

IP Australia Service Request

Trade Mark Number
1612509

Request Date & Time
03-Mar-2016 17:38:24

Submitting Party

| | |
|-----------------------------|------------------------------|
| Party Identifier | NBZ2930589813 |
| Agency Code | PO |
| Name | Phillips Ormonde Fitzpatrick |
| Customer's Reference | 149283 |
| Email | attorney@pof.com.au |

General Correspondence Relating to a Trade Mark Application/Registration

Fees

| | | |
|------------------------------|---|--|
| FANG Batch Identifier | 8246296 | |
| 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 | 5 |
| | Fee Unit Count | 1 |
| | Fee Amount | \$0.00 |
| | Calculation Date & Time | 03-Mar-2016 17:38:24 |
| Fee Total Amount | \$0.00 | |

| Service Request Details | |
|-----------------------------------|--------------------------------------|
| Channel | B2B |
| Batch Identifier | SMBM-0000864553 |
| Batch Reference | 57523 |
| Service Request Identifier | STXX-0001638367 |
| Service Request Code | TCX |
| Request Date & Time | 03-Mar-2016 17:38:24 |
| Customer's Reference | 149283 |
| Application numbers | Customer's IP Right Reference |
| 1612509 | 1030461 |
| Contact Details | |
| Phone | 03 9614 1944 |

Customer Supplied Documents

| Document Sequence | Document Type | Document File Name | Physical Media |
|-------------------|---------------|-----------------------------------|----------------|
| 1 | Other | AT37-1030461.docx | No |
| 2 | Other | LOFF-1030461.docx | No |
| 3 | Other | AT10-1030461.docx | No |
| 4 | Declaration | 2253_001.pdf | No |

Trade Marks Act 1995

**Application for an Extension of Time under Section 224
for Request for Deferment**

Details of applicant for extension of time

Name: SNCF Mobilites

Address: 2 place aux Etoiles, F-93200 ST DENIS , France

Address for Service and Correspondence:

**Phillips Ormonde Fitzpatrick
333 Collins Street
Melbourne Victoria 3000**

Telephone No.: (03) 9614 1944 Facsimile No.: (03) 9614 1867

Trade Mark No(s). 1612509

In the name of SNCF Mobilites

Fee Paid \$200

Application is made under Section 224 for an extension of time to seek deferment. The basis on which the request for deferment relies is set out in the accompanying declaration.

Reference: 1030461

Dated: 2 March 2016



PHILLIPS ORMONDE FITZPATRICK
Attorneys for:
SNCF Mobilites
Hwth fee: \$200



3 March 2016

Telephone Contact : Marine Guillou
Speed Dial 527

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

Dear Madam

SNCF Mobilites
Australian Trade Mark Application 1612509
Mark **ORIENT EXPRESS (Stylised)**
Classes **12, 20, 24, 39, 43**
Our Ref **1030461**

We hereby request deferment of the acceptance of this application under the provisions of section 36 of the Trade Marks Act 1995.

The prior trade mark registrations cited by the Examiner in the first report are now the subject of applications for removal based on non-use. We therefore request deferment pending resolution of the removal applications.

Due to this application for deferment being made outside the 15 month acceptance period, we also hereby request an extension of time under section 224 of the Trade Marks Act 1995 in which to request the deferment. A suitable form, the appropriate fee, as well as a statutory declaration in support for the request for an extension of time are enclosed.

Respectfully
PHILLIPS ORMONDE FITZPATRICK

MRG

Trade Marks Act 1995

Request for Deferment of Acceptance

Trade Mark No(s). 1612509
in the name of SNCF Mobilites
address 2 place aux Etoiles, F-93200 ST DENIS , France

Address for Service and Correspondence:

**Phillips Ormonde Fitzpatrick
333 Collins Street
Melbourne Victoria 3000**

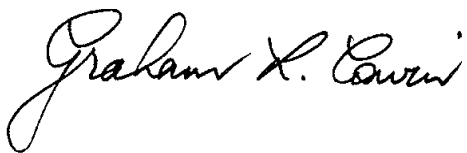
Telephone No.: (03) 9614 1944 Facsimile No.: (03) 9614 1867

Reference: 1030461

Deferment of acceptance of the above trade mark(s) is requested because:

- I have filed an application for removal of the cited trade marks

Dated: 3 March 2016



PHILLIPS ORMONDE FITZPATRICK
Attorneys for:
SNCF Mobilites

AUSTRALIA
Trade marks Act 1995

IN THE MATTER of Australia Trade Mark
Application No. 1612509 in the name of SNCF
Mobilites

STATUTORY DECLARATION

I, Marine Guillou of Level 16, 333 Collins st, Melbourne Victoria 3000 make the following declaration under the *Statutory Declarations Act 1959*:

1. I am an employee of Phillips Ormonde Fitzpatrick ("my Firm") attorneys for the Applicant herein. I make this declaration from my own knowledge and belief and from the records of my Firm.
2. An examination report was issued in connection with this application on 28 March 2014.
3. On 23 June 2015, the Applicant requested deferment of this application on the basis it was seeking a letter of consent from the owner of cited trade mark registrations Nos. 1277545, 1277546 & 1277547, for the purpose of establishing "other circumstances". Several attempts were made to contact the attorneys for the owner of cited trade mark registrations by email, mail and telephone.
4. Deferment terminated on 24 December 2015 and two extensions of time have since been sought to allow my firm time to make a last attempt to contact the attorneys for the owner of cited trade mark registrations and to seek instructions from the Applicant.
2. The Applicant's expectation was that an agreement could be reached with the owner of cited marks that would avoid the need for a non-use removal application to be made against the cited registrations. Considering the lack of response from the cited mark owner, the Applicant has now filed removal applications against each of the cited registrations Nos. 1277545, 1277546 & 1277547. As the Applicant was beyond the period of time to obtain deferment of acceptance of its application, it is necessary that it now requests an extension of time to do so.

