



**SPEEDO HOLDINGS B.V.,**  
Opposer,  
  
-versus-

**ERWIN CHOACHUY,**  
Respondent-Applicant.

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**IPC NO. 14-2016-00335**

Opposition to:

Appln. Ser. No. 4-2016-003325  
Date Filed: 30 March 2016

Trademark:



Order No. 2016- 194 (D)

**ORDER**

The records show that the subject trademark application was published for opposition in the "IPOP HL E-GAZETTE" on 06 June 2016. Under the pertinent rules and regulations, the Opposer has thirty (30) days within which to file its Opposition, hence, the deadline to do so was until 06 July 2016. On 07 July 2016, the Opposer filed a Motion for Extension to File Notice of Opposition. On 19 July 2016, this Bureau issued Order No. 2016-1142 granting Opposer's motion giving said party until 05 August 2016 within which to file the opposition.

On 01 August 2016, the Opposer filed a Second Extension of Time to file the Verified Notice of Opposition. This Bureau issued Order No. 2016-1280 dated 03 August 2016 stating that the Opposer is given a final extension of up to 04 September 2016 to file the opposition. The period lapsed without the Opposer having filed a Verified Notice of Opposition. However, this Bureau Noticed that the Opposer filed a Third Motion for Extension of Time to File Notice of Opposition on 05 September 2016. Subsequently, on 07 September 2016, the Opposer filed a Notice of Opposition.

In this regard, Rule 7, Section 2 of the amended Rules and Regulations on Inter Partes Proceedings (promulgated through Office Order No. 99, s. 2011, which took effect on 17 July 2011) as amended by Office Order No. 14-068 s. 2014 provide:

"Period to file opposition – The verified notice of opposition must be filed within 30 days from the date of the publication of the trademark application in the IPOP HL "Gazette". Upon proper motion anchored on meritorious grounds which must be expressly indicated in the motion, and upon payment of the filing fee for opposition and other applicable fees, the Bureau may grant an additional period of 30 days within which to file the opposition. A second motion for extension of 30 days may be granted on compelling grounds and upon payment of the applicable fees.; Provided, that in no case will the filing of the opposition exceed (90) days from the date of the aforementioned publication xxx

Thus, the Rules expressly provide that the Opposer is allowed to file only two (2) motions or requests for extensions within which to file a Verified Notice of Opposition.

The Verified Notice of Opposition should have been filed on 05 September considering the last day to file falls on Sunday 04 September 2016. However, the same was filed on 07 September 2016 which was beyond the period allowed by the rules.

**WHEREFORE**, premises considered, Opposer's Third Motion for Extension of Time to File Verified Notice of Opposition is hereby **DENIED**. Accordingly, the case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2016-003325 be returned together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 21 SEP 2016

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

Copy furnished:

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