

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/785088

MARK: STERLING AUDIO



CORRESPONDENT ADDRESS:

MARY VIDAL HAYS  
ARONBERG GOLDGEHN DAVIS &  
GARMISA  
1 IBM PLZ STE 3000  
CHICAGO, IL 60611-3586

GENERAL TRADEMARK INFORMATION:  
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Guitar Center, Inc.

CORRESPONDENT'S REFERENCE/DOCKET  
NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE:

The Office has reassigned this application to the undersigned trademark examining attorney.

Applicant is requesting reconsideration of a final refusal issued/mailed September 18, 2007.

After careful consideration of the law and facts of the case, the examining attorney must deny the request for reconsideration and adhere to the final action as written since no new facts or reasons have been presented that are significant and compelling with regard to the point at issue.

Applicant argues that registrant is not making the goods listed in the application. This argument would be relevant to a formal cancellation proceeding and is not appropriate matter for *ex parte* examination. TMEP §1207.01(d)(iv).

Section 7(b) of the Trademark Act, 15 U.S.C. §1057(b), provides that a certificate of registration on the Principal Register shall be *prima facie* evidence of the validity of the registration, of the registrant's ownership of the mark and of the registrant's exclusive right to use the mark in commerce in connection with the goods or services specified in the certificate. During *ex parte* prosecution, an applicant will not be heard on matters that constitute a collateral attack on the cited registration such as a registrant's nonuse of the mark. See *In re Dixie Restaurants*, 105 F.3d 1405, 41 USPQ2d 1531 (Fed. Cir. 1997); *In re Calgon Corp.*, 435 F.2d 596, 168 USPQ 278 (C.C.P.A. 1971); *Cosmetically Yours, Inc. v. Clairol Inc.*, 424 F.2d 1385, 1387, 165 USPQ 515, 517 (C.C.P.A. 1970); *In re Peebles Inc.* 23 USPQ2d 1795, 1797 n. 5 (TTAB 1992); *In re White Swan Ltd.*, 8 USPQ2d 1534 (TTAB 1988); *In re Pollio Dairy Products Corp.*, 8 USPQ2d 2012, 2014-15 (TTAB 1988).

The trademark examining attorney refers to the excerpted articles from her search on the GOOGLE® computerized database. The attached web pages are a representative sample and show that the same

entities that manufacture radios and/or cassette players also manufacture sub-woofers, microphones and/or speakers. The goods are found in the same channels of trade and likely to be encountered by the same consumers.

Accordingly, applicant's request for reconsideration is *denied*. The time for appeal runs from the date the final action was issued/mailed. 37 C.F.R. Section 2.64(b); TMEP Section 715.03(c). If applicant has already filed a timely notice of appeal, the application will be forwarded to the Trademark Trial and Appeal Board (TTAB).

/Ellen J.G. Perkins/  
Ellen J.G. Perkins  
Examining Attorney - USPTO  
Law Office 110  
(571) 272-9372

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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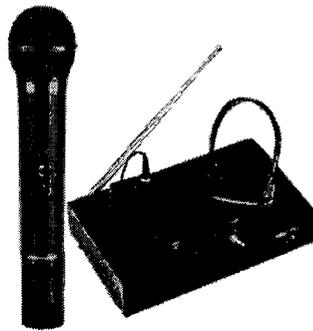
[Microphone](#)>> ICM388

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**Education Center**



**ICM-388 \$149.99**  
3-in-1 Wireless Microphone VHF

This PRO system comes with 3 different microphones ( a ceramic Headset Mic, a ceramic Lapel Mic and a dynamic Handheld Mic / Transmitter ), a portable transmitter ( for the headset mic and for the lapel mic ) and a deluxe receiver with both a battery pack and an AC adapter. This is a high quality system that is much better than lower frequency units that operate below 88 Mhz or just above 108 Mhz along with the tremendous flexibility as to a choice of microphones for various occasions.

