|  |
| --- |
| 20 juil/Jul 2015 |
| *Votre référence Your File*  tmrn-3538 |
| *Notre référence Our File*  1539953 |
|  |

|  |  |  |
| --- | --- | --- |
| FINLAYSON & SINGLEHURST  225 Metcalfe Street  Suite 700  Ottawa  ONTARIO K2P 1P9 | | |
|  | | |
| RE: | Trade-mark: | KING |
|  | Applicant: | Tokai of Canada Ltd. |
|  | Opponent: | The Kingsford Product Company LLC |

Reference is made to the applicant’s letter dated June 19, 2015.

**Leave to File Affidavit of John Tucker**

In deciding whether it is in the interests of justice to grant leave to the applicant to file additional evidence under section 44(1) of the Regulations, the Registrar has regard to all of the surrounding circumstances including: a) the stage the opposition proceeding has reached; b) why the evidence was not filed earlier; c) the importance of the evidence; and d) the prejudice which will be suffered by the other party.

Based on the representations of the applicant, I am satisfied that it is in the interests of justice to grant leave pursuant to section 44(1) to file Mr. Tucker’s affidavit sworn June 11, 2015. Since a copy of the evidence has already been forwarded to the other party, no further action is required.

**Deadline to Complete Cross-Examination of John Tucker**

An extension of time to complete cross-examination is granted until **October 19, 2015**.

**Cross-Examination by Video Conference**

If the parties are unable to agree to the date and time or place or manner of cross-examination, the Registrar will set the date, time, place and manner of cross-examination. I note that if the parties agree to conduct the examination by video conference there is no need to vary the order. If such an agreement is unlikely to be forthcoming the parties should advise the Registrar well in advance of **October 19, 2015** so the Registrar can set the date, time, place and manner.

Yours truly,

Original signed by

Natalie de PaulsenNatalie de Paulsen,

MemberMember,

Trade-marks Opposition Board.

|  |  |  |  |
| --- | --- | --- | --- |
| CC: | SIM & MCBURNEY  330 UNIVERSITY AVENUE  6TH FLOOR  TORONTO  ONTARIO M5G 1R7 | RE: | 10758-15 KDM, (The Kingsford Product Company LLC) |