

AUSTRALIA

Trade Marks Act 1995

In the matter of Australian trade mark registration nos. 203993, 346984, 346986, 430239, 534945 for PACIFIC DUNLOP CD & Device in the name of Ansell Limited

and

Removal applications by Norcros (Holdings) Limited

Statutory declaration

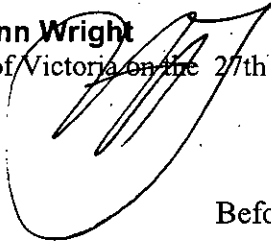
I, Theresa Ann Wright, of 101 Collins Street, Melbourne in the State of Victoria, Legal Practitioner, do solemnly and sincerely declare as follows:

- 1 I am a legal practitioner with Freehills Carter Smith Beadle (**my firm**). My firm has been retained by Ansell Limited (**Opponent**) to act on its behalf in relation to the oppositions to applications for removal of its Australian trade mark application nos. 203993, 346984, 346986, 430239 and 534945. I am responsible for the care and conduct of this matter on behalf of the Applicant subject to the supervision of my principals.
- 2 I make this Statutory Declaration from my own knowledge, except where the context indicates to the contrary. Where the context indicates to the contrary, I make this Statutory Declaration from information which I believe to be true.
- 3 Since the applicant last filed an application for an extension of time within which to finalise and serve evidence in support of the opposition to the removal application, a settlement agreement has been executed. However, the agreement is subject to certain conditions being met, and the Applicant for removal has not yet provided confirmation of its compliance.
- 4 In the circumstances negotiations to resolve this matter remain open and genuine, but if conclusion of settlement is not forthcoming, a serious opposition is foreshadowed and the opponent is committed to defending the removal actions if necessary.
- 5 If the parties are unable to resolve the matter amicably, we submit it is in the public interest to allow the opponent time to prepare its evidence to ensure that all relevant material is before the Trade Marks Office.
- 6 We estimate that a further three months should be sufficient to finalise matters. We are therefore requesting an extension of the deadline for filing evidence in support to 27 November 2004.

And I make this solemn declaration by virtue of the *Statutory Declarations Act (Cth) 1959*, as amended, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared by Theresa Ann Wright

at Melbourne in the State of Victoria on the 27th day of August 2004



Before me:

CARLY EVE MANSELL

Freehills

101 Collins Street Melbourne

A current practitioner under

AUSTRALIA

Trade Marks Act 1995

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- 2 I make this Statutory Declaration from my own knowledge, except where the context indicates to the contrary. Where the context indicates to the contrary, I make this Statutory Declaration from information which I believe to be true.
- 3 Since the applicant last filed an application for an extension of time within which to finalise and serve evidence in support of the opposition to the removal application, a settlement agreement has been reached by the parties. This agreement has been distributed to the parties and is awaiting internal sign-off and execution by them. We are hopeful that this will be finalised within the next three months.
- 4 Negotiations to resolve this matter remain genuine; but in the unlikely event that final settlement fails, a serious opposition is foreshadowed and the applicant is committed to defending the removal action if necessary. In that event, we submit it is in the public interest to allow the applicant time to prepare its evidence to ensure that all relevant material is before the Trade Marks Office.
- 5 We estimate that three months should be sufficient to finalise the settlement. We are therefore requesting an extension of the deadline for filing evidence in support to 27 August 2004.

And I make this solemn declaration by virtue of the *Statutory Declarations Act (Cth)* 1959, as amended, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Declared by Theresa Ann Wright

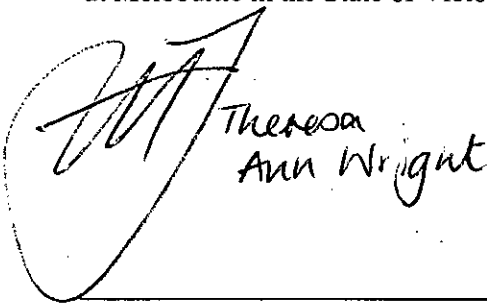
at Melbourne in the State of Victoria on the 27th day of May 2004

Kathryn L McEvoy

A person registered as a Trade Marks Attorney
under the Trade Marks Act 1995

of 101 Collins Street
Melbourne, Victoria, 3000

Before me:



Theresa
Ann Wright