

TTAB

Attorney's Docket No.: 02103-513PP1

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

In the matter of Application Serial No. 75/942,699
For the Mark WAVEFINDER
Published in the Official Gazette on March 11, 2003 at TM 19

U.S. Patent & TM Office/TM Mail Rcpt Dr. #22
08-25-2003



Bose Corporation,

Opposer,

v.

Psion InfoMedia Ltd.,

Applicant.

Opposition No.

Commissioner for Trademarks
BOX TTAB – NO FEE
2900 Crystal Drive
Arlington, VA 22202-3514

AMENDED NOTICE OF OPPOSITION

Bose Corporation, The Mountain, Framingham, Massachusetts, 01701-9168, a corporation duly organized and existing under the laws of the State of Delaware, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes same.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, or is being facsimile transmitted to the Patent and Trademark Office, on the date indicated below.

Date August 20, 2003

Signature Darlene J. Morin

Typed or Printed Name of Person Signing Certificate Darlene J. Morin

Applicant : Psion InfoMedia Ltd.
Serial No. : 75/942,699
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The grounds for opposition are as follows:

1. Opposer uses, and/or has used since long prior to February 14, 2000 the registered trademarks WAVE, ACOUSTIC WAVE, PROFESSIONAL WAVE, and WAVESYNC on one or more of radios, clock radios, portable radio and cassette recorder combinations, compact stereo systems and portable compact disc players; loudspeaker systems; music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and audio tape cassette player; sound reproduction systems, namely, a loudspeaker system comprising a power amplifier and a radio tuner and/or CD player; radio controllers, namely, controllers for remotely establishing predetermined settings in radios in rooms having occupants frequently changed, such as hotel rooms, sold through channels including those selling to renters of such rooms, such as hotels for the purpose of clearing settings in radios set by occupants who have vacated the rooms.

2. Opposer is the owner of the following U.S. Trademark Registrations:

Reg. No. 1,633,789, issued February 5, 1991, for the mark WAVE in connection with, radios, clock radios, audio tape recorders and players, portable radio and cassette recorder combinations, compact stereo systems and portable compact disc players;

Reg. No. 1,764,183 issued April 13, 1993, for the mark ACOUSTIC WAVE in connection with loudspeaker systems and music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and audio tape cassette player.

Reg. No. 1,338,571 issued May 28, 1985, for the mark ACOUSTIC WAVE in connection with loudspeaker systems.

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Reg. No. 2,464,181 issued June 26, 2001, for the mark PROFESSIONAL WAVE in connection with sound reproduction systems, namely, a loudspeaker system comprising a power amplifier and a radio tuner and/or CD player.

Reg. No. 2,493,186 issued on September 25, 2001, for the mark WAVESYNC in connection with radio controllers, namely, controllers for remotely establishing predetermined settings in radios in rooms having occupants frequently changed, such as hotel rooms, sold through channels including those selling to renters of such rooms, such as hotels for the purpose of clearing settings in radios set by occupants who have vacated the rooms.

These registrations are valid and subsisting and in full force and effect and certified current status and title copies of these registrations from the USPTO are attached hereto as Exhibit 1.

3. Opposer accordingly owns valuable goodwill in its marks WAVE, ACOUSTIC WAVE, PROFESSIONAL WAVE, and WAVESYNC.

4. Applicant, Psion Infomedia, Ltd., filed Application Serial No. 75/942,699 on March 13, 2000 for computers, electronic apparatus and instruments for processing, storing, handling of display of data, namely computer monitors, audio tape recorders, audio and video cassette recorders, compact-disc players; electronic apparatus, namely docking stations, styli, computer monitors, mouse, keyboards, computer disk drives, printers and digital receivers for use with computers; and replacement parts and fittings for all the aforesaid goods; computer software for use in the fields of software development tools, sales management systems, financial systems, agricultural systems, sales training, advertising systems, process control, job

