

ESTTA Tracking number: **ESTTA192138**

Filing date: **02/12/2008**

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	Bose Corporation
Granted to Date of previous extension	02/13/2008
Address	The Mountain, MS-40 Framingham, MA 01701 UNITED STATES

Attorney information	Michelle Brownlee Bose Corporation The MountainMS-40 Framingham, MA 01701 UNITED STATES Michelle_Brownlee@bose.com Phone:508-766-6276
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**Applicant Information**

Application No	77158037	Publication date	10/16/2007
Opposition Filing Date	02/12/2008	Opposition Period Ends	02/13/2008
Applicant	PWC Industries Inc. 4651 #1 SE 11th Place Cape Coral, FL 33904 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. First Use: 2007/02/15 First Use In Commerce: 2007/02/15 All goods and services in the class are opposed, namely: Marine waterproof audio amplifier, and waterproof stereo speakers
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1633789	Application Date	10/10/1989
Registration Date	02/05/1991	Foreign Priority Date	NONE
Word Mark	WAVE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 1989/09/25 First Use In Commerce: 1989/09/25 [ TELEVISION RECEIVERS, VIDEO CASSETTE RECORDERS, VIDEO CASSETTE PLAYERS, CAMCORDERS, ] RADIOS, CLOCK RADIOS, AUDIO TAPE RECORDERS AND PLAYERS, PORTABLE RADIO AND CASSETTE RECORDER COMBINATIONS, COMPACT STEREO SYSTEMS AND PORTABLE COMPACT DISC PLAYERS

U.S. Registration No.	1764183	Application Date	02/03/1992
Registration Date	04/13/1993	Foreign Priority Date	NONE
Word Mark	ACOUSTIC WAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1984/02/01 First Use In Commerce: 1984/02/01 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		

U.S. Registration No.	1338571	Application Date	04/30/1984
Registration Date	05/28/1985	Foreign Priority Date	NONE
Word Mark	ACOUSTIC WAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1984/02/01 First Use In Commerce: 1984/02/01 LOUDSPEAKER SYSTEMS		

U.S. Application No.	77330052	Application Date	11/15/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1993/12/31 First Use In Commerce: 1993/12/31 music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and digital music player; compact disc changer; digital music player docking station		

Attachments	73830246#TMSN.gif ( 1 page )( bytes ) FULL WAVE AUDIO opposition.pdf ( 3 pages )(103092 bytes ) FULLWAVEAUDIO Ex A.pdf ( 13 pages )(408965 bytes ) 77330052#TMSN.jpeg ( 1 page )( bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michelle Brownlee/
Name	Michelle Brownlee
Date	02/12/2008

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

In the matter of application Serial No. 77/158,037  
For the Trademark FULL WAVE AUDIO  
Published in the Official Gazette on October 16, 2007

BOSE CORPORATION,	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
PWC INDUSTRIES INC.,	)	
	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

Opposer Bose Corporation (“Bose” or “Opposer”), a Delaware corporation having its principal place of business at The Mountain, Framingham, Massachusetts 01701, believes that it will be damaged by the issuance of a registration for the mark FULL WAVE AUDIO (the “Mark”), as applied for in application Serial No. 77/158,037 (the “Application”) filed on April 16, 2007, and claiming a first use in commerce of February 15, 2007, by Applicant PWC Industries Inc. (“Applicant”) and hereby opposes the same.

As grounds for opposition, Bose alleges that:

1. Opposer uses and/or has used, long since prior to February 15, 2007, the registered trademarks WAVE and ACOUSTIC WAVE on one or more of radios, clock radios, portable radio and cassette recorder combinations, compact stereo systems and portable compact disc players, loudspeaker systems, and 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 cassette tape player, including surround sound loudspeaker systems and surround sound music systems.

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

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; and

Application Serial No. 77/330,052, filed November 15, 2007 for the mark WAVE in connection with music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and digital music player; compact disc changer; digital music player docking station.

