

ESTTA Tracking number: **ESTTA98560**

Filing date: **09/11/2006**

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	Boston Acoustics, Inc.
Granted to Date of previous extension	09/09/2006
Address	300 Jubilee Drive Peabody, MA 01960 UNITED STATES

Attorney information	Peter A. Nieves Sheehan Phinney Bass + Green, PA 1000 Elm Street, PO Box 3701 Manchester, NH 03105-3701 UNITED STATES ipadm@sheehan.com Phone:603-627-8134
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Applicant Information

Application No	78749455	Publication date	07/11/2006
Opposition Filing Date	09/11/2006	Opposition Period Ends	09/09/2006
Applicant	Anthony Gallo Acoustics, Inc. 20841 Prairie Street Chatsworth, CA 913110601 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Loudspeakers

Attachments	Notice of Opposition.pdf (4 pages)(122250 bytes)
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Signature	/Peter A. Nieves/
Name	Peter A. Nieves
Date	09/11/2006

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

In the Matter of Application Serial No. 78/749455

Published in the *Official Gazette* on July 11, 2006

Boston Acoustics, Inc.

Opposer,

- v. -

Anthony Gallo Acoustics, Inc.,

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

September 11, 2006

NOTICE OF OPPOSITION

Boston Acoustics, Inc., a Massachusetts corporation with a business address of 300 Jubilee Drive, Peabody, Massachusetts 01960 (“Opposer”) opposes the grant of the trademark application of Anthony Gallo Acoustics, Inc., a New York corporation with an address of 20841 Prairie Street, Chatsworth, California 91311 (“Applicant”) to register the mark “BRAVA” for “loudspeakers” in International Class 009, and in support thereof states as follows.

COUNT ONE

1. Opposer is the owner of the federally registered trademark BRAVO for “loudspeakers” (the “Mark”), which is on the Principal Register of the United States Patent and Trademark Office (USPTO) in International Class 009 (Serial No. 76327932).

2. Since at least as early as August 8, 2001, Opposer has continuously used the Mark in interstate commerce, both alone and in connection with its other marks, with respect to loud speakers.

3. Opposer is a leading manufacturer of loud speakers. Opposer began using the mark BRAVO on August 8, 2001, and began building good will for itself in connection with the "BRAVO" brand. Opposer has been using this mark continuously in interstate commerce over the past several years.

4. As a result of the widespread use in interstate commerce by Opposer of the aforesaid trademark in connection with loudspeakers, the mark has acquired extensive goodwill, has developed a high degree of distinctiveness, and is well known and recognized as identifying high quality goods which have their origin with or have been authorized by Opposer. In addition, Opposer has invested and continues to invest substantial amounts of time and money in extensive advertising, promotion and marketing of its product lines under its mark, directly or through its representatives and distributors, throughout the United States. Accordingly, an invaluable amount of goodwill has been developed in connection with this mark and thus it has become an extremely valuable asset of Opposer.

5. On November 8, 2005 (over four years after Opposer's application for registration of BRAVO was filed), Applicant filed for registration of the mark BRAVA for "loudspeakers". Applicant's planned use conveys the same commercial impression as that conveyed by Opposer's trademark used in connection with Opposer's own loudspeakers. The products and services offered by Applicant are essentially identical to those within the scope of Opposer's mark and provided in the same channels of trade. All this being so, the likelihood of confusion between Applicant's products and those of Opposer verges on absolute certainty.

6. Upon information and belief, Applicant has made no use of the mark BRAVA as a trademark in the United States. In addition, the presently pending trademark application of the Applicant is an intent-to-use application.

7. Applicant's mark BRAVA is confusingly similar to Opposer's Mark in sound, appearance and commercial impression.

8. Applicant's planned use of the BRAVA mark is for goods that are the same as or are highly related to the goods sold and provided in connection with Opposer's trademark and such goods would travel and/or be promoted through the same channels of trade for sale to, and use by, the same class of purchasers.

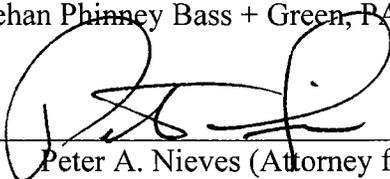
9. Applicant's use of the mark BRAVA in connection with its proposed goods and services is likely to cause confusion, mistake or deception as to the source of origin, sponsorship or approval of Applicant's goods and services in that the public, the trade, and others are likely to believe that Applicant's goods and services: (a) originate from Opposer; or (b) are provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Opposer and/or its goods, or licensed products.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark BRAVA be denied in all respects.

Respectfully Submitted,

Boston Acoustics, Inc.

By its attorneys,
Sheehan Phinney Bass + Green, PA

Dated: September 11, 2006 By: 
Peter A. Nieves (Attorney for Applicant)
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