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control, environmental monitoring, order logging, diagnostics, databasing activities, spreadsheet analysis, word processing, communication systems, repair and maintenance systems, presentation systems, quality control systems; blank magnetic discs and blank magnetic cards, all for computers; prerecorded magnetic data carriers bearing recorded programs or data for computers for use in the fields of software development tools, sales management systems, financial systems, agricultural systems, sales training, advertising systems, process control, job control, environmental monitoring, order logging, diagnostics, databasing activities, spreadsheet analysis, word processing, communication systems, repair and maintenance systems, presentation systems, quality control systems; palm top computers; portable computers, in International Class 9; and printed matter, namely, books, manuals, handbooks, printed instructional and printed teaching materials all in the field of computers; printed paper, paper articles, namely, tapes for recording computer programs and for recording data for computers; all for the recordal of computer programs and for the recordal of data for computers, in International Class 16; and communication and telecommunication services, namely, providing access to web sites of others on the Internet; delivery of digital music by telecommunications, namely, wireless and fiber optic communications, in International Class 38, based on the priority of United Kingdom Registration No. 2222294 filed on February 14, 2000. Said application was published in the Official Gazette of March 11, 2003.

5. Applicant's WAVEFINDER mark, as applied to computers, electronic apparatus and instruments for processing, storing, handling of display of data, namely computer monitors, audio tape recorders, audio and video cassette recorders, compact-disc players; electronic

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apparatus, namely docking stations, styli, computer monitors, mouse, keyboards, computer disk drives, printers and digital receivers for use with computers; and replacement parts and fittings for all the aforesaid goods; computer software for use in the fields of software development tools, sales management systems, financial systems, agricultural systems, sales training, advertising systems, process control, job control, environmental monitoring, order logging, diagnostics, databasing activities, spreadsheet analysis, word processing, communication systems, repair and maintenance systems, presentation systems, quality control systems; blank magnetic discs and blank magnetic cards, all for computers; prerecorded magnetic data carriers bearing recorded programs or data for computers for use in the fields of software development tools, sales management systems, financial systems, agricultural systems, sales training, advertising systems, process control, job control, environmental monitoring, order logging, diagnostics, databasing activities, spreadsheet analysis, word processing, communication systems, repair and maintenance systems, presentation systems, quality control systems; palm top computers; portable computers; printed matter, namely, books, manuals, handbooks, printed instructional and printed teaching materials all in the field of computers; printed paper, paper articles, namely, tapes for recording computer programs and for recording data for computers; all for the recordal of computer programs and for the recordal of data for computers; and communication and telecommunication services, namely, providing access to web sites of others on the Internet; delivery of digital music by telecommunications, namely, wireless and fiber optic communications, so resembles the previously used and registered WAVE, ACOUSTIC

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WAVE, PROFESSIONAL WAVE, and WAVESYNC marks of Opposer, as used in connection with Applicant's goods, as to be likely to cause confusion or cause mistake, or to deceive.

6. Based upon the foregoing, the registration of the mark depicted in Application Serial No. 75/942,699 on the Principal Register of the United States Patent and Trademark Office will cause injury and damage to Opposer.

WHEREFORE, Opposer requests that registration of Applicant's mark WAVEFINDER, Application Serial No. 75/942,699, be denied.

The check of \$900.00 to cover the required fee was enclosed with the original Notice of Opposition that was mailed by First Class mail on August 7, 2003. Please apply any charges not covered, or any credits, to Deposit Account 06-1050, Order No. 02103-513PP1.

Respectfully submitted,

Date:

August 20, 2003


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Cynthia Johnson Walden
Amy L. Brosius
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Attorneys for Opposer,
BOSE CORPORATION

Enclosures:

Certified Copies of Registration Nos. 1,633,789, 1,338,571, 1,764,183, 2,464,181, 2,493,186

1050763

THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:
UNITED STATES DEPARTMENT OF COMMERCE**

United States Patent and Trademark Office

August 11, 2003

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,633,789 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *February 05, 1991*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *February 05, 2001*
SECTION 8 & 15
LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

