

TRADE MARKS ACT 1994

IN THE MATTER OF:

OPPOSITION NO. 51367

IN THE NAME OF REDENVELOPE INC

TO APPLICATION NO. 2205212

TO REGISTER A SERIES OF TRADE MARKS IN CLASSES 9, 14, 16, 18, 21, 22, 25, 26, 33, 36, 39, 41 AND 42

IN THE NAME OF RED LETTER DAYS PLC

DIRECTIONS

1. For the reasons given in a written decision issued on 17th May 2002 (following an interlocutory hearing on 21st March 2002) Mr. Oliver Morris acting on behalf of the Registrar of Trade Marks refused to allow the Opponent an extension of time within which to file evidence under Rule 13(10) of the Trade Marks Rules 2000 in the above opposition proceedings.
2. The costs of the application were reserved to be dealt with at the conclusion of the proceedings.
3. On 14th June 2002 the Opponent gave notice of appeal to an Appointed Person under Section 76 of the Trade Marks Act 1994.

4. At the request of the Opponent, the hearing of the appeal was deferred pending the outcome of other Registry proceedings. It was eventually listed to be heard before me on 31st March 2003.

5. On 21st March 2003 the Opponent's solicitors (Messrs Field Fisher Waterhouse) notified the Treasury Solicitor's Department that their client no longer wished to proceed with the appeal listed for 31st March 2003.

6. On 25th March 2003 the Applicant's trade mark attorneys (Messrs. Urquhart-Dykes & Lord) wrote to the Treasury Solicitor's Department requesting an award of costs in respect of the withdrawn appeal.

7. As indicated in my decision dated 12th June 2002 in the matter of Revocation/Invalidity Application No. 10921 (SRIS 0-269-02) I consider that I have the power to make an award of costs in respect of the withdrawn appeal. A copy of that decision is supplied herewith.

8. In order to determine the application for costs in the present case I require:

(1) an itemised summary of the work and expenditure covered by the Applicant's claim for costs, this to be provided in writing on or before 11th April 2003;

(2) any observations that the Opponent may wish to make in relation to the contents of the summary referred to in (1) above, such observations to be provided in writing on or before 25th April 2003;

(3) any observations that the Applicant may wish to make in reply thereto, such observations to be provided in writing on or before 2nd May 2003.

9. Written material provided in accordance with the directions given in paragraph 8 above should be sent to the Treasury Solicitor's Department (reference LT2/6198F/AGP/A9) and at the same time copied to the opposite party.

10. I shall not issue a decision in relation to the Applicant's request until after 2nd May 2003. I shall thereafter proceed to a determination on the basis of the papers on file if neither party has by that date requested a hearing to consider the matter.

Geoffrey Hobbs Q.C.

1st April 2003