

ESTTA Tracking number: **ESTTA433042**

Filing date: **09/29/2011**

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	Michelle Brownlee Bose Corporation
Granted to Date of previous extension	10/05/2011
Address	Mountain Road Framingham, MA 01701 UNITED STATES
Party who filed Extension of time to oppose	Michelle Brownlee
Relationship to party who filed Extension of time to oppose	Michelle Brownlee is the legal representative of Bose Corporation, which is the party of interest. It appears that an administrative error was made when filing the form for extension request and the name of the representative was listed on the form rather than the name of the company.

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

Application No	77404534	Publication date	06/07/2011
Opposition Filing Date	09/29/2011	Opposition Period Ends	10/05/2011
Applicants	Smith, Robert 19052 Tanglewood Huntington Beach, CA 92648 UNITED STATES Lark, David P.O. Box 128 Corcoran, CA 932120128 UNITED STATES		

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Computer software for manipulating digital audio information for use in audio media applications; Computer software for organizing and viewing digital images and photographs; Computer software for processing digital music files; Computer software for the databasing, visualization, manipulation, virtual reality immersion and integration of

geographic information with online member communities; Computer software for use in relation to digital animation and special effects of images; Computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Computer software for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Digital audio players; Digital camera accessory in the nature of a digital photo viewer; Digital cameras; Digital cellular phones; Digital phones; Digital photo frames for displaying digital pictures, video clips and music; Digital signal processors; Digital telephone platforms and software; Electronic and optical communications instruments and components, namely, digital transmitters; Electronic apparatus and devices for controlling access to pay-tv services; Hardware and software adapter for coupling a GPS receiver to the microphone input of a digital camcorder; High Z material detection system comprising a set of muon detectors and digital signal processing unit; Integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP); Integrated circuits incorporating algorithms for use in processing TV signals; Laser detectors for detecting wireless and optical speed and signals; Personal digital assistant computers; Personal digital assistants; Personal digital assistants (PDA); Plastic case used as a security device for protecting and securing DVDs and other magnetic and electronic media from theft; Portable media players Protective carrying cases specially adapted for personal digital assistants (PDA); Scientific apparatus, namely, sensing and signaling devices for measurement and quality control of materials processing by laser; Software for processing digital images of the anatomy for diagnosis and treatment; Solar recharging battery pack for digital cameras; Specialty holster for carrying cellular phones, pagers, and/or personal digital assistants; Super luminescent laser diodes; TV and video converters; TV cameras; TV monitors; Television receivers

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.	2108847	Application Date	09/24/1996
Registration Date	10/28/1997	Foreign Priority Date	NONE
Word Mark	LIFESTYLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1990/06/00 First Use In Commerce: 1990/06/00 music systems consisting of a loudspeaker system and power amplifier and at least one of a CD player, tape player and radio tuner		

U.S. Registration No.	1622251	Application Date	02/13/1990
Registration Date	11/13/1990	Foreign Priority Date	NONE
Word Mark	LIFESTYLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1989/09/12 First Use In Commerce: 1989/09/12 loudspeaker systems		

U.S. Registration No.	3643544	Application Date	09/23/2004
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Registration Date	06/23/2009	Foreign Priority Date	NONE
Word Mark	DIGITAL LIFESTYLE OUTFITTERS		
Design Mark	 <p style="text-align: center;">DIGITAL LIFESTYLE OUTFITTERS</p>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2002/04/30 First Use In Commerce: 2002/04/30 adapters for mounting, charging, and/or powering portable and handheld digital electronic video or audio players; electronic converters for transmitting visual or audio signals into radio frequencies; electronic docking stations mounts, transmitters, batteries and charges, for digital video or audio players; radio-frequency transmitters; power supplies and chargers; electronic game software and hardware; carrying cases for portable electronic devices, namely MP3 players, personal digital assistants, portable phones, or portable computers		

Attachments	78488243#TMSN.jpeg (1 page)(bytes) Notice of Opposition - DYNAMIC DIGITAL LIFESTYLE.pdf (13 pages)(464692 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	09/29/2011

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

In the matter of application Serial No. 77/404,534
For the Trademark DYNAMIC DIGITAL LIFESTYLE
Published in the Official Gazette on June 7, 2011

BOSE CORPORATION,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
ROBERT SMITH and DAVID LARK,)	
)	
Applicants.)	
)	

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 DYNAMIC DIGITAL LIFESTYLE (the “Mark”), as applied for in application Serial No. 77/404,534 (the “Application”) filed on February 23, 2008 by Robert Smith and David Lark (“Applicants”) and hereby opposes the same.

As grounds for opposition, Bose alleges that:

1. Opposer uses and/or has used since long prior to February 23, 2008, the registered LIFESTYLE trademarks for loudspeaker systems and music systems consisting of a loudspeaker system and power amplifier and at least one of a CD player and radio tuner; home theatre systems; home entertainment systems; digital circuitry for the aforesaid products; custom design and installation of the aforementioned products.