*BOSE CORPORATION
A DELAWARE CORPORATION*



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

L. Edelen

L. EDELEN
Certifying Officer

072000374165
Int. Cl.: 9

Prior U.S. Cls.: 21 and 36

United States Patent and Trademark Office

Reg. No. 1,633,789
Registered Feb. 5, 1991

TRADEMARK
PRINCIPAL REGISTER

WAVE

THOMSON CONSUMER ELECTRONICS, INC.
(DELAWARE CORPORATION)
600 N. SHERMAN DRIVE
INDIANAPOLIS, IN 46201

FOR: ~~TELEVISION RECEIVERS, VIDEO
CASSETTE RECORDERS, VIDEO CASSETTE
PLAYERS, CAMCORDERS, RADIOS, CLOCK
RADIOS, AUDIO TAPE RECORDERS AND
PLAYERS, PORTABLE RADIO AND CAS-~~

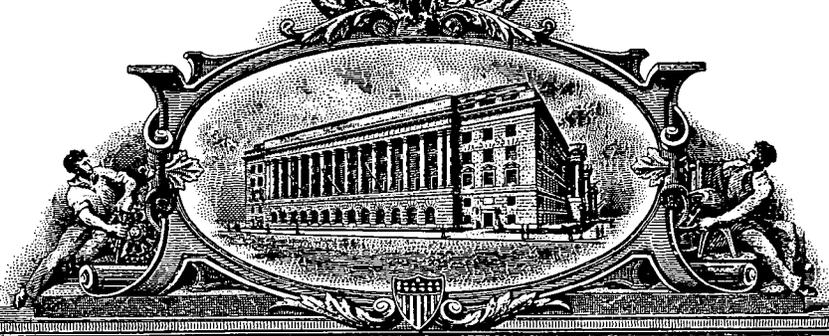
SETTE RECORDER COMBINATIONS, COM-
PACT STEREO SYSTEMS AND PORTABLE
COMPACT DISC PLAYERS, IN CLASS 9 (U.S.
CLS. 21 AND 36).

FIRST USE 9-25-1989; IN COMMERCE
9-25-1989.

SER. NO. 73-830,246, FILED 10-10-1989.

J. TINGLEY, EXAMINING ATTORNEY

1050763



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

August 11, 2003

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,338,571 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *May 28, 1985*

SECTION 8

SAID RECORDS SHOW TITLE TO BE IN:

REGISTRANT



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

M. K. HAWKINS

Certifying Officer

9
U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,338,571
Registered May 28, 1985

**TRADEMARK
SUPPLEMENTAL REGISTER**

ACOUSTIC WAVE

BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 01701

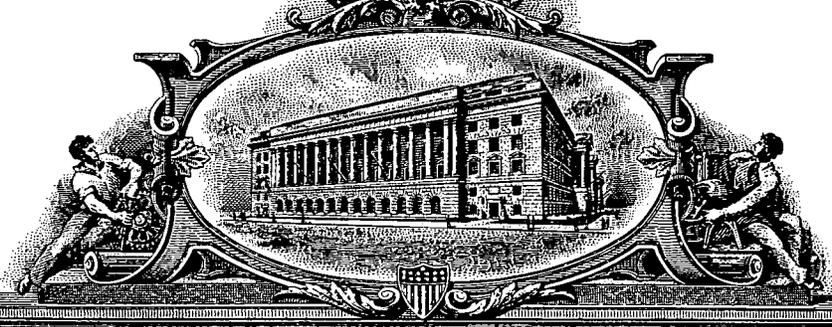
FIRST USE 2-1-1984; IN COMMERCE
2-1-1984.

SER. NO. 477,755, FILED P.R. 4-30-1984; AM.
S.R. 3-18-1985.

FOR: LOUDSPEAKER SYSTEMS, IN CLASS 9
(U.S. CL. 21).

