



LE REGISTRAIRE DES MARQUES DE COMMERCE
THE REGISTRAR OF TRADE-MARKS

Citation: 2012 TMOB 253
Date of Decision: 2012-12-21

**IN THE MATTER OF AN OPPOSITION
by Research in Motion Limited to
application No. 1322535 for the trade-
mark SHINE BLACK LABEL SERIES
in the name of LG Electronics Inc.**

[1] On November 1st, 2006, LG Electronics Inc. (the Applicant) filed an application for the trade-mark SHINE BLACK LABEL SERIES (the Mark) based on proposed use in association with the following wares: Portable communications apparatus, namely, radios, handsets, walkie-talkies, satellite telephones, land line telephones, digital cellular phones.

[2] The application for the Mark was advertised on October 17, 2007. On November 27, 2007, Research in Motion Limited (the Opponent), filed a statement of opposition against the application. The grounds of opposition can be summarized as follows:

- (a) The application does not conform to the requirements of section 30(i) of the *Trade-marks Act*, RSC 1985, c T-13 (the Act) because the Applicant could not have been satisfied of its entitlement to use or register the Mark in Canada because it must have been aware of the Opponent's prior use in Canada of its BLACKBERRY trade-marks as set out in the statement of opposition in association with the wares and services identified in the registrations, all of which are confusingly similar to the Mark and the Opponent's prior applications and registrations for the BLACKBERRY trade-mark as set out in the statement of opposition.
- (b) The application does not conform to the requirements of section 30(b) since the Applicant does not intend to use the Mark in Canada in association with the applied for wares.

- (c) The application does not conform to the requirements of section 30(a) since, contrary to the statement made in the application, the application does not contain a statement in ordinary commercial terms of the specific wares in association with the trade-mark proposed to be used in Canada. In particular, the terms “satellite telephones” and “headsets” are not in ordinary commercial terms.
- (d) The Mark is not registrable pursuant to section 12(1)(d) because the Mark is confusing with the Opponent’s BLACKBERRY trade-marks (set out in Schedule A attached to my decision, hereinafter referred to as the Opponent’s Registered Trade-marks) which the Opponent has not abandoned.
- (e) The Applicant is not the person entitled to register the Mark pursuant to section 16(3) of the Act because, at the date of filing, the Mark was confusing with the Opponent’s Registered Trade-marks which the Opponent had previously used in Canada and the following trade-marks (as set out in Schedule B attached to the Opponent’s statement of opposition) which had also been used and for which applications had been filed:
 - i. BLACKBERRY CYPHER, Application No. 1313127
 - ii. BLACKBERRY PEARL, Application No. 1308467
- (f) The Mark is not distinctive of the Wares or Services because it does not actually distinguish, nor is it adapted to distinguish, the Wares and Services from the wares and services of others, including those of the Opponent.

[3] The Applicant filed and served a counter statement in which it denied the Opponent’s allegations and put the Opponent to the strict proof thereof.

[4] The Opponent filed the affidavits of Ruth M. Corbin, Robert T. Brockbank, Robert White, and Mark Guibert. The Applicant filed the affidavits of Jocelyn Yurick and Linda Thibeault.

[5] Only the Applicant filed a written argument in each opposition. An oral hearing was not held.

Onus and Material Dates

[6] The Applicant bears the legal onus of establishing, on a balance of probabilities that its application complies with the requirements of the Act. There is, however, an initial burden on the

Opponent to adduce sufficient admissible evidence from which it could reasonably be concluded that the facts alleged to support each ground of opposition exist [see *John Labatt Ltd v Molson Companies Ltd* (1990), 30 CPR (3d) 293 (FCTD) at 298; *Dion Neckwear Ltd v Christian Dior, S.A. et al* (2002), 20 CPR (4th) 155 (FCA)].

[7] The material dates that apply to the grounds of opposition are as follows:

- section 38(2)(a)/30 – the filing date of the application [see *Georgia-Pacific Corp v Scott Paper Ltd* (1984), 3 CPR (3d) 469 at 475 (TMOB) and *Tower Conference Management Co v Canadian Exhibition Management Inc* (1990), 28 CPR (3d) 428 at 432 (TMOB)];
- section 38(2)(b)/12(1)(d) – the date of my decision [see *Park Avenue Furniture Corp v Wickers/Simmons Bedding Ltd* (1991), 37 CPR (3d) 413 (FCA)];
- section 38(2)(c)/16(3) – the filing date of the application [see section 16(3)];
- section 38(2)(d)/2 – the date of filing of the opposition [see *Metro-Goldwyn-Mayer Inc v Stargate Connections Inc* (2004), 34 CPR (4th) 317 (FCTD)].

