



MERCK SHARP & DOHME CORP.,	}	IPC No. 14-2014-00479
Opposer,	}	Opposition to:
	}	
-versus-	}	Application No. 4-2013-012805
	}	Date Filed: 24 October 2013
LLOYDS LABORATORIES, INC.,	}	
Respondent-Applicant.	}	Trademark: PURIGEN
x-----x	x	Order No. 2016 - <u>78</u> (D)

ORDER

The records show that on 05 January 2015, the Opposer timely filed its Notice of Opposition to Trademark Application No. 4-2013-012805. The Opposition is accompanied by a Verification and Certification of Non-Forum Shopping executed by Christopher Bolinger, General Corporate Resolution and Special Power of Attorney, among other documents.

The Verification and Certification of Non-Forum Shopping and Special Power of Attorney being mere photocopies, this Bureau issued Order No. 2015-192 dated 29 January 2015, directing the Opposer to submit within ten (10) days from receipt thereof the original legalized and authenticated copies of the said documents. On 20 February 2015, the Opposer, by way of Manifestation, submitted the original notarized and legalized Notice of Opposition containing the Verification and Certification of Non-Forum Shopping as well as General Corporate Resolution #6 and the original legalized Special Power of Attorney.

After a careful evaluation of the Opposer's submission, this Bureau noticed that the Verification and Certification of Non-Forum Shopping, General Corporate Resolution and Special Power of Attorney while executed within the period to file the opposition were authenticated only on 26 January 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 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]

Therefore, the Verification and Certification of Non-Forum Shopping, General Corporate Resolution and Special Power of Attorney while executed within the period to file the opposition but authenticated only after the filing of the opposition violates the above-quoted provision.

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2013-012805 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 04 April 2016.



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

Copy furnished:

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