

IP Australia Service Request

Trade Mark Number
1535306

Request Date & Time
05-Jan-2015 19:39:53

Submitting Party

Party Identifier	HWG1874161902
Name	
Customer's Reference	253441
Email	wrays@wrays.com.au

Extension of Time for Acceptance (under S224)

Fees

FANG Batch Identifier	8024198	
Fee # 1	Fee Code	TEA
	Fee Type	OTHER
	Fee Description	Extension of Time for Acceptance (under S224)
	Number of Goods and Services Classes	2
	Fee Unit Count	6
	Fee Amount	\$600.00
	Calculation Date & Time	05-Jan-2015 19:39:20
Fee Total Amount	\$600.00	

Service Request Details

Channel	WEB
Batch Identifier	STBI-0000496166

Batch Reference	253441
Service Request Identifier	STEX-0000983447
Service Request Code	TXAG
Request Date & Time	05-Jan-2015 19:39:53
Customer's Reference	253441
Application numbers	Customer's IP Right Reference
1535306	253441
Contact Details	
Phone	+61892165100

Customer Supplied Documents

Document Sequence	Document Type	Document File Name	Physical Media
1	Other	253441 - Letter to IP Australia - Extension of Time 05-01-2015.pdf	No

ONLINE

WRAYS

Contact: Laura Tatchell
Senior Associate: Nico de Jong

5 January 2015

Registrar of Trade Marks
IP Australia
PO Box 200
WODEN ACT 2606
Australia

Dear Madam

**Australian Trade Mark Application 1535306 in Classes 35,36
in the name of Austexx Spencer Street Pty Ltd; Austexx Spencer Pty Ltd**

SPENCER
OUTLET CENTRE

-and-

Request for an Extension of Time

Our ref: 253441

We request an extension of time of six (6) months from 11 January 2015 to 11 July 2015 in order to file a late application to defer acceptance.

Please find **enclosed** a completed Application for an Extension of Time form together with:

- a) a declaration made by Catherine Toal in support of the extension of time request; and
- b) the prescribed fee.

We look forward to hearing from you in respect of this application.

Yours faithfully
WRAYS



Nico de Jong
Senior Associate

Nico.deJong@wrays.com.au
(08) 9216 5181



Laura Tatchell
Associate

Laura.Tatchell@wrays.com.au
(08) 9216 5109

Enc: Extension of Time Request
Declaration by Catherine Toal

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Perth, WA 6831, Australia
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E: wrays@wrays.com.au

SYDNEY
PO Box 1445,
North Sydney, NSW 2059, Australia
T: +61 2 8415 6500 F: +61 2 8415 6599
E: wrays@wrays.com.au

Trade Marks Act 1995

Application for an Extension of Time Under Section 224

Trade Mark Number(s)
1535306

in the name of:
Austexx Spencer Street Pty Ltd
Austexx Spencer Pty Ltd

Details of Applicant for Extension of Time

Name: Austexx Spencer Street Pty Ltd
Austexx Spencer Pty Ltd

Address: c/- KordaMentha
Level 24
33 Collins Street
Melbourne Victoria 3000

Address for service in Australia:
WRAYS
Ground Floor, 56 Ord Street
West Perth WA 6005

Attorney code: WR

Telephone no.
08-9216 5100

Facsimile no.
08-9216 5199

Reference
253441

Application is made under Section 224 for an extension of time of **SIX (6)** months from 11 January 2015 to 11 July 2015 because of:

- Error or omission by a trade marks officer or employee
- Error or omission by the person concerned or agent
- Circumstances beyond the control of the person concerned
- Special circumstances

The facts on which the above grounds are based are set out in the accompanying declaration.

The proceeding for which an extension of time is required:

- Acceptance of an application
- Application for an Award of Costs
- Registration of a trade mark
- Filing a Bill of Costs
- Filing a Notice of Opposition to removal of a trade mark from the Register for non-use

Signature

Wrays

WRAYS

On behalf of the Applicant

DATE: 5 January 2015

COMMONWEALTH OF AUSTRALIA
(Trade Marks Act 1995)

IN THE MATTER of

Australian Trade Mark Application 1535306

SPENCER

OUTLET CENTRE in classes 35 and 36

(Application)

in the name of Austexx Spencer Street Pty
Ltd and Austexx Spencer Pty Ltd

(Applicant)

DECLARATION

I, Catherine Melanie Anita Toal, lawyer, of Wrays Lawyers, 56 Ord Street, West Perth in the State of Western Australia, do solemnly and sincerely declare as follows:-

1. I am a lawyer of Wrays Lawyers, the lawyers for the Applicant. I am authorised to make this declaration on behalf of the Applicant.
2. I make this declaration from my own knowledge, except where stated to the contrary or where the context indicates to the contrary and, in such circumstances, my declaration is made from the best of my knowledge, information and belief.
3. I make this declaration in support of an application for an extension of time to file a deferment application pursuant to section 224 of the *Trade Marks Act 1995* (Cth) (**TMA**).
4. The Application was filed on 11 January 2013.
5. A first adverse examination report was issued against the Application on 11 April 2013 (**First Report**). A response to the First Report was filed on 3 June 2013.
6. A second adverse examination report was issued against the Application on 17 June 2013 (**Second Report**). A response to the Second Report was filed 29 August 2013.
7. A third adverse examination report was issued against the Application on 26 September 2013 (**Third Report**). A request for review of the Examiner's objections was made in response to the Third Report.
8. A fourth adverse examination report was issued against the Application on 15 November 2013 (**Fourth Report**).