Opponent's evidence

Affidavit of Robert T. Brockbank

[8] Mr. Brockbank is the President of R. T. Brockbank & Associates Inc., an Ontario based private investigative firm.

[9] Mr. Brockbank was engaged by the Opponent to conduct various investigations, presumably, based on my review of his affidavit, in an attempt to establish the absence of a Canadian presence for the Applicant in association with the applied for mark, as well as to show the proximity of the Opponent's wares to wares similar to those of the Applicant in various retail outlets. He also provided documents describing what the PALM PILOT, IPOD, MP3 and GPS products are and what they do.

Affidavit of Mark Guibert

[10] Mr. Guibert is the Vice President of Corporate Marketing for the Opponent. His affidavit serves to introduce evidence of the viability of the Opponent and of the promotion, advertising, and sales of its BLACKBERRY branded products.

[11] Mr. Guibert claims that the Opponent has sold in excess of 25 million handheld devices, and presently the Opponent provides service to over 14 million service subscribers on over 300 carrier partner networks in over 130 countries around the world. He further claims that the Opponent has also sold a wide variety of BLACKBERRY branded handheld device accessories, including batteries, carrying cases, protective covers, charging stations, travel charging and adaptor kits (to convert local power and power outlets), earphones and headsets (headphones), and third party flash memory for data, music, pictures or video in Canada since 1999.

Affidavit of Ruth M. Corbin

[12] Ms. Corbin is the Chief Executive Officer of Corbin Partners Inc. and an Adjunct Professor at Osgoode Hall Law School of York University. She states that CorbinPartners Inc. was retained in January 2008 to plan, design and implement a telephone survey of Canadian adults to measure the extent of awareness, if any, of the brand name BLACKBERRY. She attaches a number of documents to show the steps taken in designing and implementing the survey, including interviewer instructions and weighted results. However, none of the materials contain any reference to the BLACKBERRY composite marks of the Opponent.

[13] Ms. Corbin claims that 56% of the survey respondents were aware of a product or service with the brand name BLACKBERRY and they described it on an immediate and unaided basis, as one or more of the following products or services: E-mail device, E-mail service, mobile phone, cell phone, smart phone, mobile phone service, cell phone service, smart phone service, personal digital assistant, PDA, electronic organizer, software.

[14] Ms. Corbin claims that an additional 13% of survey respondents who were unable to associate the brand name BLACKBERRY with any of the above mentioned products or services acknowledged that they were aware of the brand name BLACKBERRY in association with a handheld device.

[15] Ms. Corbin claims that an additional 3% of survey respondents, who did not voluntarily associate with name BLACKBERRY with any of the above mentioned products or services, volunteered that they associated the brand name BLACKBERRY with a term that is an accurate descriptor of a product or service made available by the Opponent.

[16] Ms. Corbin claims that 72% of the respondents demonstrated awareness of the brand name BLACKBERRY in association with at least one product or service that is made available by the Opponent.

Affidavit of Robert W. White

[17] Mr. White is the Senior Vice-President, Canada of the Audit Bureau of Circulations. His affidavit serves to introduce the audited circulation figures for a number of magazines, newspapers, digests and journals.

Applicant's evidence

Affidavit of Jocelyne Yurick

[18] Jocelyn Yurick is an independent administrative assistant retained by the agents for the Applicant. She conducted a search of the Internet and published dictionaries for definitions of the words "black", "shine", "label" and "series". She noted that the dictionary definitions she located did not contain any references to the Opponent's marks or their associated wares and services.

Affidavit of Linda Victoria Thibeault

[19] Linda Victoria Thibeault is a trade-mark searcher with Trade-mark Reflections Ltd. Her affidavit serves to introduce 21 trade-mark registrations and 4 applications containing the word BLACK (alone or in combination) with Class 9 wares, as well as several registrations and applications containing the word SHINE in connection with Class 9 wares.

