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P H I L I P P I N E S

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<b>ROLEX SA,</b>	}	<b>IPC No. 14-2011-00068</b>
Opposer,	}	Opposition to:
	}	
	}	Appln. No. 4-2010-001146
- versus -	}	Date Filed: 02 February 2010
	}	
	}	Trademark: <b>RALPH LAUREN</b>
<b>THE POLO/RALPH LAUREN L.P.,</b>	}	<b>RLX</b>
Respondent-Applicant.	}	
x-----x	}	Order No. 2011 - <u>13</u> (D)

**ORDER**

The Opposer filed on 11 January 2011 a Notice of Opposition to Trademark Application Serial No. 4-2010-001146.

Records show that this Bureau issued on 30 November 2010 Order No. 2010-1370, which reads:

"The Opposer filed on November 11, 2010 a Motion for Second Extension of Time to File Verified Notice of Opposition requesting for an extension of thirty (30) days from November 12, 2010 within which to file Verified Notice of Opposition. This Bureau noted that the Opposer did not state the reason why it is seeking another extension of the period to file the opposition.

"Be that as it may, in the interest of justice, the instant Motion is hereby GRANTED.

"WHEREFORE, the Opposer is hereby given thirty (30) days from November 12, 2010 or until December 12, 2010 within which to file its Verified Notice of Opposition to the above trademark application.

"The Opposer however is hereby enjoined to state the reasons in requesting for extensions of the periods to file opposition and other pleadings in the future. The failure to state the reasons may be a cause to deny such requests."

On 09 December 2010, the Opposer requested another 30-day extension of the period to file the opposition. For the second time, however, it failed to state the reason in requesting the extension. Thus,

this Bureau issued Order No. 2010-1458 on 23 December 2010, giving the Opposer a non-extendible period of three (3) days from receipt hereof to explain why the motion for second extension of the period to file opposition should not be denied.

The Opposer did not comply with the Order No. 2010-1458. Instead, it filed the instant Manifestation and Motion stating its submission of the Verified Notice of Opposition and supporting evidence.


In this regard, it is emphasized that the grant of a motion for extension of the period to file an opposition to trademark application is not a matter of right of the Opposer but is discretionary on the part of this Bureau. Rule 7, Section 4(a) of the Regulations on Inter Partes Proceedings, as amended, requires that the grant of a motion for extension shall be based on good cause which must be shown in the motion.

Considering that the Opposer did not comply with Order No. 2010-1458, its motion for extension of the period within which to file the opposition should be denied. Hence, the opposition filed on 11 January 2011 must likewise be dismissed for having been filed out of time.

**WHEREFORE**, premises considered, the instant opposition is hereby **DISMISSED**. Let the filewrapper of the subject trademark application be returned to the Bureau of Trademarks for appropriate action in accordance with this Order.

**SO ORDERED.**

Makati City, 8 March 2011.

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

Copy furnished:

**SYCIP SALAZAR HERNANDEZ & GATMAITAN**

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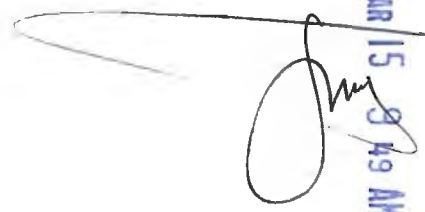


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