

ESTTA Tracking number: **ESTTA204293**

Filing date: **04/11/2008**

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	RMA Ltd		
Entity	UK Ltd company	Citizenship	United Kingdom
Address	Pinewood Studios Pinewood Road, Iver Heath Bucks, SL0 0NH UNITED KINGDOM		

Correspondence information	Nigel Knight Managing Director RMA Ltd Pinewood Studios Pinewood Road, Iver Heath Bucks, SL0 0NH UNITED KINGDOM nigel.knight@rma-themedattractions.co.uk Phone:+44 1753652200
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Applicant Information

Application No	77232407	Publication date	04/01/2008
Opposition Filing Date	04/11/2008	Opposition Period Ends	05/01/2008
Applicant	Bosstone LLC 2009 Big Oak Drive Spring Hill, TN 37174 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2007/04/15 First Use In Commerce: 2007/04/15 All goods and services in the class are opposed, namely: Guitar amplifiers
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Attachments	Deacy Resume.pdf (2 pages)(408767 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	/nigelknight/
Name	Nigel Knight
Date	04/11/2008

Reason For Opposing Trademark serial number 77232407

Deacy History.

The Deacy (pronounced DeeKee) is a bespoke small amplifier owned by a guitarist called Brian May, who is the guitarist with the world renown rock group Queen.

The amplifier was originally built by John Deacon (Deacy), the bass player of Queen back in 1972 – 73, initially as a guitar amplifier for himself. Once Brian May played through it in the studio via one of his effects pedals, it produced a sound that had not been heard before.

John gave the Deacy amplifier to Brian in order that he may then use it in the recording studio. Nearly all of the "Orchestrated" sounds you hear on Queen albums were recorded via the Deacy amplifier.

John Deacon, the creator is still alive and well.

There is only ONE Deacy amplifier in the world, and it is still owned by Brian May.

Official Deacy Replica.

In 1998, Greg Fryer, a guitar and effects builder based in Australia, was asked by Brian May to research the Deacy Amplifier in order that a facsimile of the original may be produced for sale to Brian May guitar fans and players.

In 2003 Nigel Knight, an audio electronics designer from the UK was brought on board to continue the R&D in the workshop using highly specialised equipment in order that the final Deacy Replica would be a 100% clone of the original.

Brian May did not want a substandard amplifier being sold to unsuspecting guitarists the world over.

In essence, it is very easy to market a bogus Deacy amplifier and sell it guitarists who know no better, because they have absolutely no reference to compare it to. There is only one.

It is, however, that one Deacy amplifier that HAS been used as a reference for the Official Deacy Replica. A replica that will not get the final endorsement of Brian May until he has heard it himself.

The Official Deacy Replica is now being manufactured by a UK company called Fryer Sound Ltd. It is the ONLY DEACY REPLICA THAT IS OFFICIALLY ENDORSED BY BRIAN MAY.

Bosstone

The small guitar amplifier that Bosstone are marketing as a Deacy is NOT a Deacy amplifier for the following reasons:

1. The circuit is not correct to the original.
2. The Speaker is not correct to the original
3. The manufacturer does not have the permission of the owner to use the name.

Conclusion.

Thousands of guitarists the world over have waited a long time for the release of a true copy of the Deacy amplifier. Contrary to belief, it is not an easy circuit to copy and has taken over five years to totally unravel all the details hidden beneath the simple mahogany bookshelf cabinet.

It is misleading to call it a Deacy, because simply by using that word, a very specific guitar sound is portrayed. A guitar sound that will NOT be produced by the amplifier built by Bosstone.

For this reason and the factors detailed above, we believe that the use of the word Deacy should not be registered to this company/individual.