[Call for Wholesale price.](#)

**Specifications:**

Whole package includes one of each:

1. Handheld Microphone
  2. Lapel Microphone
  3. Headset Microphone
  4. Receiver
  5. Transmitter for Lapel and headset.
  6. AC adapter
  7. Battery Pack for 100% wireless.
  8. PA Cable ,
  9. Supper 9V battery X 2 pcs
- RF Power output:30mw(Max), Transmission:40dB Pre-emphasis :50us Power consumption: 25ma. Battery life:8 hours continuous operation Cover range: 300 Feet. Carrier Frequency: VHF 240.00-259.00 MHz

Currency US\$

Model	Description	Price	Quantity Add to Cart	Security
ICM388	Wireless Mit. ICM388	149.99 each	<input type="text" value="1"/> <input type="button" value="ADD"/>	

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**Merry Christmas and Happy New Year !**

**Special sales ! Check it and see the surprise !**

A Super Radio is at super price now, a great Christmas gift !

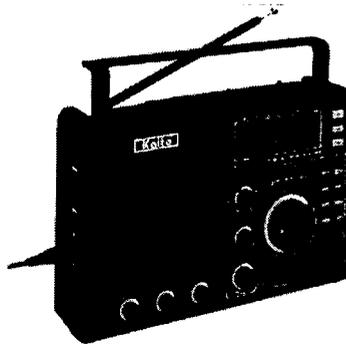
This SSB/LW/SW/NOAA Weather/AM/FM Radio is the Most Fantastic radio that we ever made !



A detachable MP3 player works as a Radio/Voice recorder with play back of music and or your favorite Radio program.

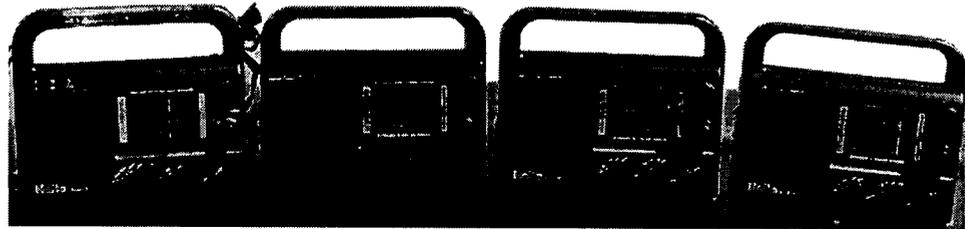
**KA1121**

**PLL and Dual Conversion with SSB and Weather Bands**

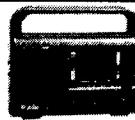


This table size PLL Shortwave Radio starts a new era for the Super Sound quality and Super Reception, better than any of the similar size radios in the USA market, it is a collectable item that you can keep for ages!

**KA2100**



KA009 Solar & Dynamo Powered Radio in Colors



KA009R Solar & Dynamo Powered Radio With Cell phone Charger



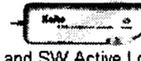
KA011 Solar & Dynamo Powered Radio, Digital Type, Strong Body



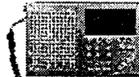
Short Wave antenna



KA35 Shortwave Active Loop Antenna



KA33 AM and SW Active Loop Antenna



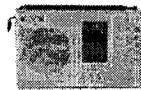
KA11  
AM/FM/Shortwave radio with 1,000 Memories, Dual Conversion



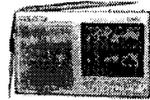
KA105  
Aluminum case world receiver, High sensitivity



KA1101  
Digital entry world receiver, High Quality



KA1102  
Dual Conversion SSB Shortwave  
World Radio, Best seller I



KA1103  
Dual Conversion SSB Super  
Quality Shortwave Radio



KA1107  
Dual Conversion Super Sensitivity  
Analog Shortwave Radio



KA004  
Pulling Dynamo Emergency AM/FM  
Radio



KA005

Radio



KA006  
Dynamo  
AM/FM/Flashlight Radio



KA007  
AM/FM/TV/Weather/  
Shortwave 4 way powered



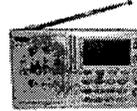
KA008  
Digital AM/FM/SW1-SW4  
4 Way Powered



KA009  
Aviation Band with AM/FM/SW1-  
4 /TV/Weather Bands



KA888  
Dynamo Radio with Flashlight,  
Compass and Siren, Clock



KA2031  
AM/FM/TV/Weather NOAA Alert  
Pure Digital PLL Radio



MS503  
5 LED Super Bright Flashlight with  
FM Radio



KA802  
Super quality AM/FM radio.



