



FIFTY-SIX HOPE ROAD MUSIC LIMITED, }
 Opposer, }
 -versus- }
BENJAMIN RAFAEL ESPINO doing business under the name of MARLEY'S JOINT FOOD PRODUCTS, }
 Respondent-Applicant. }
 x-----x

IPC NO. 14-2015-00154
 Opposition to:
 Appln. Ser. No. 4-2014-009063
 Date Filed: 22 July 2014
 Trademark: **MARLEY'S JOINT & DEVICE**
 Order No. 2015- 135 (D)

ORDER

Records show that this Bureau issued on 15 June 2015 Order No. 2015-841 directing the Opposer to submit the original, legalized and authenticated Special Power of Attorney/Secretary's Certificate within ten (10) days from receipt of the Order. The Order further states that the Opposer's failure to comply with the requirement shall cause the dismissal of the opposition. The Opposer having received the order on 19 June 2015, has until 29 June 2015 within which to comply.

On 25 June 2015, the Opposer filed a Compliance submitting the original, legalized and authenticated Special Power of Attorney/Secretary's Certificate duly authenticated by the Philippine Consulate in Washington D.C. United States of America.

This Bureau noticed that the Special Power of Attorney/Secretary's Certificate was authenticated by United States Department of State only on 10 June 2015. The Certificate of Authentication issued by the Philippine Consulate concerned on the other hand was issued on 15 June 2015. The opposition was filed on 01 June 2015. Section 7 (b) of the Amended Rules and Regulations on Inter Partes Proceedings (promulgated through Office Order No. 99, s. 2011) provides:

Section 7. Filing Requirements for Opposition and Petition. - x x x (b) x x x The verification and certification of nonforum shopping as well as the documents showing the 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. 4-2014-009063 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 14 July 2015.



ATTY. NATHANIEL S. AREVALO
Director, Bureau of Legal Affairs

Copy furnished:

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MARLEY'S JOINT FOOD PRODUCTS

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