The registrations are valid and subsisting and in full force and effect, as evidenced by printouts of the information available from the USPTO database showing the current status of the registrations, attached as Exhibit A hereto.

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

4. The Applicant filed the Application on April 16, 2007, which seeks to register the mark FULL WAVE AUDIO for "waterproof audio amplifier, and waterproof stereo speakers." The Application was published for opposition on October 16, 2007.

5. The Applicant's FULL WAVE AUDIO mark is deceptively similar to Opposer's WAVE and ACOUSTIC WAVE trademarks so as to cause confusion and lead to deception as to the origin of the goods bearing the Applicant's mark. Accordingly, Opposer will be damaged by registration of the Applicant's mark.

6. Wherefore, Bose prays that this Opposition be sustained and that Application Serial No. 77/158,037 be denied and refused.

7. Bose will be represented in this proceeding by Michelle Brownlee of the legal department of Bose. Bose requests that all correspondence be directed to Michelle Brownlee at the address given below.

Dated: February 12, 2008

  
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Michelle Brownlee, Esq.  
Bose Corporation  
The Mountain, MS-40  
Framingham, MA 01701  
(508) 766-6276

Attorneys for Opposer,  
**BOSE CORPORATION**

**EXHIBIT A**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-02-12 13:39:02 ET

Serial Number: 73830246 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1633789

Mark

**WAVE**

(words only): WAVE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-09-20

Filing Date: 1989-10-10

Transformed into a National Application: No

Registration Date: 1991-02-05

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-06-08

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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I. BOSE CORPORATION

Address:

BOSE CORPORATION  
THE MOUNTAIN

FRAMINGHAM, MA 017019168  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware

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### GOODS AND/OR SERVICES

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**International Class:** 009  
**Class Status:** Active  
RADIOS, CLOCK RADIOS, AUDIO TAPE RECORDERS AND PLAYERS, PORTABLE RADIO AND CASSETTE RECORDER COMBINATIONS, COMPACT STEREO SYSTEMS AND PORTABLE COMPACT DISC PLAYERS  
**Basis:** 1(a)  
**First Use Date:** 1989-09-25  
**First Use in Commerce Date:** 1989-09-25

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### ADDITIONAL INFORMATION

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(NOT AVAILABLE)

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-01-03 - TEAS Section 7 Request Received  
2001-09-20 - First renewal 10 year  
2001-09-20 - Section 8 (10-year) accepted/ Section 9 granted  
2001-01-08 - Combined Section 8 (10-year)/Section 9 filed  
1996-07-15 - Section 8 (6-year) accepted & Section 15 acknowledged  
1996-02-12 - Section 8 (6-year) and Section 15 Filed  
1991-02-05 - Registered - Principal Register  
1990-11-13 - Published for opposition  
1990-10-13 - Notice of publication  
1990-08-22 - Approved for Pub - Principal Register (Initial exam)

1990-07-11 - Communication received from applicant

1990-01-09 - Non-final action mailed

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**  
CHARLES HIEKEN

**Correspondent**  
CHARLES HIEKEN  
FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON MA 02110-2804

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-02-12 13:40:22 ET

Serial Number: 73477755 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1338571

Mark (words only): ACOUSTIC WAVE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-09-20

Filing Date: 1984-04-30

Transformed into a National Application: No

Registration Date: 1985-05-28

Register: Supplemental

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 41P -Office Of Public Records - Special Handling Section

Date In Location: 2005-09-22

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. BOSE CORPORATION

**Address:**

BOSE CORPORATION  
THE MOUNTAIN  
FRAMINGHAM, MA 01701  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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**GOODS AND/OR SERVICES**

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**International Class:** 009

**Class Status:** Active

## LOUDSPEAKER SYSTEMS

**Basis:** 1(a)**First Use Date:** 1984-02-01**First Use in Commerce Date:** 1984-02-01

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2004-09-20 - First renewal 10 year