Preliminary Issue - Admissibility of Expert Evidence

[20] The Opponent's expert evidence has taken the form of expert testimony from Ms. Corbin regarding a survey conducted with respect to the trade-mark BLACKBERRY and its association with at least one product of the Opponent in the minds of consumers.

[21] Recently, in *Masterpiece Inc v Alavida Lifestyles Inc et al* (2011), 92 CPR (4th) 361 (SCC), the Court considered the judge's role in controlling the admission of expert evidence in trade-mark confusion cases. Justice Rothstein noted that courts must fulfill their gatekeeper role to ensure that unnecessary, irrelevant and potentially distracting expert and survey evidence is not allowed to extend and complicate court proceedings.

[22] Relying on the decision in *R v Mohan* (1994), 2 SCR 9, Justice Rothstein stated that the following four requirements must be met before expert evidence is accepted: a) relevance; b) necessity in assisting the trier of fact; c) the absence of any exclusionary rule; and d) a properly qualified expert. With respect to "necessity", the Court explained that an expert should not be permitted to testify if their testimony is not "likely to be outside the experience and knowledge of a judge."

[23] With respect to surveys, the Court in *Masterpiece, supra*, stated that surveys have the potential to provide empirical evidence which demonstrates consumer reactions in the marketplace, which is not something generally known to a judge and does serve to answer the question that the judge is addressing in a confusion case. The use of consumer surveys in trade-mark cases has been recognized as valid evidence to inform the confusion analysis and its main difficulty is often its reliability and possible invalidity (e.g. instead of addressing the likelihood of confusion, it addresses the possibility of confusion). In the present case, I have no reason to doubt that the results of Ms. Corbin's survey are both valid and reliable and I do recognize it as relevant to the confusion analysis. I am therefore prepared to give full weight to her evidence.

Grounds of Opposition

Section 30 Grounds

[24] The Opponent has pleaded three grounds of opposition under section 30.

[25] Regarding the section 30(i) ground, I note that the Applicant has made the requisite statement and there is no evidence that it did so in bad faith [see *Sapodilla Co Ltd v Bristol-Myers Co* (1974), 15 CPR (2d) 152 (TMOB) at 155]. The section 30(i) ground is accordingly dismissed.

[26] With respect to the section 30(b) ground, I note that the application is based on proposed use. The section 30(b) ground therefore appears to have been improperly pleaded and I have no arguments from the Opponent to suggest otherwise. The section 30(b) ground is accordingly dismissed.

[27] As for the section 30(a) ground, the applied for wares do not contain the term “headsets”. Further, the Opponent has not filed any evidence nor made any argument to show that the term “satellite telephones” was not in ordinary commercial terms at the material date. The section 30(a) ground is therefore also dismissed.

Section 12(1)(d) Ground of Opposition

[28] Each of the final three grounds of opposition turns on the issue of the likelihood of confusion between the Mark and each of the Opponent’s marks. I consider the Opponent’s case to be strongest with respect to the ground that the Mark is not registrable pursuant to section 12(1)(d) of the Act because its later material date allows all of the Opponent’s evidence concerning its reputation to be considered. Therefore, if the Opponent is not successful under its section 38(2)(b) ground, then it will also not be successful under either of its section 38(2)(c) or (d) grounds.

[29] I will focus my analysis on the likelihood of confusion between the Opponent’s BLACKBERRY word mark and the Mark. If the Opponent is not successful based on this mark, then it will not be successful based on any of its other marks since the BLACKBERRY word mark has a greater degree of resemblance to the Mark than do the other marks of the Opponent.

[30] I have exercised the Registrar’s discretion to confirm that the following registration of the Opponent for the BLACKBERRY mark is currently extant:

BLACKBERRY, Registration No. 638,068

Wares:

Electronic handheld units and accessories for the wireless receipt and/or transmission of data; software for the transmission and/or reception of messages, global computer network e-mail, and/or other data between one or more electronic handheld units and a data store on or associated with a personal computer on a server; software for the synchronization of data between a remote

station or unit and a fixed or remote station or unit and software which enables and provides one-way and/or two-way wireless connectivity to data, namely corporate data.