KA208  
Digital display AM/FM radio



WRX911  
Super high sensitivity World  
Receive





[KA007L](#) Solar & Dynamo Powered  
Radio With Reading Lamp



Dynamo Radio with 5 LED flashlight  
AM/FM, 5 Super Bright LED [KA404](#)



Sound Studio system for Multi-  
Purposes.  
[HS668](#)



[KA1916](#)  
Nostalgia Radio



[DP936](#)  
Solar Powered  
AM/FM Stereo Radio



[KA1918](#)  
Nostalgia Radio



[DF8088](#)  
Emergency Multifunction Radio and  
Fan/Fluorescent/Siren/Flashlight



The AC adaptor for  
[KA007/KA008/KA009/KA009S](#)



[KA8083](#)  
AM/FM/LW



[KA339](#) Dynamo Solar Powered  
lantern with AM/FM, flashlight,  
reading lamp.

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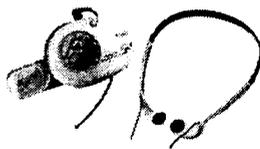
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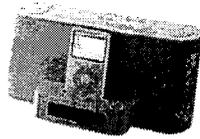


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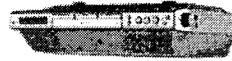


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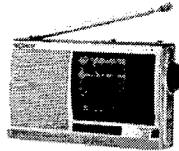
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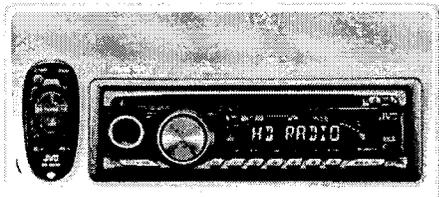
JVC MOBILE ENTERTAINMENT

# ARSENAL

Receivers HD Radio Multimedia Amplifiers Subwoofers Speakers Navigation Accessories



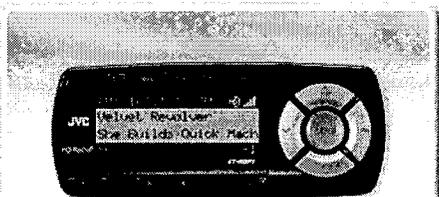
Discover how powerful HD radio technology is. Stations broadcast a digital version of their programming. With the JVC KD-HDR1, you can hear FM stations that sound as if you were there. What's missing is the crackle of a regular FM station.



### AM/FM/HD CD Receiver KD-HDR1

- Power Output: 200W Max. (50W X 4), 20X 4 (RMS)
- Built-In HD Radio Tuner with Multi-Cast Capability

MSRP\$ 199.95



### Transportable HD Radio KT-HDP1

- Full Dot Matrix LCD Display
- WHITE Backlight and BLUE Key Illumination

MSRP\$ 149.95

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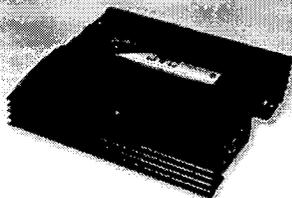
Receivers HD Radio Multimedia Amplifiers Subwoofers Speakers Navigation Accessories

**Amplifiers**

The perfect  
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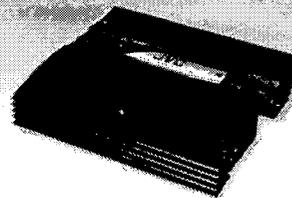
**Bridgeable, High Power**



**4 Channel Amplifier**  
KS-AX4504

- 600 Watts Max. Music Power
- 65 Watts RMS x 4CH @ 4Ω, 130W RMS x 2CH at 4Ω Bridged

MSRP\$ 199.95



**4 Channel Amplifier**  
KS-AX4302

- 600 Watts Max. Music Power
- 100 Watts RMS x 2CH @ 4Ω, 200W RMS x 1CH at 4Ω Bridged





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TA-RW255 Dual Auto-Reverse Cassette Deck

