

ESTTA Tracking number: **ESTTA763825**

Filing date: **08/10/2016**

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	BlackBerry Limited
Granted to Date of previous extension	08/10/2016
Address	2200 University Avenue East Waterloo, ON N2K0A7 CANADA

Domestic Representative	G. Roxanne Elings Davis Wright Tremaine LLP 1251 Avenue of the Americas New York, NY 10020-1104 UNITED STATES roxanneelings@dwt.com, orrinfalby@dwt.com, lisakeith@dwt.com, daniel- letoaltoan@dwt.com, blackberry@dwt.com, blackberryrecords@dwt.com Phone:2126036416
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Applicant Information

Application No	86806266	Publication date	04/12/2016
Opposition Filing Date	08/10/2016	Opposition Period Ends	08/10/2016
Applicants	Fowler, Stuart #140 Melbourne, FL 32935 UNITED STATES Starler, David #140 Melbourne, FL 32935 UNITED STATES		

Goods/Services Affected by Opposition


Class 009. First Use: 2015/06/16 First Use In Commerce: 2015/06/16 All goods and services in the class are opposed, namely: Computer software and hardware for streaming content media


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons,	Trademark Act Section 2(a)

living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	
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Marks Cited by Opposer as Basis for Opposition

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 Mark	NONE		
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>		

U.S. Registration No.	3715717	Application Date	03/27/2007
Registration Date	11/24/2009	Foreign Priority Date	NONE
Word Mark	BLACKBERRY		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 035. First use: First Use: 2007/12/31 First Use In Commerce: 2009/03/02 retail store services in the field of telecommunication equipment		
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U.S. Registration No.	2844340	Application Date	11/26/2002
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Registration Date	05/25/2004	Foreign Priority Date	NONE
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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.	3715716	Application Date	03/27/2007
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Registration Date	11/24/2009	Foreign Priority Date	NONE
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Word Mark	BLACKBERRY		
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Design Mark	BLACKBERRY
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2007/12/31 First Use In Commerce: 2009/03/02 retail store services in the field of telecommunication equipment

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.	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.	3098588	Application Date	03/02/2004
Registration Date	05/30/2006	Foreign Priority Date	NONE
Word Mark	BLACKBERRY CONNECTION		

Design Mark	BLACKBERRY CONNECTION
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.	3836417	Application Date	09/03/2004
Registration Date	08/24/2010	Foreign Priority Date	NONE

Word Mark	BLACKBERRY
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Design Mark	
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Description of Mark	The mark consists of a shaded quadrilateral with the wording BLACKBERRY below astylized geometric design of the letters BBBB.
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Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Electronic handheld units and accessories therefor, namely, batteries, chargers, headsets, cases, covers, and docking stations, for the wireless receipt and transmission of data and which may also have the capability to transmit and receive voice communications, namely, handheldcomputers and personal digital assistants; computer communications software forthe transmission and reception of messages, global computer network e-mail and other data between one or more electronic handheld units and a data store on or associated with a personal computer or aserver; computer communication softwarefor the synchroniz-ation of data betweena remote station or unit and a fixed orremote station or unit and software which enables and provides one-way and two-way wireless connectivity to data, namely, corporate data
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