Electronic handheld units and accessories for the wireless receipt and/or transmission of data; software for the transmission and/or reception of messages, global computer network e-mail, and/or other data between one or more electronic handheld units and a data store on or associated with a personal computer on a server; software for the synchronization of data between a remote station or unit and a fixed or remote station or unit and software which enables and provides one-way and/or two-way wireless connectivity to data, namely corporate data; electronic handheld units and accessories for the wireless receipt and/or transmission of voice.

Electronic handheld units and accessories for the wireless receipt and/or transmission of voice communications.

Services:

E-mail services; wireless data messaging services, namely services that enable a user to send and/or receive messages through a wireless data network; one-way and two-way paging services;

Consulting and educational services in the nature of providing information to third parties to assist them in developing and integrating one way or two way wireless connectivity to data, namely corporate data;

Transmission and reception of voice communication services.

test for confusion

[31] The test for confusion is one of first impression and imperfect recollection. Section 6(2) of the Act indicates that use of a trade-mark causes confusion with another trade-mark if the use of both trade-marks in the same area would be likely to lead to the inference that the wares or services associated with those trade-marks are manufactured, sold, leased, hired or performed by the same person, whether or not the wares or services are of the same general class. In applying the test for confusion, the Registrar must have regard to all the surrounding circumstances, including those specifically enumerated in section 6(5) of the Act, namely: a) the inherent distinctiveness of the trade-marks and the extent to which they have become known; b) the length of time each has been in use; c) the nature of the wares, services or business; d) the nature of the trade; and e) the degree of resemblance between the trade-marks in appearance or sound or in the ideas suggested by them. These enumerated factors need not be attributed equal weight.

[32] The Supreme Court of Canada has discussed the appropriate process for assessing all the surrounding circumstances to be considered in determining whether two trade-marks are confusing in its decisions in *Masterpiece, supra, Mattel, Inc v 3894207 Canada Inc* (2006), 49 CPR (4th) 321 and *Veuve Clicquot Ponsardin v Boutiques Cliquot Ltée et al* (2006), 49 CPR (4th) 401. It is with these general principles in mind that I shall now assess all of the surrounding circumstances.

s. 6(5)(a) - inherent distinctiveness of the trade-marks and the extent to which each trade-mark has become known

[33] While both parties' marks are comprised of ordinary dictionary words, they possess some degree of inherent distinctiveness in that the words in each mark are not descriptive or suggestive of the parties' respective wares and services.

[34] The strength of a trade-mark may be increased by means of it becoming known through promotion or use. The evidence of the Opponent's affiant, Mr. Guibert, shows that the Opponent's BLACKBERRY mark has been used and made known extensively in Canada and worldwide since 1999. The evidence of Ms. Corbin is that 56% of survey respondents were aware of a product or service with the brand name BLACKBERRY in association with one or more of the following products or services: e-mail device, e-mail service, mobile phone, cell phone, smart phone, mobile phone service, cell phone service, smart phone service, personal digital assistant, PDA, electronic organizer, software. The Applicant acknowledges that the Opponent's BLACKBERRY trade-mark may have acquired a secondary meaning in association with the Opponent's handheld devices.

[35] On the other hand, the applied for Mark is based on proposed use and there is no evidence of any use of the Mark after the date of filing of the application.

[36] Based on the foregoing information, I conclude that the Opponent's mark has become known to a significant extent across Canada and this factor favours the Opponent.

s. 6(5)(b) - the length of time each trade-mark has been in use

[37] The length of time that each mark has been in use favours the Opponent.

s. 6(5)(c) and (d) - the nature of the wares, services or business; the nature of the trade

[38] It is the Applicant's statement of wares as defined in its application versus the Opponent's registered wares and services that govern my determination of this factor [see *Henkel Kommanditgesellschaft auf Aktien v Super Dragon Import Export Inc* (1986), 12 CPR (3d) 110 (FCA); *Mr. Submarine Ltd v Amandista Investments Ltd* (1987), 19 CPR (3d) 3 (FCA); *Miss Universe Inc v Bohna* (1994), 58 CPR (3d) 381 (FCA)].

[39] In its written argument, the Applicant commented on the parties' wares as follows:

It is apparent from the Opponent's evidence that the Opponent's handheld devices are primarily used for e-mail management. The Opponent's evidence in the Guibert affidavit at Exhibit 45 demonstrates that product's primary purpose is to manage e-mails, and is not promoted primarily as a mobile phone. Mention of the mobile phone feature is either absent or is noted as a secondary, less significant feature in its advertisements...