\$199.00 SRP

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TX-SR505 7.1-Channel Home Theater Receiver  
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Everything you need in an additional amplifier, including Onkyo's WRAT technology to maximize signal accuracy

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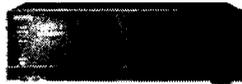


A-9555 Integrated Digital Amplifier

- Exclusive Vector Linear (VL) digital technology for high current drive

\$799.00 SRP

DETAILS



M-282 Premium Two-Channel Amplifier

\$349.00 SRP

DETAILS

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TX-SR605 - 7-Channel Theater Receiver Reg Price: \$399.00

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Overview

Technical Specs

Accessories

### Slide-Rule Tuning Dial for Easy Tuning

The RF-P50 has a convenient Slide-Rule Tuning Dial on the side of the unit for easy, one-finger FM/AM tuning. It also has a Tuning Indicator LED to help you find out when a station is properly tuned.

CONSUMER PRODUCTS | BUSINESS PRODUCTS | INDUSTRIAL PRODUCTS

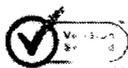
PLASMA TV | TELEVISIONS | DVD/VIDEO PLAYERS | MP3 PLAYERS | DIGITAL CAMERAS | CAMCORDERS | HOME THEATER | PORTABLE AUDIO | TECHNIQUES | TELEPHONES | BUSINESS PHONES | FAX & PRINTERS | NETWORK COMPUTERS | NETWORK DEVICES | MICROWAVE OVENS | IRONS | SHIRERS | HAIR DRYERS | VENTILATION FANS | MEN'S SHAVERS | WOMEN'S SHAVERS | RECLINATORS | MASSAGE EQUIPMENT | HEALTH CARE SUPPLIES | PARTS | SERVICES | VIEW ALL CONSUMER CATEGORIES

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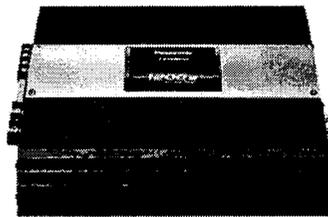
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TOP HOME AUDIO MOBILE ELECTRONICS POWER AMPLIFIERS CY-PA2003U

## CY-PA2003U

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CY-PA2003U  
1200W 2-Channel power Amplifier

 Larger Views

Overview

Technical Specs

### Make a Powerful Sound Statement

High efficiency is a key requirement for amplifiers, particularly when it comes to driving powerful speakers over long periods using the car's battery power. To attain high efficiency, the power supply drive stage employs MOS-FET devices having low internal impedance. This helps preserve the transparency and crispness of the original audio signal for faithful audio reproduction through the connected speakers. Maximum output power is an impressive 1200W (600W x 2), thanks to high efficiency with low heat generation and reduced load on the car battery.

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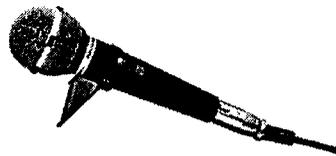


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\$49.95



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RP-VK45

Panasonic Dynamic Microphone with Die-cast Metal Body and Cannon Type Plug

+ Larger Views

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### Technical Specs

Dynamic Unidirectional Mic.	Yes
Built-in ON/OFF Switch	Yes
1/8" Mini Plug with 1/4" Standard Phono Plug Adaptor	Yes
Frequency Response	80Hz-13kHz
Mic Stand	Included
Gold Plated Head Cup	Yes
Die-cast Metal Body	Yes
Cannon-type Connector	Yes

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PLASMA TV'S TELEVISIONS SUPER VHS DISC PLAYERS VIDEO CAMERAS DIGITAL CAMERAS CAMCORDERS HOME THEATER PORTABLE AUDIO TECHNIQUES DJ TELEPHONES BUSINESS PHONES FAX  
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- 7 MINI AM/FM POCKET RADIO & ALARM CLOCK WITH BUILT-IN HI-FI SPEAKE
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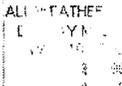
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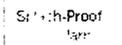
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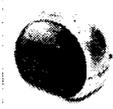


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CR-A56

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CR-A68

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CT-P8910

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