

COSTA LIMITED,	}	IPC No. 14-2017-00044
Opposer,	}	Opposition to:
	}	
-versus-	}	Application No. 4-2015-00011598
	}	Date Filed: 07 October 2015
SEA AND SIERRA VISTA, INC.,	}	
Respondent-Applicant.	}	Trademark: COSTA BUTON
x-----x	}	Order No. 2017 - <u>205</u> (D)

ORDER

The records show that this Bureau issued Order No. 2017-369 dated 15 February 2017, directing the Opposer to present the proof of payment of filing fee for the Opposition within five (5) days from receipt of the order with notice that no further extension shall be allowed.

The records further show that Opposer received the Order on 03 March 2017. Todate, however, the Opposer has not presented the required proof of payment.

Rule 2, Section 8, par. (c) of the amended Rules and Regulations on Inter Partes Proceedings (*promulgated through Office Order No. 99, as amended by Office Order No. 14-068, s. 2014*), as further amended by IPOPHL Memorandum Circular No. 16-007, *Revised Rules and Regulations on Inter Partes Proceedings*, provides, to wit:

Section 8. *Action on the Notice of Opposition or Motion for Extension to File Notice of Opposition and Petition.* - x x x (c) The opposer, including those who file a motion 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; x x x

Failure to complete or cure the defect shall cause the dismissal of the case. [Emphasis Supplied]

In the instant case, the Opposer failed to pay the filing fee for the opposition within the prescribed period.

WHEREFORE, premises considered, this case is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2015-00011598 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, **19 SEP 2017**

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

Copy furnished:

VERALAW
[DEL ROSARIO RABOCA GONZALES GRASPARIL]
Counsel for Opposer
A & V Crystal Tower
105 Esteban Street, Legazpi Village
1223 Makati City

ANGARA ABELLO CONCEPCION
REGALA & CRUZ
Respondent-Applicant's Representative
22nd Floor ACCRALAW Tower
Second Avenue corner 30th Street
Crescent Park West, Bonifacio Global City
1635 Taguig City