



MARS, INCORPORATED,	}	IPC NO. 14-2015-00170
Opposer,	}	Opposition to:
	}	
	}	
-versus-	}	Appln. Ser. No. 4-2013-00002848
	}	Date Filed: 15 March 2013
	}	
DELFI CHOCOLATE MANUFACTURING	}	
S.A.,	}	
Respondent-Applicant.	}	Trademark: MALTITOS
x-----x	x	Order No. 2015-__ __ (D)


ORDER

Records show that this Bureau issued on 25 June 2015 Order No. 2015-910 directing the Opposer to submit the original, legalized and authenticated Verification and Certification of Non-Forum Shopping and Power of Attorney 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 13 July 2015, has until 23 July 2015 within which to comply.

On 21 July 2015, the Opposer filed a Compliance submitting the original, legalized and authenticated Verification and Certification of Non-Forum Shopping and Power of Attorney duly authenticated by the Philippine Consular Service, Washington, District of Columbia, United States of America.

This Bureau noticed that the Verification and Certification of Non-Forum Shopping and Power of Attorney was authenticated by United States Department of State only on 23 June 2015. The Certificate of Authentication issued by the Philippine Consulate concerned on the other hand was issued on 25 June 2015. The opposition was filed on 19 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. 4-2013-00002848 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 24 July 2015.

ATTY. NATANIEL S. AREVALO
Directór, Bureau of Legal Affairs

Copy furnished:

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