JOHN CURTIN, EXAMINING ATTORNEY

1050763



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

August 11, 2003

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,764,183 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *April 13, 1993*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *April 13, 2003*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

REGISTRANT



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

M. K. HAWKINS

Certifying Officer

Int. Cl.: 9

Prior U.S. Cls.: 21, 26 and 36

United States Patent and Trademark Office

Reg. No. 1,764,183

Registered Apr. 13, 1993

**TRADEMARK
PRINCIPAL REGISTER**

ACOUSTIC WAVE

BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 017019168

FOR: LOUDSPEAKER SYSTEMS AND MUSIC SYSTEMS CONSISTING OF A LOUDSPEAKER SYSTEM AND AMPLIFIER AND AT LEAST ONE OF A RADIO TUNER, COMPACT DISC PLAYER AND AUDIO TAPE CASSETTE PLAYER, IN CLASS 9 (U.S. CLS. 21, 26 AND 36).

FIRST USE 2-1-1984; IN COMMERCE 2-1-1984.

OWNER OF U.S. REG. NOS. 1,338,571 AND 1,633,789.

SEC. 2(F).

SER. NO. 74-242,129, FILED 2-3-1992.

ELISSA ROSENBURGH, EXAMINING ATTORNEY

1050763



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

August 11, 2003

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,464,181 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 26, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

L. Edelen

L. EDELEN
Certifying Officer

0/20007716
Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,464,181

Registered June 26, 2001

**TRADEMARK
PRINCIPAL REGISTER**

PROFESSIONAL WAVE

BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 017019168

OWNER OF U.S. REG. NOS. 1,338,571, 1,633,789,
AND 1,764,183.

FOR: SOUND REPRODUCTION SYSTEMS,
NAMELY, A LOUDSPEAKER SYSTEM COMPRIS-
ING A POWER AMPLIFIER AND A RADIO TUNER
AND/OR CD PLAYER, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).

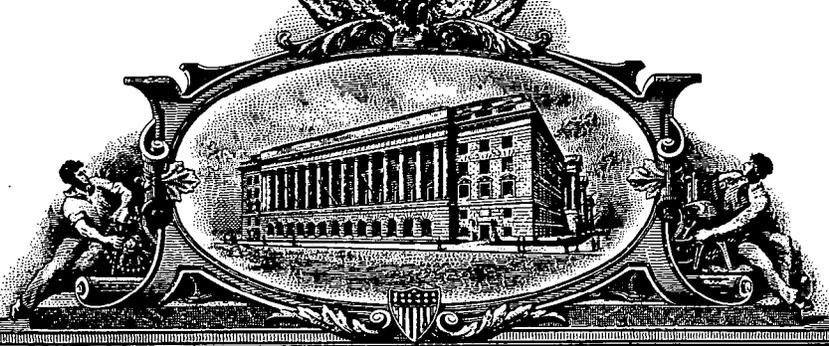
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PROFESSIONAL", APART FROM
THE MARK AS SHOWN.

SN 75-478,847, FILED 5-4-1998.

FIRST USE 2-2-1996; IN COMMERCE 2-2-1996.

BRETT J. GOLDEN, EXAMINING ATTORNEY

1050763



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

August 11, 2003

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,493,186 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *September 25, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

L. Edelen

L. EDELEN
Certifying Officer

01/20/01 11:45
Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,493,186

United States Patent and Trademark Office

Registered Sep. 25, 2001

**TRADEMARK
PRINCIPAL REGISTER**

WAVESYNC

BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 017019168

FOR: RADIO CONTROLLERS, NAMELY, CONTROLLERS FOR REMOTELY ESTABLISHING PRE-DETERMINED SETTINGS IN RADIOS IN ROOMS HAVING OCCUPANTS FREQUENTLY CHANGED, SUCH AS HOTEL ROOMS, SOLD THROUGH CHANNELS INCLUDING THOSE SELLING TO RENTERS OF SUCH ROOMS, SUCH AS HOTELS FOR THE PURPOSE OF CLEARING SETTINGS IN

RADIOS SET BY OCCUPANTS WHO HAVE VACATED THE ROOMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-0-1999; IN COMMERCE 9-0-1999.

OWNER OF U.S. REG. NOS. 63,760, 1,764,183, AND OTHERS.

SN 75-683,367, FILED 4-15-1999.

MICHAEL WEBSTER, EXAMINING ATTORNEY