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

Proceeding	91179739
Party	Defendant christopher r. mahoney
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Attachments	Letter from Chris.pdf ( 1 page )(21877 bytes )

To whom it may concern:

I Christopher Mahoney filed for the name BOSSTONE in May of 2006. I spoke with the USPTO appointed attorney on several occasions and was assured that my mark was not similar to any mark issued by the USPTO. My appointed attorney Karen Glasser advised me that it was fine to use the name BOSSTONE as I had applied for the mark and she could not find any similar marks in my category.

When the name was about to be published, she contacted me and stated that my artwork looked like two words and she wanted to publish it as such (two words). She once again assured me that it would be fine and assured me that it was OK to use the mark. This Mark is the name of my actual Unit made by my small company Mahoney.

This name has been around for many years. It goes back to the 1960's. A very small company made a similar device, a silicon transistor fuzz unit for guitars. Many pedal steel and guitar players look for these items for the sound and historic significance. A fuzz pedal makes the guitar sound nasty and aggressive. This Bosstone was Americas answer to England's Fuzz Face, used by Jimi Hendrix and many other well known guitarists.

The man who made the originals has passed away and the Bosstones have not been built since the late 60's. I would like to keep this little American little treasure going. I have the circuit sounding just like the unit from the old days and lots of people want that. This unit is all I ever plan on putting the Bosstone name on.

The Roland Company no doubt borrowed their name from this little gem. They have a line of modern pedals with various names and BOSS is the product brand. Many of their pedals have names like the DD-6, TU-2 BF-2 and so on. My product name is simply BOSS TONE. It was supposed to be all one word and right before it was published it was changed to two words Boss Tone.

I feel that it would be a shame to see this name get turned down for a Trademark. For guitar players it holds a kind of special spot to some of us. I am in no way competition for Roland as my unit is all hand made with old style components. These are all tested and matched for perfect gain and Roland offers nothing like this. I feel that since the name Bosstone has been around for at least 10 years before Roland trademarked the name BOSS, it should not be allowed to fall through the cracks of big business.

I have a lot of money invested and was assured from your attorney Karen Glasser, that it would be fine to use the Mark in business. That is why I continued to gear up for sales and manufacturing. I have also been threatened by Roland that they want my website domain name and may possibly sue me. Well I was given the OK by an employee of the trademark office to use the mark.

I pray that the governing body that reviews this case takes into account the fact that this product is important to American guitarists. So much of the gear that is available is made overseas and does not resemble nor have anything to do with the way the vintage gear we love was built. I think it is great that this product is made in America with care and keeping another product here in the States.

If you ask any guitarist, many will remember the Bosstone and not confuse it with a Roland product. The boxes that they are housed in are quite different and are not mass produced modern devices. The insides of my unit are all old style carbon composition resistors, ceramic disc capacitors, silicon diodes and germanium transistors. Roland/BOSS do not use these antiquated components in any of their products as they are considered obsolete. This is the true difference in my product; these features are what my customers are in search of.

In closing, I beg the examiner to look past the similarity in the name spelling and see that this product needs is special and different. It is a little piece of Americana in a way, and I am not targeting BOSS customers in any way. This unit stands on its own and I hope the trademark office can see that.

Thank you for considering my plea:  
Christopher Mahoney