



**GENERAL NUTRITION COMPANY,**  
 Opposer,  
 -versus-

**ALFREDO T. GERALDE & TALAN  
 PHARMA INC.,**  
 Respondent-Applicants.

x-----x

**IPC NO. 14-2016-00275**  
 Opposition to:

Appln. Ser. No. 4-2015-010261  
 Date Filed: 07 September 2015

Trademark: **TALAN HERBAL PLUS**  
 Order No. 2016- 173 (D)

**ORDER**

The records show that on 08 August 2016, the Opposer timely filed via registered mail a Verified Notice of Opposition to Trademark Application Ser. No. 4-2015-010261. The records further show that this Bureau issued an Order dated 25 August 2016, directing the Opposer to submit the original and authenticated Special Power of Attorney within ten (10) days from receipt of the Order. The Order states that the Opposer's failure to comply with the same shall cause the dismissal of the case.

On 23 August 2016, the Opposer filed a Manifestation and Compliance attaching therewith the original and authenticated Special Power of Attorney executed by Gavin O'Connor. The said compliance confirm the authority of the counsel to sign the Verification and Certification portion of the opposition on behalf of the Opposer.

After a careful evaluation of the Opposer's Manifestation and Compliance, this Bureau noticed that the Special Power of Attorney while executed within the period to file the opposition was authenticated only on 12 August 2016 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 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. 4-2015-010261 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 13 SEP 2016

*Edwin O. Dating*  
**Atty. EDWIN DANILO A. DATING**  
Director III, Bureau of Legal Affairs

Copy Furnished:

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