The wares associated with the trade-mark are clearly and solely communication devices used for specific two-way communications. In addition to digital cellular phones, the Applicant's wares include "radios, handsets, walkie talkies, satellite telephones, and landline telephones." These types of two-way communication devices are used for very specific purposes and for specific environments. For example, radios, handsets, walkie-talkies, satellite telephones and landline telephones are used in more rustic environments where cellular towers are not available. Specifically, radios, handsets, and walkie talkies units operate on common frequencies and have limitations on the operational distance between the units. Further, the parties must be on the same frequency in order to communicate.

[40] I agree with the Applicant that many of its wares are different from the Opponent's registered wares. However, although the Opponent's evidence may show that the Opponent's handheld devices are primarily used for e-mail management, I do consider them to be almost identical to the Applicant's digital cellular phones.

[41] With respect to the parties' channels of trade, the Applicant submits that the Opponent's handheld devices are sold by a variety of wireless service providers including Bell Mobility, Rogers Wireless and Telus Mobility. These wireless service providers operate their own retail establishments and have Internet websites where the Opponent's wares are also available for purchase. Many department and consumer electronics stores also offer the Opponent's wares for sale in association with various wireless service providers.

[42] While the Applicant acknowledges that its digital cellular phone and satellite phones would also require wireless service providers, it argues that the remaining applied for wares including radios, handsets and walkie talkies would not as they are ready to use products that only require batteries.

[43] The Opponent, on the other hand, has adduced evidence regarding the proximity of the parties' wares in the same stores. Although Mr. Brockbank did not observe any SHINE BLACK LABEL SERIES branded products being displayed in the retail stores he visited, he did find products similar to the applied for wares sold in relatively close proximity to the Opponent's smart phone product. This is not surprising, however, given that the stores in which the wares were found to co-exist (e.g. Future Shop, Best Buy and Costco) are large electronics/computing stores in which a broad range of electronics would be sold.

[44] Based on the foregoing, I am satisfied that, despite the differences in the exact nature of the parties' wares and services, the Applicant's wares could be sold through the same channels of trade as the Opponent's wares.

s. 6(5)(e) - the degree of resemblance between the trade-marks in appearance or sound or in the ideas suggested by them

[45] While the Supreme Court of Canada in *Masterpiece* observed that the first word of a trade-mark may be the most important for purposes of distinction [see also *Conde Nast Publications v Union des Editions Modernes* (1979), 46 CPR (2d) 183 (FCTD)], it opined that the preferable approach is to begin by determining whether there is an aspect of the trade-mark that is particularly striking or unique.

[46] In the present case, the only resemblance between the parties' marks is the common use of the component BLACK. I do not consider this shared component to be particularly striking or unique. In this regard, the Mark includes the additional words SHINE, LABEL and SERIES while the Opponent's mark features the additional component BERRY.

[47] The degree of resemblance between the Opponent's BLACKBERRY mark and the applied for mark BLACKSOX and Design was commented on by Member Flewelling in

Research in Motion Limited v Brandlab AG (June 7, 2011 (TMOB); Application No. 1,270,112) as follows at para. 58:

“When considering the marks as a whole, I am not convinced that the mere fact that the Mark contains the word “black” is sufficient to find that the parties’ marks share any significant degree of similarity in either appearance or sound.”

[48] I find that the above comments are equally applicable to the present case.

[49] The ideas suggested by the marks are also different. In this regard, the Mark suggests that the wares may be comprised of a specific line or series of products that are black in colour. The Opponent’s mark, on the other hand, suggests a type of fruit known as a blackberry.

[50] In view of the above, I consider there to be a low degree of resemblance between the marks in all respects.

Additional Surrounding Circumstances – State of the Register Evidence

[51] As a further surrounding circumstance, there is the evidence introduced by the Applicant concerning the state of the Trade-mark Register. State of the register evidence is only relevant insofar as one can make inferences from it about the state of the marketplace [*Ports International Ltd v Dunlop Ltd* (1992), 41 CPR (3d) 432 (TMOB); *Welch Foods Inc v Del Monte Corp* (1992), 44 CPR (3d) 205 (FCTD)]. Inferences about the state of the marketplace can only be drawn from state of the register evidence where large numbers of relevant registrations are located [*Kellogg Salada Canada Inc v Maximum Nutrition Ltd* (1992), 43 CPR (3d) 349 (FCA)].

