

ESTTA Tracking number: **ESTTA304246**

Filing date: **09/02/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Research In Motion Limited
Granted to Date of previous extension	09/02/2009
Address	295 Phillip Street Waterloo, N2L 3W8 CANADA

Attorney information	William R. Towns Novak Druce + Quigg LLP 1000 Louisiana Street, 53rd Floor Houston, TX 77002 UNITED STATES trademark@novakdruce.com Phone:713.571.3400
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Applicant Information

Application No	77653141	Publication date	05/05/2009
Opposition Filing Date	09/02/2009	Opposition Period Ends	09/02/2009
Applicant	Summer Infant (USA), Inc. 1275 Park East Drive Woonsocket, RI 02895 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Baby monitors
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Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2672464	Application Date	12/28/1998
Registration Date	01/07/2003	Foreign Priority Date	NONE
Word Mark	BLACKBERRY		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 Electronic handheld units for the wireless receipt 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

U.S. Registration No.	2700671	Application Date	12/28/1998
Registration Date	03/25/2003	Foreign Priority Date	NONE
Word Mark	BLACKBERRY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 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		

U.S. Registration No.	2402763	Application Date	01/25/1999
Registration Date	11/07/2000	Foreign Priority Date	NONE
Word Mark	BLACKBERRY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 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		

U.S. Registration No.	2678454	Application Date	01/25/1999
Registration Date	01/21/2003	Foreign Priority Date	NONE
Word Mark	BLACKBERRY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 electronic handheld units for the wireless receipt 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

U.S. Registration No.	2672472	Application Date	01/25/1999
Registration Date	01/07/2003	Foreign Priority Date	NONE

Word Mark	BLACKBERRY
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 electronic handheld units for the wireless receipt 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
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U.S. Registration No.	2700678	Application Date	01/25/1999
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Registration Date	03/25/2003	Foreign Priority Date	NONE
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Word Mark	BLACKBERRY
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 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		

U.S. Registration No.	2844339	Application Date	11/26/2002
Registration Date	05/25/2004	Foreign Priority Date	NONE

Word Mark	BLACKBERRY
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	<p>Class 009. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 Electronic handheld units for the wireless receipt and/or transmission of data that enable the user to keep track of or manage personal information and which may also have the capacity to transmit and receive voice communications; software for the redirection of messages, global computer network e-mail, and other data to one or more electronic handheld units from 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 two-way wireless connectivity to data, including corporate data</p> <p>Class 038. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 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; consultation on the topics of developing and integrating one-way or two-way wireless connectivity to data, including corporate data, and/or communications</p> <p>Class 041. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19</p>		
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	Educational services, namely, classes, seminars and conferences for the purpose of providing information to third parties to assist them in developing and integrating one-way or two-way wireless connectivity to data, including corporate data, and voice communications
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U.S. Registration No.	2844340	Application Date	11/26/2002
Registration Date	05/25/2004	Foreign Priority Date	NONE

Word Mark	BLACKBERRY
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 Electronic handheld units for the wireless receipt and/or transmission of data that enable the user to keep track of or manage personal information and which may also have the capacity to transmit and receive voice communications; software for the redirection of messages, global computer network e-mail, and other data to one or more electronic handheld units from 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 two-way wireless connectivity to data, including corporate data</p> <p>Class 038. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 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; consultation on the topics of developing and integrating one-way or two-way wireless connectivity to data, including corporate data, and/or communications</p> <p>Class 041. First use: First Use: 1998/07/14 First Use In Commerce: 1999/01/19 Educational services, namely, classes, seminars and conferences for the purpose of providing information to third parties to assist them in developing and integrating one-way or two-way wireless connectivity to data, including corporate data, and voice communications</p>
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U.S. Registration No.	2842571	Application Date	04/01/2003
Registration Date	05/18/2004	Foreign Priority Date	NONE

Word Mark	BLACKBERRY ENTERPRISE EDITION
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Design Mark	
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Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2001/01/00 First Use In Commerce: 2001/01/00 Electronic handheld units for the wireless reception and transmission of data which enables the user to keep track of and manage personal information and which also has the capacity to transmit and receive voice communications; software for the redirection of messages, global computer network e-mail, and 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; computer software and hardware and parts therefor, which allow the computer to access the server without the need for a direct land-based connection for use in corporate environments, for use in providing a communications gateway to facilitate the receipt and transmissions of computer information and data via a wireless remote access to computer applications and network</p> <p>Class 038. First use: First Use: 2001/01/00 First Use In Commerce: 2001/01/00 E-mail services; wireless data messaging services, namely, services that enable a user to send and receive messages through a wireless data network using a handheld, portable electronic device; one-way and two-way paging services; 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 voice communication</p>