5. It is noted that acceptance period for the present application has already been extended to 27 March 2016.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

DECLARANT: 

DECLARED AT: Melbourne

DATED: 3 March 2016

BEFORE ME 

NAME OF WITNESS

MAGDA KHALIL BRAMANTE
LEVEL 16, 333 COLLINS STREET MELBOURNE 3000
An Australian Legal Practitioner within the meaning of
the Legal Profession Uniform Law (Victoria)

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.
Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

IP Australia Service Request

Trade Mark Number
1612509

Request Date & Time
09-Mar-2016 15:08:33

Submitting Party

| | |
|-----------------------------|------------------------------|
| Party Identifier | NBZ2930589813 |
| Agency Code | PO |
| Name | Phillips Ormonde Fitzpatrick |
| Customer's Reference | 199638 |
| Email | attorney@pof.com.au |

Extension of Time for Acceptance (under S224)

Fees

FANG Batch Identifier 8249340

| | | |
|----------------|---|--|
| Fee # 1 | Fee Code | TEA |
| | Fee Type | OTHER |
| | Fee Description | Extension of Time for Acceptance (under S224) |
| | Number of Goods and Services Classes | 5 |
| | Fee Unit Count | 2 |
| | Fee Amount | \$200.00 |
| | Calculation Date & Time | 09-Mar-2016 15:08:33 |

Fee Total Amount \$200.00

Service Request Details

Channel B2B

| | |
|-----------------------------------|--------------------------------------|
| Batch Identifier | SMBM-0000869490 |
| Batch Reference | 107556 |
| Service Request Identifier | STXX-0001647286 |
| Service Request Code | TXAG |
| Request Date & Time | 09-Mar-2016 15:08:33 |
| Customer's Reference | 199638 |
| Application numbers | Customer's IP Right Reference |
| 1612509 | 1030461 |
| Contact Details | |
| Phone | 03 9614 1944 |

Customer Supplied Documents

| Document Sequence | Document Type | Document File Name | Physical Media |
|-------------------|---------------|-----------------------------------|----------------|
| 1 | Other | AT37-1030461.docx | No |
| 2 | Declaration | 2253_001.pdf | No |

Trade Marks Act 1995

**Application for an Extension of Time under Section 224
for Request for Deferment**

Details of applicant for extension of time

Name: SNCF Mobilites

Address: 2 place aux Etoiles, F-93200 ST DENIS , France

Address for Service and Correspondence:

**Phillips Ormonde Fitzpatrick
333 Collins Street
Melbourne Victoria 3000**

Telephone No.: (03) 9614 1944 Facsimile No.: (03) 9614 1867

Trade Mark No(s). 1612509

In the name of SNCF Mobilites

Fee Paid \$200

Application is made under Section 224 for an extension of time to seek deferment. The basis on which the request for deferment relies is set out in the accompanying declaration.

Reference: 1030461

Dated: 2 March 2016



PHILLIPS ORMONDE FITZPATRICK
Attorneys for:
SNCF Mobilites
Hwth fee: \$200

AUSTRALIA
Trade marks Act 1995

IN THE MATTER of Australia Trade Mark
Application No. 1612509 in the name of SNCF
Mobilites


STATUTORY DECLARATION

I, Marine Guillou of Level 16, 333 Collins st, Melbourne Victoria 3000 make the following declaration under the *Statutory Declarations Act 1959*:

1. I am an employee of Phillips Ormonde Fitzpatrick ("my Firm") attorneys for the Applicant herein. I make this declaration from my own knowledge and belief and from the records of my Firm.
2. An examination report was issued in connection with this application on 28 March 2014.
3. On 23 June 2015, the Applicant requested deferment of this application on the basis it was seeking a letter of consent from the owner of cited trade mark registrations Nos. 1277545, 1277546 & 1277547, for the purpose of establishing "other circumstances". Several attempts were made to contact the attorneys for the owner of cited trade mark registrations by email, mail and telephone.
4. Deferment terminated on 24 December 2015 and two extensions of time have since been sought to allow my firm time to make a last attempt to contact the attorneys for the owner of cited trade mark registrations and to seek instructions from the Applicant.
2. The Applicant's expectation was that an agreement could be reached with the owner of cited marks that would avoid the need for a non-use removal application to be made against the cited registrations. Considering the lack of response from the cited mark owner, the Applicant has now filed removal applications against each of the cited registrations Nos. 1277545, 1277546 & 1277547. As the Applicant was beyond the period of time to obtain deferment of acceptance of its application, it is necessary that it now requests an extension of time to do so.

5. It is noted that acceptance period for the present application has already been extended to 27 March 2016.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

DECLARANT: 

DECLARED AT: Melbourne

DATED: 3 March 2016

BEFORE ME 

NAME OF WITNESS

MAGDA KHALIL BRAMANTE
LEVEL 16, 333 COLLINS STREET MELBOURNE 3000
An Australian Legal Practitioner within the meaning of
the Legal Profession Uniform Law (Victoria)

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.
Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.