[52] From my review of the Thibeault affidavit, there are about 21 relevant registrations for marks that include the word BLACK as a component in connection with Class 9 products. In my view, this number of registered marks is sufficient to conclude that it is common in the marketplace to adopt marks with the word BLACK in the same field as that occupied by the Opponent's mark. Accordingly, consumers are presumably adept at distinguishing between one such mark and another.

Conclusion

[53] Section 6(2) is not concerned with confusion between the marks themselves, but rather confusion as to the source of the goods or services. In this case, an assessment of confusion asks whether there would be confusion of the wares provided in association with the Mark, as emanating from or sponsored by or approved by the Opponent.

[54] Having considered all of the surrounding circumstances, I have concluded that, on a balance of probabilities, there is not a reasonable likelihood of confusion between the marks at issue.

[55] The test to be applied is a matter of first impression in the mind of a casual consumer somewhat in a hurry who sees SHINE BLACK LABEL SERIES on the Applicant's portable communications apparatuses at a time when he or she has no more than an imperfect recollection of the Opponent's BLACKBERRY smart phone, and does not pause to give the matter any detailed consideration or scrutiny [see *Veuve Clicquot*]. It seems to me that such a consumer would not, as a matter of first impression, be likely to believe that the wares associated with the Opponent's BLACKBERRY mark and the Applicant's SHINE BLACK LABEL SERIES mark were manufactured, sold or performed by the same person.

[56] While the Opponent has demonstrated that its BLACKBERRY mark has acquired a significant reputation in general, and although there are similarities between some of the parties' wares and trades, in most instances it is the degree of resemblance between the trade-marks that is the most crucial factor in determining the issue of confusion [*Masterpiece; Beverley Bedding & Upholstery Co v Regal Bedding & Upholstery Ltd* (1980), 47 CPR (2d) 145 (FCTD) at 149, affirmed 60 CPR (2d) 70]. As noted above, the only resemblance between the marks in appearance and sound is due to the fact that they both share the non-distinctive component BLACK. Accordingly, this ground of opposition is dismissed.

Remaining Grounds of Opposition

[57] As discussed further above in the analysis of the section 12(1)(d) ground of opposition, the Opponent has established use of its BLACKBERRY mark since 1999 and has therefore met

its burden of proof under both its section 16(3)(a) and non-distinctiveness grounds of opposition. The material dates for assessing the likelihood of confusion in respect of the non-entitlement and non-distinctiveness grounds are, respectively, the Applicant's filing date and the date of opposition. In my view, the differences in material dates do not have any significant impact on the determination of the issue of confusion between the trade-marks of the parties. Thus, for similar reasons as those set out above, the section 16(3)(a) and non-distinctiveness grounds of opposition fail.

Disposition



[58] Pursuant to the authority delegated to me under section 63(3) of the Act, I reject the opposition.


Cindy R. Folz
Member
Trade-marks Opposition Board
Canadian Intellectual Property Office


SCHEDULE A

TRADE-MARK	REGISTRATION NO.	WARES & SERVICES
BLACKBERRY	TMA638068	<p>(1) Electronic handheld units and accessories for the wireless receipt and/or transmission of data; software for the transmission and/or reception of messages, global computer network e-mail, and/or other data between one or more electronic handheld units and a data store on or associated with a personal computer on a server; software for the synchronization of data between a remote station or unit and a fixed or remote station or unit and software which enables and provides one-way and/or two-way wireless connectivity to data, namely corporate data.</p> <p>(2) Electronic handheld units and accessories for the wireless receipt and/or transmission of data; software for the transmission and/or reception of messages, global computer network e-mail, and/or other data between one or more electronic handheld units and a data store on or associated with a personal computer on a server; software for the synchronization of data between a remote station or unit and a fixed or remote station or unit and software which enables and provides one-way and/or two-way wireless connectivity to data, namely corporate data; electronic handheld units and accessories for the wireless receipt and/or transmission of voice.</p> <p>(3) Electronic handheld units and accessories for the wireless receipt and/or transmission of voice communications.</p>

