

# IP Australia Service Request

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

**Request Date & Time**  
**02-Nov-2016 17:31:24**

## Submitting Party

<b>Party Identifier</b>	NBZ2930589813
<b>Agency Code</b>	PO
<b>Name</b>	Phillips Ormonde Fitzpatrick
<b>Customer's Reference</b>	312875
<b>Email</b>	attorney@pof.com.au

## Extension of Time Due to Special Circumstances

### Fees

**FANG Batch Identifier** 8371048

<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>	3
	<b>Fee Amount</b>	\$300.00
	<b>Calculation Date &amp; Time</b>	02-Nov-2016 17:31:24

**Fee Total Amount** \$300.00

## Service Request Details

<b>Channel</b>	B2B
<b>Batch Identifier</b>	SMBM-0001095864
<b>Batch Reference</b>	209237
<b>Service Request Identifier</b>	STXX-0002052953
<b>Service Request Code</b>	TXR
<b>Request Date &amp; Time</b>	02-Nov-2016 17:31:24
<b>Customer's Reference</b>	312875
<b>Application numbers</b>	<b>Customer's IP Right Reference</b>
1515442	1070907
<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="#">0139_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 \$300.00

### Part 2 Extension Details

Application is made for an extension of time of three (3) months to extend the due date for acceptance from 16 November 2016 to 16 February 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: 2 November 2016



PHILLIPS ORMONDE FITZPATRICK

Attorneys for:

VCE Company LLC

Hwth fee: \$300.00

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

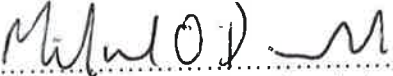
STATUTORY DECLARATION

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

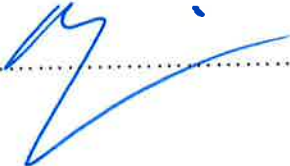
1. I am a Partner of the firm Phillips Ormonde Fitzpatrick of Level 16, 333 Collins Street, Melbourne, Victoria 3000, Australia (my firm) and in that capacity I am responsible for the conduct of this trade mark application.
2. Matters declared to herein are known to me personally or have been ascertained 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. A draft declaration of use has been prepared and is now with Dell Inc., our instructor, to review and finalise. It is anticipated that the declaration can be finalised and lodged within the extended period. Further, the applicant is currently in discussions with the owner of cited trade mark 1185142 for a letter of consent.
7. Additional time is needed in light of the recent transfer of responsibility for this application to allow the evidence of use declaration to be finalised and the letter of consent obtained.

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 2<sup>nd</sup> of November 2016

Before me  .....

MICHAEL PETER SQUIRES  
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*.