2004-09-20 - Section 8 (10-year) accepted/ Section 9 granted

2004-08-06 - Combined Section 8 (10-year)/Section 9 filed

2004-08-06 - TEAS Section 8 &amp; 9 Received

1992-03-11 - Cancellation terminated for Proceeding

1990-11-20 - Section 8 (6-year) accepted

1990-07-30 - Section 8 (6-year) filed

1988-12-20 - Cancellation Instituted No. 999999

1985-05-28 - Registered - Supplemental Register

1985-03-29 - APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER

1985-03-18 - Communication received from applicant

1985-03-11 - Non-final action mailed

1984-12-24 - Communication received from applicant

1984-12-11 - Non-final action mailed

1984-10-02 - Assigned To Examiner

**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**  
CHARLES HIEKEN

**Correspondent**  
CHARLES HIEKEN  
FISH & RICHARDSON P.C.  
225 FRANKLIN STREET  
BOSTON, MA 02110-2804

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-02-12 13:40:52 ET

Serial Number: 74242129 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1764183

Mark (words only): ACOUSTIC WAVE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-10-01

Filing Date: 1992-02-03

Transformed into a National Application: No

Registration Date: 1993-04-13

Register: Principal

Law Office Assigned: LAW OFFICE 6

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: SH0 -Office Of Public Record - Special Handling

Date In Location: 2005-09-08

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. Bose Corporation

**Address:**

Bose Corporation  
THE MOUNTAIN  
Framingham, MA 017019168  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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**GOODS AND/OR SERVICES**

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**International Class:** 009

**Class Status:** Active

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

**Basis:** 1(a)

**First Use Date:** 1984-02-01

**First Use in Commerce Date:** 1984-02-01

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### ADDITIONAL INFORMATION

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#### Section 2(f)

**Prior Registration Number(s):**

1338571

1633789

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2002-10-01 - First renewal 10 year

2002-10-01 - Section 8 (10-year) accepted/ Section 9 granted

2002-07-11 - Combined Section 8 (10-year)/Section 9 filed

2002-07-11 - PAPER RECEIVED

1998-08-04 - Section 8 (6-year) accepted & Section 15 acknowledged

1998-05-04 - Section 8 (6-year) and Section 15 Filed

1993-04-13 - Registered - Principal Register

1993-01-19 - Published for opposition

1992-12-18 - Notice of publication

1992-11-11 - Approved for Pub - Principal Register (Initial exam)

1992-10-16 - Communication received from applicant

1992-04-16 - Non-final action mailed

1992-03-23 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Charles Hieken

**Correspondent**

CHARLES HIEKEN  
FISH & RICHARDSON, P.C.  
225 FRANKLIN STREET  
BOSTON, MA 02110-2804

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-02-12 13:41:04 ET

Serial Number: 77330052 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

WAVE

(words only): WAVE

Standard Character claim: Yes

Current Status: Newly filed application, not yet assigned to an examining attorney.

Date of Status: 2007-11-19

Filing Date: 2007-11-15

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 011 -Initial Review/Serialization Branch(Mailroom)

Date In Location: 2007-11-19

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LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Bose Corporation

Address:

Bose Corporation  
MS-40 The Mountain

Framingham, MA 01701  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Delaware  
**Phone Number:** 508-766-6276

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**GOODS AND/OR SERVICES**

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**International Class:** 009  
**Class Status:** Active  
music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and digital music player; compact disc changer; digital music player docking station  
**Basis:** 1(a)  
**First Use Date:** 1993-12-31  
**First Use in Commerce Date:** 1993-12-31

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**  
1338571  
1633789  
1764183

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-11-19 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
Michelle Brownlee

**Correspondent**  
MICHELLE BROWNLEE  
BOSE CORPORATION  
THE MOUNTAIN  
MS-40  
FRAMINGHAM, MA 01701  
Phone Number: 508-766-6276

