

**SUPPLEMENTARY DECISION**

**TRADE MARKS ACT 1994**

**IN THE MATTER OF Application No 2421193**

**By The Chocolate Affair**

**To register in Class 43 the trade mark:**



**and**

**IN THE MATTER OF Opposition No 94701**

**By Linda Barrie**

1. On 23<sup>rd</sup> April 2008 I issued a decision (BL O-118-08) in relation to these proceedings; this supplementary decision corrects an error in that decision.
2. At paragraph 37 of my earlier decision I found that the applicant had been successful and that they were entitled to a contribution towards their costs. However, in paragraph 39, I ordered the applicant to pay the opponent the sum of £432 rather than ordering the opponent to pay the applicant this sum. This was merely an error of a typographical nature. By utilising the “slip rule” provided by Rule 40.12 of the Civil Procedure Rules, I correct this error by amending the erroneous wording with an order that the opponent (Linda Barrie) must pay the applicant (The Chocolate Affair) the sum of £432.
3. The appeal period in relation to the substance of my earlier decision remains the same. However, any appeal against my decision on costs is re-set and must be filed within 28 days of the date of this supplementary decision. The above sum must be paid within 7 days of the expiry of the appeal period of this supplementary decision or, in the case of any appeal, within 7 days of the determination of the appeal.

**Dated this 9<sup>th</sup> day of May 2008**

**Oliver Morris  
For the Registrar  
The Comptroller-General**