		<p>E-mail services; wireless data messaging services, namely services that enable a user to send and/or receive messages through a wireless data network; one-way and two-way paging services;</p> <p>Consulting and educational services in the nature of providing information to third parties to assist them in developing and integrating one way or two way wireless connectivity to data, namely corporate data;</p> <p>Transmission and reception of voice communication services.</p>
BLACKBERRY	TMA554,207	<p>Electronic handheld units for the wireless reception and/or transmission of data that enable the user to keep track of or manage personal information; software for the redirection of messages, global computer network e-mail, and/or other data to one or more electronic handheld units from a data store on or associated with a personal computer or a server; and software for the synchronization of data between a remote station or unit and a fixed or remote station or unit.</p> <p>E-mail service; wireless data messaging services, namely, services that enable a user to send and/or receive messages through a wireless data network using a handheld, portable electronic device; one-way and two-way paging services.</p>
BLACKBERRY CONNECTION	TMA624,894	<p>Newsletter relating to Internet e-mail services and wireless data messaging services and voice communication services and technical support services for hardware and software for wireless data network services and/or voice communication services.</p>
BLACKBERRY & BBBB	TMA659,954	<p>Electronic handheld units and</p>

<p>Design</p> 		<p>accessories, namely, batteries, car kits, chargers, head sets, belt clips/holsters, cases, battery covers and docking/charging cradles for the wireless receipt and/or transmission of data and which may also have the capability to transmit and receive voice communications; software for the transmission and/or reception of messages, global computer network e-mail, and/or other data between one or more electronic handheld units and a data store on or associated with a personal computer or a server; software for the synchronization of data between a remote station or unit and a fixed or remote station or unit and software which enables and provides one-way and/or two-way wireless connectivity to data, namely corporate data.</p> <p>E-mail service; wireless data messaging services, particularly services that enable a user to send and/or receive messages through a wireless data network; one-way and two-way paging services; transmission and reception of voice communication services.</p> <p>Consulting and educational services in the nature of providing information to third parties to assist them in developing and integrating one-way or two-way wireless connectivity to data, namely corporate data, and/or voice communications.</p>
<p>BLACKBERRY & BBBB Design</p> 	<p>659,946</p>	<p>Electronic handheld units and accessories, namely, batteries, car kits, chargers, head sets, belt clips/holsters, cases, battery covers and docking/charging cradles for the wireless receipt and/or transmission of data and which may also have the</p>

		<p>capability to transmit and receive voice communications; software for the transmission and/or reception of messages, global computer network e-mail, and/or other data between one or more electronic handheld units and a data store on or associated with a personal computer or a server; software for the synchronization of data between a remote station or unit and a fixed or remote station or unit and software which enables and provides one-way and/or two-way wireless connectivity to data, namely corporate data.</p> <p>E-mail service; wireless data messaging services, particularly services that enable a user to send and/or receive messages through a wireless data network; one-way and two-way paging services; transmission and reception of voice communication services.</p> <p>Consulting and educational services in the nature of providing information to third parties to assist them in developing and integrating one-way or two-way wireless connectivity to data, namely corporate data, and/or voice communications.</p>
<p>BLACKBERRY & Colour Design</p> 	<p>TMA554,206</p>	<p>Electronic handheld units for the wireless reception and/or transmission of data that enable the user to keep track of or manage personal information; software for the redirection of messages, global computer network e-mail, and/or other data to one or more electronic handheld units from a data store on or associated with a personal computer or a server; and software for the synchronization of data between a remote station or unit and</p>

		<p>a fixed or remote station or unit.</p> <p>E-mail service; wireless data messaging services, namely, services that enable a user to send and/or receive messages through a wireless data network using a handheld, portable electronic device; one-way and two-way paging services.</p>
<p>BLACKBERRY & Design</p> 	<p>TMA555,231</p>	<p>Electronic handheld units for the wireless reception and/or transmission of data that enable the user to keep track of or manage personal information; software for the redirection of messages, global computer network e-mail, and/or other data to one or more electronic handheld units from a data store on or associated with a personal computer or a server; and software for the synchronization of data between a remote station or unit and a fixed or remote station or unit.</p> <p>E-mail services; wireless data messaging services, namely, services that enable a user to send and/or receive messages through a wireless data network using a handheld, portable electronic device; one-way and two-way paging services.</p>