



**FCA US LLC (formerly CHRYSLER GROUP LLC),**

Opposer,

-versus-

**PHUV INCORPORATED,**

Respondent-Applicant.

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**IPC NO. 14-2015-00027**

Opposition to:

Appln. Ser. No. 4-2014-012204

Date Filed: 02 October 2014

Trademark: **EJEEP PHUV INCORPORATED**

Order No. 2015- 56 (D)

### ORDER

FCA US LLC (formerly CHRYSLER GROUP LLC). ("Opposer") filed on 17 March 2015 a Motion to Admit Verified Opposition. The Opposer seeks that the Motion to Admit Verified Notice of Opposition be granted and the Verified Opposition be admitted and given due course. According to the Opposer, it was not able to obtain the legalized Special Power of Attorney and Verification of Non-Forum Shopping prior to 16 March 2015, the legalization process was completed exactly on March 16, 2015.

The Respondent-Applicant, by way of Opposition filed a Manifestation, alleges that Opposer's Verified Notice of Opposition was clearly out of time. The notice of Opposition was filed one (1) day late and must still be considered filed beyond the reglementary period.

The records will show that per Order No. 2015-182 dated 28 January 2015, the Opposer was given a first extension of thirty (30) days from 14 January 2015 or until 13 February 2015 within which to file its Verified Notice of Opposition. Upon proper motion and payment of the applicable fee, the Opposer was given by this Bureau another extension of thirty (30) days or until 15 March 2015 within which to file the verified opposition. On 17 March 2015, the Opposer filed its Motion to Admit Verified Notice of Opposition.

Rule 7, Section 2 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*), provides the period for filing the opposition, to wit:

"Section 2. *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 the 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 ninety (90) days from the date of the aforementioned publication,

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*Provided, further,* that if the last day for filing of the verified opposition or motion for extension falls on a Saturday, Sunday, holiday, non-working day or on a day when the Office or the Bureau is closed for business as may be declared by the Director General, the filing must be done the next succeeding working day." [Emphasis supplied]

The above-quoted provision is explicit as to the period within which to file the verified notice of opposition. Similarly, Rule 2, Section 8 (b) of the same rules provides the sanction for filing the opposition beyond the prescriptive period, thus:

"Section 8. *Action on the Notice of Opposition or Motion for Extension to File Notice of Opposition, and Petition* – x x x (b) The notice of opposition or petition may be dismissed outright and/or motu proprio for having been filed out of time, due to lack of jurisdiction, and/or failure to state a cause of action. Likewise, a motion for extension of time to file notice of opposition shall be denied outright if the opposer fails to state meritorious grounds."

Since Trademark Application No. 4-2014-012204 was published on 15 December 2014, the last day of filing the Verified Opposition was on 15 March 2015. The Motion to Admit Verified Opposition, therefore, was filed out of time.

**WHEREFORE**, premises considered, the Opposer's Motion to Admit Verified Opposition is hereby **DENIED**. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application No. 4-2014-012204 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 30 March 2015.

  
**ATTY. NATHANIEL S. AREVALO**  
Director, Bureau of Legal Affairs

Copy furnished:

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