

UBER TECHNOLOGIES, INC., Opposer, -versus- DENNIS O. NG, Respondent-Applicant. X-----X	} } } } } } } } } } } }	IPC NO. 14-2015-00370 Opposition to: Appln. Ser. No. 4-2015-002551 Date Filed: 09 March 2015 Trademark: MUBER Order No. 2016- <u>14</u> (D)
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ORDER

The records show that this Bureau issued Order No. 2015-1570 dated 29 October 2015, directing the Opposer to submit the original, legalized and authenticated 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 same shall cause the dismissal of the case.

On 25 November 2015, the Opposer filed a Compliance attaching therewith the original, legalized and authenticated Sworn Declaration of General Counsel executed by Salle Yoo on 17 November 2015 and authenticated on 20 November 2015, as proof of authority of C. Eric Schulman to execute the Special Power of Attorney on behalf of the Opposer.

This Bureau notices that while the Opposition was timely filed on 05 October 2015, the Sworn Declaration of General Counsel was executed only 17 November 2015 in San Francisco California, United States of America and authenticated on 20 November 2015 or after the filing of the Opposition, contrary to the provision of Rule 2, Section 7 (b) of the amended Rules and Regulations on Inter Partes Proceedings (promulgated through Office Order No. 99, s. 2011, as further amended by Office Order No. 14-068, s. 2014), which provides that:

Section 7. Filing Requirements for Opposition and Petition. - x x x (b) x x x The verification and certification of non-forum 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]

Therefore, the Sworn Declaration of General Counsel which was executed and authenticated only after the filing of the opposition violates the above-quoted provision.

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filer wrapper of Trademark Application Serial No. 4-2015-002551 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 28 January 2016.


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

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