

O-407-10

**TRADE MARKS ACT 1994
IN THE MATTER OF APPLICATION No. 2488830
BY MARS U.K. LIMITED TO REGISTER A
TRADE MARK IN CLASSES 29 & 30
AND
IN THE MATTER OF OPPOSITION THERETO
UNDER NO. 98108 BY NICHOLAS DYNES GRACEY**

SUPPLEMENTARY DECISION

1) On 20 October 2010 I issued decision O-363-10 which found in favour of the opponent. As a private litigant I required him to provide a brief schedule of costs setting out any disbursements incurred, any other financial losses claimed and a statement of the time spent in dealing with the proceedings.

2) The opponent provided a schedule of costs. This was as follows:

Fees: TM7 £200 +TM9 £100 = £300
Fiona Dodds (uncertified Solicitor) 5 x £100 /hr = £500
Nicholas Gracey 5 x £10/hr = £50

3) The applicant has written in claiming that certain actions of the opponent added unnecessary costs. I agree with a number of their comments. The evidence filed was of no assistance to my decision and was filed after an extension of time request. I also note that Mr Gracey represented himself at the hearing. I award the applicant the following:

Hours: 10hours x £9.25 per hour = £92.50
Disbursements = £200

3) I order the applicant to pay the opponent the sum of £292.50. This sum to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Dated this 29 day of November 2010

**G W Salthouse
For the Registrar
The Comptroller-General**