U.S. Registration No.	3098588	Application Date	03/02/2004
Registration Date	05/30/2006	Foreign Priority Date	NONE
Word Mark	BLACKBERRY CONNECTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2001/00/00 First Use In Commerce: 2001/00/00 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 voice communication services		

U.S. Registration No.	3102687	Application Date	09/03/2004
Registration Date	06/13/2006	Foreign Priority Date	NONE
Word Mark	BLACKBERRY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 009. First use: First Use: 2004/06/23 First Use In Commerce: 2004/06/23 Electronic handheld units and accessories therefore, namely, batteries, cases, battery chargers, holsters and antennas, for the wireless receipt and/or transmission of data and which may also have the capability to transmit and receive voice communications, namely handheld computers and personal digital assistants; computer 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; computer communication 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, including corporate data</p> <p>Class 038. First use: First Use: 2004/06/23 First Use In Commerce: 2004/06/23 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>Class 041. First use: First Use: 2004/06/23 First Use In Commerce: 2004/06/23 consulting and educational services namely, classes, seminars and conferences for the purpose of providing information to third parties to assist them in developing and integrating one way or two way wireless connectivity to data, including corporate data, and/or voice communications</p>

Attachments	<p>75626990#TMSN.gif (1 page)(bytes) 75626991#TMSN.gif (1 page)(bytes) 75626992#TMSN.gif (1 page)(bytes) 75626993#TMSN.gif (1 page)(bytes) 76469781#TMSN.gif (1 page)(bytes) 76469782#TMSN.gif (1 page)(bytes) 76502880#TMSN.gif (1 page)(bytes) 76578564#TMSN.gif (1 page)(bytes) 76610159#TMSN.gif (1 page)(bytes) 2009 09 02 BABYBERRY Notice of Opposition.pdf (11 pages)(561012 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/william r towns/
Name	William R. Towns
Date	09/02/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

RESEARCH IN MOTION)	
LIMITED)	
)	
Opposer,)	
)	Serial No.: 77/653,141
)	
v.)	Mark: BABYBERRY
)	
)	Opposition No. _____
SUMMER INFANT (USA), INC.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer, Research In Motion Limited (“RIM”) believes it will be damaged by registration of the mark BABYBERRY (the “Opposed Mark”) claimed in intent-to-use Application Serial No. 77/653,141 (the “Application”) filed by Summer Infant (USA), Inc. (“Applicant”) on January 21, 2009, and published for opposition on May 5, 2009. RIM timely filed a request for extension of time to oppose the Application, which was granted through September 2, 2009.

As grounds for opposition, RIM alleges as follows:

1. Since long prior to the filing date of the Application or any actual or constructive date of first use by Applicant, RIM has been making, selling and/or offering handheld electronic devices, including smart phones and related goods and services under the mark BLACKBERRY in U.S. commerce. The BLACKBERRY Mark is famous in connection with such goods and services.

2. RIM owns several U.S. trademark registrations and approved applications for marks that incorporate the suffix –BERRY, most of which are for BLACKBERRY in

standard characters or with a design. *See* Schedule of Marks attached as Exhibit A.

3 RIM's Registration No. 2,402,763 is incontestable pursuant to 15 U.S.C. § 1065 and provides conclusive evidence of RIM's ownership of the mark therein, of the validity of the mark therein, and of RIM's exclusive right to use the mark in commerce in connection with the services identified in the registration.

4. RIM began actual and constructive use of its BLACKBERRY marks in commerce long prior to Applicant's filing of its Application on January 21, 2009 or any actual or claimed date of first use for the mark therein. RIM has been using marks that incorporate the terms BERRY and/or BLACKBERRY in connection with handheld electronic devices, including smart phones and related goods and wireless data transmission and communications services in U.S. commerce since at least as early as January 19, 1999. Through this use, RIM has established valuable goodwill in the marks, and the relevant public has come to recognize BLACKBERRY marks as an indication of products and services that emanate from RIM.

5. RIM has prior common law rights in the mark BLACKBERRY as a trademark for handheld devices including smart phones and related goods and services as well as promotional and collateral goods.

6. RIM is the owner of all right, title, and interest in and to the mark BLACKBERRY and other marks containing the term BLACKBERRY as heretofore alleged (referred to hereinafter, collectively, as the "BLACKBERRY Marks"), in connection with its goods and services.

7. RIM has spent substantial sums of money to widely and extensively advertise and promote the goods and services it sells and offers under the

BLACKBERRY Marks.

