

THE MENTHOLATUM COMPANY,	}	IPC No. 14-2015-00573
Opposer,	}	Opposition to:
	}	
-versus-	}	Application No. 4-2015-00009734
	}	Date Filed: 26 August 2015
NUTRA TECH BIOPHARMA, INC.,	}	
Respondent-Applicant.	}	Trademark: OXYVET LA
x-----x	x	Order No. 2016 - <u>105</u> (D)

## ORDER

The records show that this Bureau issued Order No. 2016-079 dated 07 January 2016, directing the Opposer to present proof of payment of filing fee for the Opposition within ten (10) days from receipt of the order. The Order further states that the Opposer's failure to comply shall cause the denial of the motion and/or dismissal of the case.

The Opposer, however, failed to comply with the Order despite receipt thereof.

Rule 2, Section 8 (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*), 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 ten (10) days from receipt of the order to complete or to cure any of the following defects:

(1) Non-payment in full or in part of the filing fees and other applicable fees; x x x

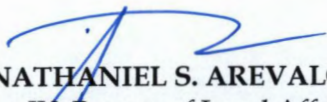
Failure to complete or cure the defect shall cause the dismissal of the case. [Emphasis Supplied]

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. 4-2015-00009734 be returned, together with a copy of this Order, to the Bureau of Trademarks for information and appropriate action.

SO ORDERED.

Taguig City, 13 May 2016.

  
Atty. NATHANIEL S. AREVALO  
Director IV, Bureau of Legal Affairs

Copy furnished:

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**NUTRA TECH BIOPHARMA, INC.**

*Respondent-Applicant*

Brgy. Balubad II, Silang

Cavite