


ALPINESTARS RESEARCH SRL, }
 Opposer, }
 }
 - versus - }
 }

IPC NO. 14-2016-00408
 Opposition to:
 Appl'n. Serial No. 4-2016-00004572
 Date Filed: 02 May 2016

JIA CAN WANG, }
 Respondent-Applicant, }
 X-----X

Trademark: 
 Order No. 2016- 192 (D)

ORDER

Record shows that this Bureau issued Order No. 2016-1360 dated 25 August 2016 directing the Opposer to present proof of payment of filing fee for the Verified Notice of Opposition within five (5) days from receipt of Order. The Order also states that no further extension shall be allowed. Instead of complying with the Bureau's Order, the Opposer filed on 02 September 2016, a Second Extension of Time to file Verified Notice of Opposition.

In this regard, Rule 2, Section 4 (c) as amended by IPOPHIL Memorandum Circular No. 16-007 of the Revised Rules and Regulations on Inter Partes Proceedings which took effect on 29 July 2016, provides;

xxx

(c) The Opposer, including those who file for extension of time to file notice of opposition, or the petitioner shall be given a period of five (5) days from receipt of the order to complete or to cure any of the following defect:

- (1) Non-payment in full or in part of the filing fees and other applicable fees,**
- (2) Failure to attach any of the following documents:
 - (i) Verification;
 - (ii) Certification of non-forum shopping;
 - (iii) Special Power of Attorney of representative(s) who sign the pleadings, the verification, and the certification of non-forum shopping; and the proof of authority to issue or execute the Special Power of Attorney; and
 - (iv) Proof of authentication by the appropriate Philippine diplomatic or consular office, of the foregoing documents, if executed abroad.

No further extension shall be allowed.

Failure to complete or cure the defect shall cause the dismissal of the case. **The Director or Assistant Director shall issue the final order of dismissal.**



This Bureau has taken note that based on the records, the Opposer was given a total of five (5) days from receipt of Order to submit compliance. Under the Rule the Opposer is only given a non-extendible period of 5-days to complete or cure the defects in the filing of the opposition. Thus, the Rules expressly provide that the Opposer is allowed to complete or cure the defects for a 5 day period. Considering that the Opposer did not comply with Order No. 2016-1360, this case is considered **DISMISSED**.

Let the filewrapper of Trademark Application Serial No. 4-2016-00004572 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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