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| SIM & MCBURNEY  330 UNIVERSITY AVENUE  6TH FLOOR  TORONTO  ONTARIO M5G 1R7 | | |
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| RE: | Trade-mark: | KING |
|  | Applicant: | Tokai of Canada Ltd. |
|  | Opponent: | The Kingsford Product Company LLC |

Reference is made to the Registrar’s letter dated September 16, 2015. Receipt is also acknowledged of the opponent’s letter dated October 14, 2014. I apologize for the delay in the office responding. The file has only recently been returned to me for attention.

The opponent has requested that the cross-examination date for Mr. Tucker be set at February 19, 2016. However, pursuant to the Registrar’s letter dated September 16, 2015, the cross-examination of Mr. Tucker is to proceed by way of video conference at the **time, date and** **place to be mutually agreed upon by the parties**, the whole pursuant to the cross-examination order dated March 19, 2015. It is only if the cross examination cannot be arranged by mutual agreement that the Opposition Board will, on request, set up an appointment for cross-examination.

The opponent has also requested that the costs associated with the video conference be borne by the applicant. I note that pursuant to Section IX in the *Practice in Trade-mark Opposition Proceedings*, all arrangements and costs associated with the set-up of the video conference or other electronic equipment necessary to conduct the cross-examination will be the responsibility of the party requesting such means of cross-examination. I therefore confirm that the costs associated with the video conference will be borne by the applicant.DD-MMMM-YYYY

Yours truly,

Original signed by   
MYER HERZIG   
a signé l'original

C.R. FolzC.R. Folz,

MemberMember,

Trade-marks Opposition Board.

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| CC: | FINLAYSON & SINGLEHURST  225 Metcalfe Street  Suite 700  Ottawa  ONTARIO K2P 1P9 | RE: | tmrn-3538, (Tokai of Canada Ltd.) |