

**TRADE MARKS ACT 1994  
IN THE MATTER OF REGISTRATION No. 2492084  
STANDING IN THE NAME OF  
IHBA GMBH  
AND  
IN THE MATTER OF A REQUEST FOR A DECLARATION  
OF INVALIDITY THERETO UNDER No.500244  
BY SDI TECHNOLOGIES INC.**

**SUPPLEMENTARY DECISION**

1) My written decision in these proceedings, 24 February 2015 (BL O-088-15), contained errors. It has been brought to my attention that in my costs award I did not deal with the invalidity fee and that I referred to “opposition” rather than “invalidity”; “applicant” rather than “IHB” and “opponent” rather than “SDI” in a number of paragraphs. The necessary power to correct this is provided by Rule 74 of the Trade Marks Rules 2008 which states:

**“Correction of irregularities in procedure**

**74.—**(1) Subject to rule 77, the registrar may authorise the rectification of any irregularity in procedure (including the rectification of any document filed) connected with any proceeding or other matter before the registrar or the Office.

(2) Any rectification made under paragraph (1) shall be made—

(a) after giving the parties such notice; and

(b) subject to such conditions,

as the registrar may direct.”

2) In the following instances “opposition” should be amended to “invalidity”: Paragraph 13 line 1; paragraph 42 line 4; paragraph 43 line 4; paragraph 44 line 1; paragraph 53 line 11 and paragraph 54 line 2.

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3) In the following instances “Opponent” should be amended to “SDI”: Paragraph 40 lines 4 & 7; Paragraph 41 line 5; Paragraph 42 line 3; Paragraph 43 line 3; Paragraph 51 line 1 and Paragraph 53 line 3.

4) In the following instances “applicant” should be amended to “IHBI”: Paragraph 42 line 3; Paragraph 43 line 3; Paragraph 53 line 10 and Paragraph 54 line 2.

5) Lastly paragraphs 57 and 58 are amended as follows:

“57) As SDI has been mostly successful it is entitled to a contribution towards its costs.

Expenses	£200
Preparing a statement and considering the other side’s statement	£300
Preparing evidence	£300
Preparing submissions	£600
TOTAL	£1,400

58) I order IHBA GmbH to pay the sum of £1,400 to SDI Technologies Inc. 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 21st day of May 2015**

**George W Salthouse  
For the Registrar,  
the Comptroller-General**