



DOLE FOOD COMPANY, INC.,  
Opposer,

- versus -

TROPICANA PRODUCTS, INC.,  
Respondent

MNO 2007-492

Opposition to:

Appln. Ser. No : 4-2006-500526

Date Filed : 11 December 2006

Trademark : TROPICANA GOLD  
100%

X-----X

Order No. 2008 - 26 (P)

## ORDER

On 15 November 2007, a Motion (Request for Extension of Time to Oppose) was filed by the Opposer through counsel requesting for a thirty (30) days extension or until December 10, 2007 within which to file the verified notice of opposition together with the affidavits of its witnesses and other supporting documents.

Record shows that the Opposer was given a first extension of thirty (30) days or **until December 10, 2007 under Order No. 2116** within which to file the Verified Notice of Opposition in compliance with the requirements of Office Order No. 79, series of 2005 (Amendments of the Regulations on Inter Partes Proceedings).

To date, however, despite the lapse of the period given to Opposer within which to file its verified notice of opposition, the same neither filed any motion nor pleading relative thereto.

It appears that the non-filing of the Verified Notice of Opposition is contrary to the provisions of Sec.134 of Republic Act 8293 and Sec. 4, Rule 7 of the Implementing Rules and Regulations of Inter Partes Proceedings which became effective last January 1, 1998.

**WHEREFORE**, for failure of the Opposer to file its Notice of Opposition within the reglementary period provided for by law, this case is, as it is hereby **MOTU PROPRIO DISMISSED**.

Let the filewrapper of **Application No. 4-2006-500526** filed on **11 December 2006** by **TROPICANA PRODUCTS, INC.**, for the registration of the trademark "**TROPICANA GOLD 100%**" for "**fruit juices and fruit juice drinks**" be forwarded to the Publication Section of the Bureau of Trademarks for appropriate action.

**SO ORDERED.**

Makati City, 26 February 2008.

  
**EDWIN DANILO A. DATING**  
Assistant Director  
Bureau of Legal Affairs

to file its  
etc.

to the  
files and

Copy Furnished:

ALLADO MENDOZA & ASSOCIATES  
*Counsel for Opposer*

**REG. MAIL WITH RETURN CARD**

J: 08-047  
FEB 28 2008

VERALAW (DEL ROSARIO BAGMASBAD & RABOCA)  
*Counsel for Respondent-Applicant*

FD 1204  
FEB 28 2008

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