



SPYDER ACTIVE SPORTS, INC.,	}	IPC No. 14-2015-00070
Opposer,	}	Opposition to:
	}	
-versus-	}	Application No. 4-2014-00010850
	}	Date Filed: 01 September 2014
ROSHAN COMMERCIAL	}	
CORPORATION,	}	Trademark: SPYDER
Respondent-Applicant.	}	
x-----x	}	Order No. 2015 - <u>97</u> (D)

ORDER

The records show that this Bureau issued Order No. 2015-300 dated 24 February 2015, directing the Opposer to present proof of payment of filing fee for the Opposition within ten (10) days from receipt of the said Order. As the Opposer's counsel has not yet received instruction from the client, it filed on 09 March 2015 a Motion for Extension of Time to Comply with Order No. 2015-300 seeking an extension of five (5) days from 09 March 2015 or until 14 March 2015 within which to comply with the said order. This Bureau granted the Opposer's motion under Order No. 2015-409 dated 11 March 2015.

The period lapsed without the Opposer having complied with the Order.

Rule 2, Section 8 (c) of the amended Rules and Regulations on Inter Partes Proceedings (*promulgated through Office Order No. 99, as amended by Office Order No. 14-068, s. 2014*), 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 ten (10) days from receipt of the order to complete or to cure any of the following defects:

(1) Non-payment in full or in part of the filing fees and other applicable fees;

x x x

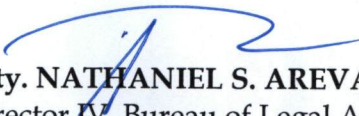
Failure to complete or cure the defect shall cause the dismissal of the case. [Emphasis Supplied]

In the instant case, the Opposer failed to pay the filing fee for the opposition within the period allowed under the rules.

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2014-0010850 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 22 May 2015.



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

Copy furnished:

FEDERIS & ASSOCIATES LAW OFFICES

Counsel for Opposer

2004 and 2005 88 Corporate Center
141 Valero corner Sedeno Streets
Salcedo Village, Makati City

LACHMAN T. CHATLANI

Respondent-Applicant's Representative

3rd Floor RCC Center
104 Shaw Boulevard, Pasig City 1603