CENTENNIAL GLOBAL CORP.
and SNOW MOUNTAIN DAIRY CORP.,
Opposers,

-versus-

SAN MIGUEL PUREFOODS, INC.,
Respondent-Applicant.

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IPC NO. 14-2013-00459

Opposition to:

Appln. Serial No. 4-2013-003436

Date Filed: 26 March 2013

Trademark: SAN MIG COFFEE

CREMDENSADA

Order No. 2014 - 163 (D)

ORDER

For consideration is the Motion to Dismiss filed by Respondent-Applicant on 17 June 2014 stating, among other things, that the instant opposition be dismissed on the ground of failure by the Opposer to appear at 14 May 2014 mediation; and that the registration of the said mark bearing Application No. 4-2013-003436 be given due course and allowed to proceed to registration.

On 09 July 2014, the Opposers filed Opposition to the Motion to Dismiss. As per official records, the Order No. 2014-061 was duly received by Mr. Jobert Baccay on 30 April 2014. The Opposers admit that the security guard assigned at the main lobby received the same. However, it claims that although the said guard was authorized by almost all the tenants/residents to receive mails, the Order was not duly forwarded to them.

They aver that the mail matters are placed in the pigeon holes provided for all the residents but this particular mail matter was not segregated and was found in the drawer where all incoming mails are stored prior to segregation. This Bureau finds the Opposers' claim self-serving and unsupported by any evidence. Aside from their allegations in the Opposition to the Motion to Dismiss, no other proof was submitted in support thereof.

Corollarily, Section 8 of Office Order No. 154, s. 2010 (Rules of Procedure for IPO Mediation Proceedings), provides:


"Section 8. Effect of the failure of parties to appear during the mediation. - The failure of the party who initiated the case, such as the opposer, petitioner or complainant, to appear for mediation, including the meeting before the Mediation Office in accordance with Section 3 hereof, is a ground for the dismissal of the case. x x x."

WHEREFORE, the Motion to Dismiss filed by Respondent-Applicant is hereby **GRANTED**. Accordingly, for failure of the Opposer to appear during the mediation, the instant opposition case is hereby **DISMISSED**.

Let the filewrapper of Trademark Application Serial No. 4-2013-003436 be returned, together with a copy of this Order to the Bureau of Trademark (BOT) for information and appropriate action.

SO ORDERED.

Taguig City, 05 November 2014.


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Bureau of Legal Affairs

Copy furnished:

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