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# WARREN SINCLAIR LLP

Barristers, Solicitors, Notaries Public,  
Patent and Trade-Mark Agents

## PRIVILEGED AND CONFIDENTIAL

November 24, 2009

**\*\*via email and mail\*\***

IT&T International Patent and Trademark Agent Limited  
9/F, CLI Building, 313 Hennessy Road  
Wanchai, Hong Kong

**Attention: Alex Ho**

Dear Alex Ho:

Re: Canadian Trade-mark Application – **GAMEXPERT Stylized**  
Applicant – Prism Technology Limited  
Filing Number – **1,372,248**  
Filing Date – November 15, 2007

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**Congratulations**, your client's trade-mark application has been allowed by the Canadian Trade-marks Office! Enclosed is a copy of a Notice of Allowance received. You will note that a registration fee and a Declaration of Use document are due on or before November 15, 2010 (3 years from the filing date).

If your client is using the mark in Canada for all of the "proposed-use" wares listed in the application, we can prepare a Declaration of Use for the client's signature, attend to filing the executed copy of such Declaration and pay the registration fee. Kindly note, that your client must sign the Declaration of Use before we can file it with the Canadian Trade-marks Office.

To refresh your memory, the proposed-use wares listed in the application are as follows:

Computer game joystick; computer game memory card; computer game sound systems, namely, sound cards and audio speakers; computer game power pack; computer game hardware; computer game software; computer game equipment connectivities, namely computer cable and electrical connectors.

If your client has not yet begun using this mark on the above wares, please note that there is still some time to do so, i.e. until November 15, 2010. If your client does not anticipate using the mark on the above wares by that deadline, there are the following options:

1. we can delete any wares that are not being used and prepare a Declaration of Use for the remaining wares that are being used in Canada; or

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2. we can request for an extension of time to file the Declaration of Use. However, with this option, the Trade-marks Office will require a **significant substantive reason** which clearly justifies granting an extension of time. Therefore, when requesting an extension, it would be helpful to explain why use of the mark has not occurred. The determination of whether a reason is significant and substantive will be decided on an individual basis by the Trade-marks Office. If the Trade-marks Office refuses the request for an extension, they will allow the applicant two months, from their refusal letter, to further respond.

To determine whether or not your client has used the mark in Canada, please follow the guidelines below:

“**Use**” of a trade-mark in Canada is different depending on whether the mark is for wares (i.e. goods) or for services. A trade-mark is used on wares, by selling the wares with the mark applied to them or their packaging. A trade-mark is used in association with services, by the actual provision of the services coupled with a display of the trade-mark in advertising for those services, or by accompanying the provision of the services with the mark.

Also, enclosed is our Statement of Account for legal services rendered to date (for reporting on approval, advertisement, and allowance), which we trust you will find in order. We look forward to payment at your earliest convenience.

Kindly provide us with instructions regarding “use” of the mark in Canada at your earliest convenience and preferably by **September 15, 2010** so that we will have sufficient time to do the work. Therefore, please mark down this date in your calendar. Once we have instructions, we will prepare and forward the Declaration for your client’s signature.

We look forward to hearing from you.

Yours truly,

WARREN SINCLAIR LLP



**Sander R. Gelsing**  
Barrister & Solicitor  
Patent and Trade-mark Agent

SRG/keg  
Enclosures



**Office de la propriété  
intellectuelle  
du Canada**

Un organisme  
d'Industrie Canada

50, rue Victoria  
Place du Portage I  
Gatineau (Québec) K1A 0C9

**Canadian  
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Date	13 nov/Nov 2009
Votre référence - Your reference	64815
Numéro de dossier - File number	1372248

COPY

**Gamexpert**

Propriétaire - Owner

Prism Technology Limited

Marque de commerce - Trade-mark

GAMEXPRT Stylized

**AVIS D'ADMISSION**

Avis est donné par la présente que ladite demande d'enregistrement de la marque de commerce a été admise.

De plus, veuillez noter que pour procéder à l'enregistrement, vous devez maintenant satisfaire aux exigences suivantes:

Des frais d'enregistrement de 200,00\$ doivent être versés le ou avant le 15 novembre 2010. Les frais d'enregistrement peuvent être payés en ligne via les services électroniques d'enregistrement des marques de commerce.

En conformité du paragraphe 40(2) de la *Loi sur les marques de commerce*, une DECLARATION indiquant que le requérant a commencé à utiliser la marque de commerce au Canada en liaison avec les marchandises et/ou services mentionnés dans la demande doit être fournie le ou avant le 15 novembre 2010 à défaut de quoi la demande sera réputée abandonnée en vertu du paragraphe 40(3) de la Loi. Lors de la préparation de la déclaration d'emploi, veuillez s.v.p. vous référer à l'énoncé de marchandises/services qui figure sur la dernière feuille de vérification que vous avez reçue. La déclaration d'emploi peut être complétée en ligne via les services électroniques d'enregistrement des marques de commerce.

Registraire des marques de commerce  
Registrar of Trade-marks

Contact: Section des déclarations et enregistrements/  
Declaration/Registration Section  
819-953-1154

**NOTICE OF ALLOWANCE**

You are hereby given notice that the subject application for registration of a trade-mark has been allowed.


Furthermore, please note that in order to proceed to registration, the following is now required:

A registration fee of \$200.00 must be filed on or before November 15, 2010. The fee may be paid on-line via the e-service Registration of Trade-marks.

Pursuant to sub-section 40(2) of the *Trade-marks Act*, a DECLARATION of use of the Trade-mark in Canada in association with the wares and/or services specified in the application must be filed on or before November 15, 2010 failing which the application shall be deemed abandoned pursuant to sub-section 40(3) of the Act. When preparing your declaration of use, please refer to the statement of wares/services appearing on the latest Proof Sheet that you have received. The declaration of use may be completed on-line via the e-service Registration of Trade-marks.

Canada

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[www.cipo.ic.gc.ca](http://www.cipo.ic.gc.ca)

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