

O-149-06

TRADE MARKS ACT 1994

**SUPPLEMENTARY DECISION
IN THE MATTER OF APPLICATION NO 2272753B
BY ALOHA SURFBOARDS PTY LIMITED
TO REGISTER THE TRADE MARK:**



IN CLASSES 3 AND 16

AND

**THE OPPOSITION THERETO
UNDER NO 90944
BY MAJOR LEAGUE BASEBALL PROPERTIES, INC**

Trade Marks Act 1994

Supplementary Decision

**In the matter of application no 2272753B
by Aloha Surfboards Pty Limited
to register the trade mark:**



**in classes 3 and 16
and the opposition thereto
under no 90944
by Major League Baseball Properties, Inc**

In my decision of 11 May 2006 (BL O/123/06) I reserved any award of costs until I had received information from Aloha Surfboards Pty Limited as to the costs that it incurred in considering the evidence of Major League Baseball Properties, Inc. By letter of 24 May 2006, Aloha Surfboards Pty Limited advised that costs of £1,732 were incurred in relation to this matter. Each party enjoyed a degree of success in the case. Small parts of the evidence of Major League Baseball Properties, Inc were relevant to the case; although finding the relevant parts took a great deal of digging and even these relevant parts of the evidence had no bearing upon the outcome of the case. I have, therefore, decided that Aloha Surfboards Pty Limited should receive £1,500 in costs. I order Major League Baseball Properties, Inc to pay Aloha Surfboards Pty Limited the sum of £1,500. This sum is 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 8th day of June 2006

**David Landau
For the Registrar
the Comptroller-General**