8. As a result of the same, RIM's BLACKBERRY Marks have acquired a highly favorable reputation among members of the purchasing public and have become valuable symbols of RIM's goodwill.

9. By virtue of the high degree of inherent and acquired distinctiveness of the BLACKBERRY Marks, the long duration and extensive use of the BLACKBERRY Marks in connection with the goods and services with which the BLACKBERRY Marks have been used, the long duration and extensive advertising and promotion of the BLACKBERRY Marks, the expansive trading area in which the BLACKBERRY Marks have been used and the high degree of recognition of the BLACKBERRY Marks, the BLACKBERRY Marks have become well-known and famous as distinctive indicators of the origin of RIM's goods and services, and were famous before the date of first use of the Opposed Mark and/or the filing date of the Application.

10. Notwithstanding RIM's prior rights in the BLACKBERRY Marks, on January 21, 2009, Applicant filed the Application in the United States Patent and Trademark Office for registration of the mark BABYBERRY for "Baby monitors" in Class 9.

11. On information and belief, Applicant has not commenced use of the Opposed Mark in commerce in the United States in connection with the above services.

12. On information and belief, Applicant knew or had reason to know of RIM's prior rights in the BLACKBERRY Marks when Applicant filed the Application.

13. RIM's Registration Nos. 2,402,763, 2,613,308, 2,678,454, 2,672,464, 2,672,472, 2,700,671, 2,700,678, 2,844,339 and 2,844,340 issued prior to the filing date

of the Application and prior to any use by Applicant of the Opposed Mark in the United States.

14. The BLACKBERRY Marks and the Opposed Mark are confusingly similar in sight, sound, and meaning.

15. Further, Applicant's goods are related to the BLACKBERRY goods and services in that they are handheld electronic devices used to transmit data, including audio and video content. Therefore, the public is likely to be confused, to be deceived, and to assume erroneously that Applicant and Applicant's goods are in some way connected with, sponsored by, or affiliated with RIM, all to RIM's substantial detriment.

16. Likelihood of confusion in this case is increased by the fame and high degree of recognition of RIM's BLACKBERRY Marks as distinctive indicators of the origin of RIM's goods and services.

17. Similarly, Applicant's goods and RIM's goods and services will be targeted, offered, and sold to the same classes of prospective consumers, namely members of the general public who use handheld electronic devices, including wireless communication devices, including smart phones, cellular telephones, personal data assistants, computers and the like.

18. Registration of the Opposed Mark will support and assist Applicant in the confusing and misleading use of the Opposed Mark, will give color of exclusive statutory right to Applicant in violation and in derogation of the pre-existing and superior rights of RIM, and will cause RIM to lose control over the good and valuable reputation represented by and derived from the BLACKBERRY Marks, all causing irreparable harm and injury to RIM.

19. Moreover, Applicant's Opposed Mark, when applied to Applicant's goods for use in commerce, causes dilution of the distinctive quality of RIM's BLACKBERRY Marks and lessens the capacity of RIM's famous BLACKBERRY Marks to identify and distinguish RIM's goods and services.

WHEREFORE, RIM respectfully prays that Application Serial No. 77/653,141 for BABYBERRY be refused and that no registration issue thereon to Applicant, and, further that this Opposition be sustained in favor of RIM.

Respectfully submitted,




William R. Towns
Jeffrey J. Morgan
NOVAK DRUCE + QUIGG LLP
1000 Louisiana Street, 53rd Floor
Houston, Texas 77002
(713) 571-3400

Attorneys for Opposer
Research In Motion Limited


EXHIBIT A

SCHEDULE OF MARKS

Ser. Number	Reg. Number	Reg. Date	Mark	Goods/Services	
75612560	2672464	2003-01-07	BLACKBERRY	International Class: 009 Electronic handheld units for the wireless receipt 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	First Use Date: 1998-07-14 First Use in Commerce Date: 1999-01-19
75612563	2700671	2003-03-25	BLACKBERRY	International Class: 038 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	First Use Date: 1998-07-14 First Use in Commerce Date: 1999-01-19
75626990	2402763	2000-11-07	BLACKBERRY	International Class: 038 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	First Use Date: 1998-07-14 First Use in Commerce Date: 1999-01-19
75626991	2678454	2003-01-21	BLACKBERRY	International Class: 009 electronic handheld units for the wireless receipt 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	First Use Date: 1998-07-14 First Use in Commerce Date: 1999-01-19
75626992	2672472	2003-01-07	 BLACKBERRY	International Class: 009 electronic handheld units for the wireless receipt 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	First Use Date: 1998-07-14 First Use in Commerce Date: 1999-01-19
75626993	2700678	2003-03-25	 BLACKBERRY	International Class: 038 E-mail service; wireless data messaging services, particularly services that enable a user to send and/or receive messages through	First Use Date: 1998-07-14 First Use in Commerce Date:

