

**IN THE MATTER OF TRADE MARK APPLICATION
NO 2585903 'BULLDOG CIDER'
IN THE NAME OF BULLDOG ENERGY DRINK LTD**

AND

**OPPOSITION THERETO NO 102757
BY CK3 LLC**

AND

**ON APPEAL FROM THE DECISION OF MRS ANN CORBETT
DATED 7 JANUARY 2014**

DECISION ON COSTS ONLY

1. On 7 January 2014, Mrs Ann Corbett upheld an opposition by CK3 LLC ("the Opponent") to the registration of the trade mark BULLDOG CIDER for cider in Class 33.
2. On 4 February 2014, Bulldog Energy Drink Ltd ("the Applicant") lodged an appeal. It was fixed for hearing on 19 June 2014.
3. On 10 June, the Applicant wrote asking if I would adjourn the hearing, on the basis that the parties were actively seeking to settle the matter. However, the Opponent objected to the adjournment, so I did not grant the Applicant's request.
4. On 17 June I received a skeleton argument from counsel for the Opponent for the substantive appeal, settled by counsel, as well as a skeleton argument for the Applicant settled by its Head of Legal Affairs.
5. However, by the following morning, the Applicant had decided to and did withdraw the appeal.
6. The Opponent now seeks a contribution towards its costs of preparing for the appeal 'at the top end of the standard scale' on the basis that the appeal was withdrawn so late.
7. In my view, it is right that the Applicant should pay something towards the Opponent's costs of preparing for the appeal, and the sum to be paid should reflect the fact that the appeal was withdrawn after counsel had been instructed to appear

at the hearing and after exchange of skeleton arguments, so that the bulk of the costs relating to the appeal would have been incurred by that time.

8. In the circumstances, I will order the Applicant to pay the Opponent £1000 in respect of its costs of the appeal, to be paid within 14 days of today, in addition to the costs awarded by the Hearing Officer.

Amanda Michaels
The Appointed Person
3 July 2014

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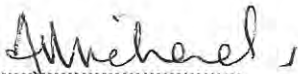
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ORDER

UPON withdrawal of the Appeal lodged by Bulldog Energy Drink Ltd on 4 February 2014

IT IS ORDERED that Bulldog Energy Drink Ltd shall pay £1000 to CK3 LLC by way of a contribution towards its costs of the appeal, such sum to be paid by 5 pm on 17th July 2014.



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Amanda Michaels
The Appointed Person
3 July 2014