

# IP Australia Service Request

**Trade Mark Number**  
**1515442**

**Request Date & Time**  
**14-Mar-2017 17:31:43**

## Submitting Party

<b>Party Identifier</b>	NBZ2930589813
<b>Agency Code</b>	PO
<b>Name</b>	Phillips Ormonde Fitzpatrick
<b>Customer's Reference</b>	319726
<b>Email</b>	attorney@pof.com.au
<b>CMR Identifier</b>	0040000826

## Extension of Time Due to Special Circumstances

### Fees

**FANG Batch Identifier** 8432268

<b>Fee # 1</b>	<b>Fee Code</b>	TXTS
	<b>Fee Type</b>	OTHER
	<b>Fee Description</b>	Application for an Extension of a Time Limit - per Month or part Month - Special Circumstances Exist
	<b>Number of Goods and Services Classes</b>	5
	<b>Fee Unit Count</b>	1
	<b>Fee Amount</b>	\$100.00
	<b>Calculation Date &amp; Time</b>	14-Mar-2017 17:31:43

**Fee Total Amount** \$100.00

<b>Service Request Details</b>	
<b>Channel</b>	B2B
<b>Batch Identifier</b>	SMBM-0001213589
<b>Batch Reference</b>	210121
<b>Service Request Identifier</b>	STXX-0002259029
<b>Service Request Code</b>	TXR
<b>Request Date &amp; Time</b>	14-Mar-2017 17:31:43
<b>Customer's Reference</b>	319726
<b>Application numbers</b>	<b>Customer's IP Right Reference</b>
1515442	1070907
<b>SAP Receipt Number</b>	0077890950
<b>Contact Details</b>	
<b>Phone</b>	03 9614 1944

## Customer Supplied Documents

Document Sequence	Document Type	Document File Name	Physical Media
1	Other	<a href="#">AT37-1070907.docx</a>	No
2	Declaration	<a href="#">1943_001.pdf</a>	No

## Trade Marks Act 1995

### Application for an Extension of Time under Section 224 for Acceptance

#### Details of applicant for extension of time

Name: VCE Company LLC

Address: 1500 North Greenville Avenue, Suite 1100, Richardson, Texas, 75081,  
United States of America

Address for Service and Correspondence:

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

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

#### Part 1 Formality Details

Trade Mark No(s). 1515442

In the name of VCE Company LLC

Fee Paid \$100.00

#### Part 2 Extension Details

Application is made for an extension of time of one (1) month to extend the due date for acceptance from 16 March 2017 to 16 April 2017.

The extension is required because of:

Special circumstances

The facts on which the extension is based are set out in the accompanying declaration.

#### Part 3 Declaration in support of extension application

See attached Statutory Declaration.

Reference: 1070907

Dated: 14 March 2017



PHILLIPS ORMONDE FITZPATRICK

Attorneys for:

VCE Company LLC

Hwth fee: \$100.00

STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

IN THE MATTER OF Australian Trade  
Mark Application 1515442 VCE (Logo)  
in classes 9, 16, 37, 41, 42 in the name  
of VCE Company LLC

STATUTORY DECLARATION

I, MICHAEL O'DONNELL of Level 16, 333 Collins Street, Melbourne, Victoria 3000, Australia make the following declaration under the *Statutory Declarations Act 1959*:

1. I am a Partner of the firm Phillips Ormonde Fitzpatrick of Level 16, 333 Collins Street, Melbourne, Victoria 3000, Australia (my firm) and in that capacity I am responsible for the conduct of this trade mark application.
2. Matters declared to herein are known to me personally or have been ascertained from the records of my firm to which I have access.
3. On September 7, 2016, Dell Inc. acquired EMC Corporation and its subsidiaries including VCE Company LLC. My firm was advised on 17 October 2016 to assume responsibility for this trade mark application from Pizzeys Patent and Trade Mark Attorneys Pty Ltd.
4. On 18 October 2016, my firm received from Pizzeys Patent and Trade Mark Attorneys Pty Ltd a copy of their file on this application. We immediately reviewed the file and provided advice to our instructor Dell Inc. as to what information is needed to advance the present application.
5. Having reviewed the objections faced by the present application, I note a Section 41 objection has been raised and an objection based on prior registration 1185142 remains.


6. On 20 February 2017, the applicant lodged evidence of use with a response to the Examiner's third report.
7. On 6 March 2017, a fourth adverse report was issued.
8. A response to the fourth report was lodged on 14 March 2017. The response agrees to amendments proposed by the Examiner which will lead to acceptance of the application.
9. Additional time is required to allow the Examiner to consider our submissions and accept the present application.

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.



.....  
Signature of person making the declaration

Declared at Melbourne on 14<sup>th</sup> of March 2017

Before me 

**BRAD FITZPATRICK**  
LEVEL 16, 333 COLLINS STREET, MELBOURNE 3000  
A person registered as a Patent Attorney under Chapter 20  
of the Patents Act 1990 of the Commonwealth of Australia

*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*.