

THE COMPETITION TRIBUNAL

IN THE MATTER OF an Application for rescission of the Order Granting Leave to Barcode Systems Inc. pursuant to Section 103.1 of the *Competition Act*, RSC 1985 c. C-35, as amended, to commence an Application pursuant to Section 75 of the *Competition Act*.

BETWEEN:

SYMBOL TECHNOLOGIES CANADA ULC

Applicant ,

- and -

**BARCODE SYSTEMS INC. and PRICEWATERHOUSECOOPERS INC. as
INTERIM RECEIVER of BARCODE SYSTEMS INC.**

Respondents.

APPLICATION OF SYMBOL TECHNOLOGIES CANADA ULC

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File No. **04182**

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
FILED	FEB 24 2005
REGISTRAR - REGISTRAIRE	
OTTAWA, ON	00239

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Respondents.

APPLICATION

TAKE NOTICE THAT:

1. The Applicant, Symbol Technologies Canada ULC ("Symbol") seeks an Order from the Competition Tribunal pursuant to Section 106 of the *Competition Act*, RSC 1985 c. C-35, as amended (the "*Act*"), rescinding the Order granted by the Competition Tribunal on January 15, 2004 in CT 2003 008, which granted leave to the respondent Barcode Systems Inc. pursuant to Section 103.1 of the *Act* to commence an Application pursuant to Section 75 of the *Act* and which Application was being continued by PricewaterhouseCoopers Inc. as Interim Receiver of Barcode Systems Inc..

AND TAKE NOTICE THAT:

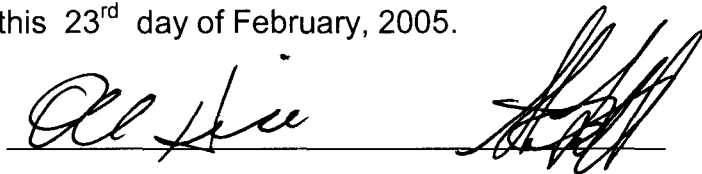
2. Symbol will rely on the Statement of Grounds and Material Facts attached hereto and on the Affidavit of Michael Reid, sworn February 21, 2005.

3. The persons against whom the Order is sought are the Respondents, Barcode Systems Inc. and PricewaterhouseCoopers Inc. as Interim Receiver of Barcode Systems Inc.. Their addresses are set out below.

4. Symbol requests that this Application proceed in English.

5. Symbol requests that documents be filed in paper form.

Dated at Winnipeg, Manitoba this 23rd day of February, 2005.



Dave Hill and Steven Field
HILL ABRA DEWAR
Solicitors for the Applicant

ADDRESSES FOR SERVICE

TO: **Registrar**
The Competition Tribunal
Thomas D'Arcy McGee
Building
90, Spark Street, Ste. 600
Ottawa ON K1P 5B4

AND TO: **Gaston Jorré**
Acting Commissioner of
Competition Competition
Bureau
50 Victoria Street
Gatineau PQ K1A 0C9

AND TO: **PricewaterhouseCoopers Inc.**
Interim Receiver of Barcode Systems Inc.
c/o Tapper Cuddy
Barristers and Solicitors
Suite 1000 – 330 St. Mary Avenue Winnipeg, MB R3C 3Z5
Attn. Richard Schwartz
Solicitors for PricewaterhouseCoopers Inc.
Interim Receiver of Barcode Systems Inc.

AND TO: **Barcode Systems Inc.**
c/o Thompson Dorfman Sweatman Barristers and Solicitors
2200 – 201 Portage Avenue
Winnipeg MB R3B 3L3
Attn: Lindy J.R. Choy,
Solicitors for Barcode Systems Inc.