Ser. Number	Reg. Number	Reg. Date	Mark	Goods/Services	
				a wireless data network; one-way and two-way paging services	1999-01-19
76469781	2844339	2004-05-25	 BLACKBERRY	<p>International Class: 009 Electronic handheld units for the wireless receipt and/or transmission of data that enable the user to keep track of or manage personal information and which may also have the capacity to transmit and receive voice communications; software for the redirection of messages, global computer network e-mail, and other data to one or more electronic handheld units from 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 two-way wireless connectivity to data, including corporate data</p> <p>International Class: 038 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; consultation on the topics of developing and integrating one-way or two-way wireless connectivity to data, including corporate data, and/or communications</p> <p>International Class: 041 Class Status: Active Educational services, namely, classes, seminars and conferences for the purpose of providing information to third parties to assist them in developing and integrating one-way or two-way wireless connectivity to data, including corporate data, and voice communications</p>	<p>First Use Date: 1998-07-14 First Use in Commerce Date: 1999-01-19</p>
76469782	2844340	2004-05-25	BLACKBERRY	<p>International Class: 009 Electronic handheld units for the wireless receipt and/or transmission of data that enable the user to keep track of or manage personal information and which may also have the capacity to transmit and receive voice communications; software for the redirection of messages, global computer network e-mail, and other data to one or more electronic handheld units from 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 two-way wireless</p>	<p>First Use Date: 1998-07-14 First Use in Commerce Date: 1999-01-19</p>

Ser. Number	Reg. Number	Reg. Date	Mark	Goods/Services	
				<p>connectivity to data, including corporate data</p> <p>International Class: 038 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; consultation on the topics of developing and integrating one-way or two-way wireless connectivity to data, including corporate data, and/or communications</p> <p>International Class: 041 Educational services, namely, classes, seminars and conferences for the purpose of providing information to third parties to assist them in developing and integrating one-way or two-way wireless connectivity to data, including corporate data, and voice communications</p>	
76502880	2842571	2004-05-18	BLACKBERRY ENTERPRISE EDITION	<p>International Class: 009 Electronic handheld units for the wireless reception and transmission of data which enables the user to keep track of and manage personal information and which also has the capacity to transmit and receive voice communications; software for the redirection of messages, global computer network e-mail, and 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; computer software and hardware and parts therefor, which allow the computer to access the server without the need for a direct land-based connection for use in corporate environments, for use in providing a communications gateway to facilitate the receipt and transmissions of computer information and data via a wireless remote access to computer applications and network</p> <p>International Class: 038 E-mail services; wireless data messaging services, namely, services that enable a user to send and receive messages through a wireless data network using a handheld, portable electronic device; one-way and two-way paging services; 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 voice communication</p>	<p>First Use Date: 2001-01-00</p> <p>First Use in Commerce Date: 2001-01-00</p>


Ser. Number	Reg. Number	Reg. Date	Mark	Goods/Services	
76578564	3098588	2006-05-30	BLACKBERRY CONNECTION	<p>International Class: 016 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 voice communication services</p>	<p>First Use Date: 2001-00-00 First Use in Commerce Date: 2001-00-00</p>
76610159	3102687	2006-06-13	 BlackBerry	<p>International Class: 009 Electronic handheld units and accessories therefore, namely, batteries, cases, battery chargers, holsters and antennas, for the wireless receipt and/or transmission of data and which may also have the capability to transmit and receive voice communications, namely handheld computers and personal digital assistants; computer 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; computer communication 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, including corporate data</p> <p>International Class: 038 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>International Class: 041 consulting and educational services namely, classes, seminars and conferences for the purpose of providing information to third parties to assist them in developing and integrating one way or two way wireless connectivity to data, including corporate data, and/or voice communications</p>	<p>First Use Date: 2004-06-23 First Use in Commerce Date: 2004-06-23</p>

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was sent by U.S. First Class Mail, postage prepaid, to the following on this 2nd day of September, 2009:

Summer Infant (USA), Inc.
1275 Park East Drive
Woonsocket, Rhode Island 02895

Thomas M. Champagne
IP Strategies, PC
1048 Dead Run Drive
McLean, Virginia 22101-2121

A handwritten signature in cursive script, appearing to read "Ali Quigg", written in black ink over a horizontal line.

Of Novak Druce + Quigg LLP
525 Okeechobee Blvd.
Fifteenth Floor
West Palm Beach, Florida 33401