9. The Examiner has cited Australian trade mark registration 1329196 (**cited mark**) as the objection to the Application. In order to address this objection, the Applicant has filed an application for removal of the cited mark for non-use under section 92(4)(b) TMA (**removal application**).
10. In accordance with section 93(2) of the TMA, the Applicant was unable to file the removal application until 2 November 2014 at the earliest, some 4 months outside of the 15 month period allotted to address the objections in the examination reports.
11. As such, due to the fact that the Applicant could not request deferment during the initial 15 month period, the Applicant respectfully requests an extension of time for 6 months, in order to defer further examination of the Application pending the resolution of the removal application.

I make this declaration conscientiously believing the statements contained in this declaration to be true and correct.

DECLARED by Catherine Melanie Anita Toal)
at West Perth)
in the State of Western Australia)
this 24th day of December 2014)

A handwritten signature in blue ink, appearing to read 'C. Toal', is written over a light blue rectangular background.

IP Australia Service Request

Trade Mark Number
1535306

Request Date & Time
07-Jan-2015 20:06:30

Submitting Party

Party Identifier	HWG1874161902
Name	
Customer's Reference	253441
Email	wrays@wrays.com.au

General Correspondence Relating to a Trade Mark Application/Registration

Fees

FANG Batch Identifier	8025368
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Fee # 1	Fee Code	TMGC
	Fee Type	OTHER
	Fee Description	General Correspondence Relating to a Trade Mark Application/Registration
	Number of Goods and Services Classes	2
	Fee Unit Count	1
	Fee Amount	\$0.00
	Calculation Date & Time	07-Jan-2015 20:03:51

Fee Total Amount	\$0.00
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Service Request Details

Channel	WEB
Batch Identifier	STBI-0000498485
Batch Reference	253441
Service Request Identifier	STEO-0000987638
Service Request Code	TCZAR
Request Date & Time	07-Jan-2015 20:06:30
Customer's Reference	253441
Application numbers	Customer's IP Right Reference
1535306	253441
Contact Details	
Phone	+61892165100

Customer Supplied Documents

Document Sequence	Document Type	Document File Name	Physical Media
1	Other	253441 - Letter to IP Australia - Extension of Time under s224 07-01-2015.pdf	No

ONLINE

WRAYS

Contact: Laura Tatchell
Director: David Stewart

7 January 2015

Registrar of Trade Marks
IP Australia
PO Box 200
WODEN ACT 2606
Australia

Dear Madam

**Australian Trade Mark Application 1535306 in Classes 35,36
in the name of Austexx Spencer Street Pty Ltd; Austexx Spencer Pty Ltd**

SPENCER
OUTLET CENTRE

-and-

Request for an Extension of Time

Our ref: 253441

Further to our last correspondence on 5 January 2015, we write to amend the dates for which the six month extension of time is requested.

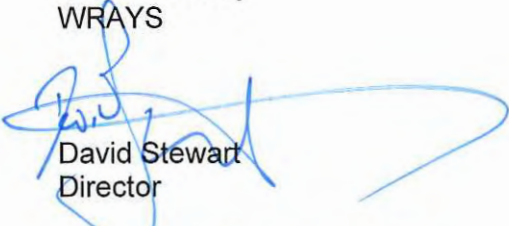
We request an extension of time from 11 July 2014 until 11 January 2015, not 11 January 2015 to 11 July 2015 as was originally requested. Please disregard the Application for an Extension of Time sent to you on 5 January 2015 as this provided incorrect dates for the extension.

Please find **enclosed** an amended Application for an Extension of Time form together with a declaration made by Catherine Toal in support of the extension of time request.

We confirm that the prescribed fee of \$600 was paid in our application of 5 January 2015.

We look forward to hearing from you in respect of this application.

Yours faithfully
WRAYS


David Stewart
Director

David.Stewart@wrays.com.au
(08) 9216 5180



Laura Tatchell
Associate

Laura.Tatchell@wrays.com.au
(08) 9216 5109

Enc: Extension of Time Request
Declaration by Catherine Toal

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Trade Marks Act 1995

Application for an Extension of Time Under Section 224

Trade Mark Number(s)

1535306

in the name of:

Austexx Spencer Street Pty Ltd

Austexx Spencer Pty Ltd

Details of Applicant for Extension of Time

Name: Austexx Spencer Street Pty Ltd

Austexx Spencer Pty Ltd

Address: c/- KordaMentha

Level 24

33 Collins Street

Melbourne Victoria 3000

Address for service in Australia:

WRAYS

Ground Floor, 56 Ord Street

West Perth WA 6005

Attorney code: WR

Telephone no.

08-9216 5100

Facsimile no.

08-9216 5199

Reference

253441

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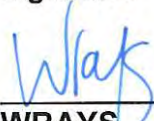
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- Error or omission by the person concerned or agent
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- Registration of a trade mark
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- Filing a Notice of Opposition to removal of a trade mark from the Register for non-use

Signature



WRAYS

On behalf of the Applicant

DATE: 7 January 2015

COMMONWEALTH OF AUSTRALIA
(Trade Marks Act 1995)

IN THE MATTER of

Australian Trade Mark Application 1535306

SPENCER

OUTLET CENTRE in classes 35 and 36

(Application)

in the name of Austexx Spencer Street Pty
Ltd and Austexx Spencer Pty Ltd

(Applicant)

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DECLARED by Catherine Melanie Anita Toal)
at West Perth)
in the State of Western Australia)
this 24th day of December 2014)

