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February 6, 2024

Registrar of Trademarks

Canadian Intellectual Property Office
Place du Portage I
50 Victoria Street, Room C-114
Gatineau, QC K1A 0C9 CANADA

Application No: 2137494

GENERAL CORRESPONDENCE

Applicant:

Zellers Inc.
40 Rue Principale O
La Trinité-Des-Monts, QC G0K1B0
Canada

Correspondence Type: Extension of time

The undersigned, Harold W. Ashenmil, trademark agent 1659, has been confirmed as the agent for the applicant Zellers Inc. with respect to application no. 2 137 494, and I have requested an extension of the delay to reply to the Examiner's report of August 7th, 2023.

Legal proceedings have been initiated before the Federal Court of Canada (docket T-1517-21) by The Bay Limited Partnership seeking, inter alia, Orders denying the Applicant's rights to obtain the registration of ZELLERS RESTAURANT & design that is the subject of said pending application no. 2 137 494. These proceedings before the Federal Court of Canada involve various parties and, at least in the respectful view of Harold W. Ashenmil, these proceedings will take more than one year to resolve, ignoring for the moment the possibility of an appeal. In view of these legal proceedings before the Federal Court of Canada, the Applicant respectfully suggests that an extension until August 7th, 2025 is reasonable and the Applicant hereby requests an extension until said date to reply to the aforementioned Examiner's report of August 7, 2023.

Submitted by:

HAROLD W. ASHENMIL
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Name of the individual trademark agent (not firm) submitting this correspondence: Harold W. Ashenmil



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March 12, 2024

Registrar of Trademarks

Canadian Intellectual Property Office
Place du Portage I
50 Victoria Street, Room C-114
Gatineau, QC K1A 0C9 CANADA

Application No: 2137493

GENERAL CORRESPONDENCE

Applicant:

Zellers Inc.
40 Rue Principale O
La Trinité-Des-Monts, QC G0K1B0
Canada

Correspondence Type: Extension of time

As of January 12, 2023, the undersigned, Harold W. Ashenmil, Trademark Agent 1659, was recorded as agent of the Applicant with respect to the above-noted matter.

I have now determined that on January 15, 2024, after the undersigned had been recorded as agent of the Applicant, a Notice of Default dated January 15, 2024, was sent to the Applicant rather than to the undersigned agent of the Applicant.

Initially I had requested an extension until June 24, 2024, to reply to the Examiner's Report of June 27, 2023. On February 6, 2024, I submitted the attached "general correspondence to the Registrar, for the reasons explained herein, an extension until August 7, 2025, was requested but to date I have not received a reply to these requests extensions.

Because Application no. 2137493 is extremely important to the Applicant with respect to the pending Federal Court proceedings bearing no. T-15-17-21 referred to in the request for an extension until August 7, 2025, the undersigned respectfully submits that it would be in the interests of justice to grant the Applicant's request for an extension.

Furthermore, the undersigned was appointed agent for the Applicant, ZELLERS INC., with respect to application no. 2142819 and by means of a notice, dated January 16, 2024, the Applicant was granted an extension until August 7, 2024, to answer the Examiner's Report of August 7, 2023. On February 6, 2024, the Applicant requested a further extension until August 7, 2025, in consideration of the pending Federal Court proceedings but to date no answer has been received from the Registrar with

respect to the request for an extension until August 7, 2025.

The issues raised by the Examiner's Reports of June 27, 2024, for ZELLERS PLAZE [Application no.2102432] and by the Examiner's Report of August 7, 2023, for ZELLERS design to a great extent precisely the same as those with respect to the issues that relate to application no. 2137493.

Furthermore, the Applicant, ZELLERS INC., intends to file third party interventions against the marks cited in the Examiner's Reports against subject application no. 2102432 the issues are quite complicated in that a significant quantity of documents must be gathered and included in all of the representations that ZELLERS INC. would file both with respect to the issues relating to the aforementioned trademarks as well as with respect to the third party interventions. This simply cannot be completed and effected prior to the delay of March 15, 2024.

When the Notice of Default, dated January 15, 2024, was sent to the Applicant, rather than to its inscribed agent, Harold W. Ashenmil, the said notice was mistakenly referred to the Applicant's legal counsel dealing with the Federal Court proceedings. The said Notice of Default, has luckily, been found. Although the Applicant admits that it may have been somewhat careless in misdirecting the said Notice of Default, the Applicant nevertheless submits that if the said Notice of Default has been sent to its agent, as it should have been, it is rather likely that the Applicant would not be in a position of having to deal with this matter within days prior to the end of a delay specified in the Notice of Default. With due respect, if the Registrar had submitted the Notice of Default directly to the Applicant's agent, or if the Registrar had not ignored the two (2) requests for an extension, the current situation would be completely different. The Applicant respectfully submits that to some extent the silence of the Registrar has contributed to the need for the requested extension.

In view of the foregoing, the Applicant, ZELLERS INC., hereby requests that the Notice of Default, dated January 16, 2024, with respect to application no. 2102432 should be withdrawn and the Applicant should be given an extension until at least August 7, 2024 to reply to the issues dealt with in the Examiner's Report June 27, 2023.

THE WHOLE RESPECTFULLY SUBMITTED

Submitted by:

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Attention to: Harold Ashenmil

Name of the individual trademark agent (not firm) submitting this correspondence: Harold Ashenmil