

CITROFORTUNE, INC.,
Petitioner,

-versus-

JOSE B. MORANTE,
Respondent-Registrant.

X-----X

} **IPC No. 14-2015-00385**
}
} Cancellation of:
} Reg. No. 4-2014-501320
} Date Issued: 28 May 2015

} **TM: GREEN FRESH ALL NATURAL**
} **HERBAL DRINK**

NOTICE OF ORDER

DIMAYUGA LAW OFFICES

Counsel for Petitioner
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UY LAW FIRM

Counsel for Respondent- Registrant
Unit 1006 Annapolis Wilshire Plaza
No. 11 Annapolis Street, Greenhills
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GREETINGS:

Please be informed that Order No. 2016 - 295 (D) dated 23 December 2016 (copy enclosed) was promulgated in the above entitled case.

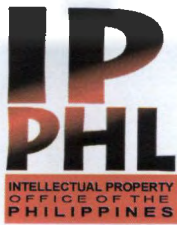
Pursuant to Section 2, Rule 9 of the IPOPHL Memorandum Circular No. 16-007 series of 2016, any party may appeal the decision to the Director of the Bureau of Legal Affairs within ten (10) days after receipt of the decision together with the payment of applicable fees.

Taguig City, 06 January 2017.

MARILYN F. RETUTAL
IPRS IV
Bureau of Legal Affairs

Republic of the Philippines
INTELLECTUAL PROPERTY OFFICE

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CITROFORTUNE, INC.,	}	IPC No. 14-2015-00385
Petitioner,	}	
	}	Registration No. 4-2014-501320
- versus -	}	Date Issued: 28 May 2015
	}	
JOSE B. MORANTE,	}	Trademark: GREEN FRESH ALL NATURAL
Respondent-Registrant.	}	HERBAL DRINK
X-----X	}	Order No. 2016- <u>295(b)</u>

ORDER

On 20 June 2016, Respondent-Registrant filed a Motion to Dismiss praying that the Office deny Petitioner’s Motion to Reset Mediation Conference dated 18 May 2016 and to render judgment dismissing the instant case of Petition for Cancellation against Respondent-Registrant’s trademark for failure of Petitioner to appear during the scheduled mediation conference in accordance with Section 8 of Office Order 154 series of 2010.

On 28 July 2016, the Petitioner filed its Comment on the Motion to Dismiss stating that Petitioner filed on May 18, 2016 a motion to reset the mediation conference explaining that its counsel was sick and could not attend the said conference and requesting for a resetting of the mediation conference.

Upon perusal of the records and the mediator’s report, it shows that Petitioner or any of its legally authorized representative failed to appear in the mediation proceeding scheduled on 03 May 2016, as required by Section 8 of Office Order 154 series of 2010. Petitioner also belatedly filed its Motion to Reset Mediation Conference dated 18 May 2016 or after the ADR Services has finally issued and submitted its Mediator’s Report to this Bureau. Moreover, aside from their allegations in the Comment on the Motion to Dismiss, no other proof was submitted in support thereof.

Corollarily, Section 8 of Office Order No. 154, s. 2010 (Rules of Procedure for IPO Mediation Proceedings), provides:

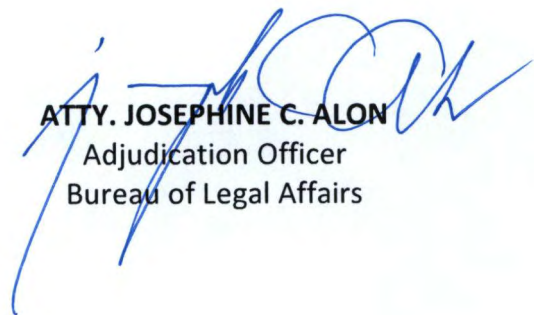
“Section 8. Effect of the failure of parties to appear during the mediation. - The failure of the party who initiated the case, such as the opposer, petitioner or complainant, to appear for mediation, including the meeting before the Mediation Office in accordance with Section 3 hereof, is a ground for the dismissal of the case. x x x.”

WHEREFORE, the Motion to Dismiss filed by Respondent-Registrant is hereby **GRANTED**. Accordingly, for failure of the Petitioner to appear during the mediation, the petition for cancellation is hereby **DISMISSED**.

Let the filewrapper of Certificate of Registration No. 4-2014-501320 be returned, together with a copy of this Order to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 23 DEC 2016.


ATTY. JOSEPHINE C. ALON
Adjudication Officer
Bureau of Legal Affairs

Copy furnished:

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