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

Reg. No. 1,622,251, issued November 13, 1990, for the mark LIFESTYLE in connection with loudspeaker systems; Reg. No. 2,108,847, issued on October 28, 1997, for the mark LIFESTYLE in connection with music systems consisting of a loudspeaker system and power amplifier and at least one of a CD player and radio tuner and Reg. No. 3,643,544, issued on June 23, 2009, for the mark DIGITAL LIFESTYLE OUTFITTERS in connection with adapters for mounting, charging, and/or powering portable and handheld digital electronic video or audio players; electronic converters for transmitting visual or audio signals into radio frequencies; electronic docking stations mounts, transmitters, batteries and charges, for digital video or audio players; radio-frequency transmitters; power supplies and chargers; electronic game software and hardware; carrying cases for portable electronic devices, namely MP3 players, personal digital assistants, portable phones, or portable computers.

These registrations are valid and subsisting and in full force and effect as evidenced by the enclosed printouts from the Trademark Applications and Registrations Retrieval ("TARR") web server.

3. Petitioner accordingly owns valuable goodwill in its LIFESTYLE and DIGITAL LIFESTYLE OUTFITTERS marks.

4. The Applicant filed the Application on February 23, 2008, which seeks to register the mark DYNAMIC DIGITAL LIFESTYLES for "Computer software for manipulating digital audio information for use in audio media applications; Computer software for organizing and viewing digital images and photographs; Computer software for processing digital music files; Computer software for the databasing, visualization, manipulation, virtual reality immersion and integration of geographic information with online member communities; Computer software for

use in relation to digital animation and special effects of images; Computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Computer software for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Digital audio players; Digital camera accessory in the nature of a digital photo viewer; Digital cameras; Digital cellular phones; Digital phones; Digital photo frames for displaying digital pictures, video clips and music; Digital signal processors; Digital telephone platforms and software; Electronic and optical communications instruments and components, namely, digital transmitters; Electronic apparatus and devices for controlling access to pay-tv services; Hardware and software adapter for coupling a GPS receiver to the microphone input of a digital camcorder; High Z material detection system comprising a set of muon detectors and digital signal processing unit; Integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP); Integrated circuits incorporating algorithms for use in processing TV signals; Laser detectors for detecting wireless and optical speed and signals; Personal digital assistant computers; Personal digital assistants; Personal digital assistants (PDA); Plastic case used as a security device for protecting and securing DVDs and other magnetic and electronic media from theft; Portable media players Protective carrying cases specially adapted for personal digital assistants (PDA); Scientific apparatus, namely, sensing and signaling devices for measurement and quality control of materials processing by laser; Software for processing digital images of the anatomy for diagnosis and treatment; Solar recharging battery pack for digital cameras; Specialty holster for carrying cellular phones, pagers, and/or personal digital assistants; Super luminescent laser diodes; TV and video converters; TV cameras; TV monitors; Television receivers” The Application was published for opposition on June 7, 2011.

5. The Applicant's DYNAMIC DIGITAL LIFESTYLE mark is deceptively similar to Opposer's LIFESTYLE and DIGITAL LIFESTYLE OUTFITTERS 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. 77/404,534 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: September 29, 2011



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

Attorneys for Opposer,
BOSE CORPORATION

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

This page was generated by the TARR system on 2011-08-01 17:08:44 ET

Serial Number: 78488243 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3643544

Mark

DIGITAL LIFESTYLE OUTFITTERS

(words only): DIGITAL LIFESTYLE OUTFITTERS

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2009-06-23

Filing Date: 2004-09-23

Transformed into a National Application: No

Registration Date: 2009-06-23

Register: Principal

Law Office Assigned: LAW OFFICE 117

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

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-06-23

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

1. Netalog, Inc.

Address:

Netalog, Inc.
145 King Street, Suite 306
Charleston, SC 29401
United States

Legal Entity Type: Corporation

State or Country of Incorporation: North Carolina

Phone Number: (843) 577-7067

Fax Number: (843) 577-6196

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

adapters for mounting, charging, and/or powering portable and handheld digital electronic video or audio players; electronic converters for transmitting visual or audio signals into radio frequencies; electronic docking stations mounts, transmitters, batteries and charges, for digital video or audio players; radio-frequency transmitters; power supplies and chargers; electronic game software and hardware; carrying cases for portable electronic devices, namely MP3 players, personal digital assistants, portable phones, or portable computers

Basis: 1(a)

First Use Date: 2002-04-30

First Use in Commerce Date: 2002-04-30

ADDITIONAL INFORMATION

Disclaimer: DIGITAL and OUTFITTERS

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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

2009-06-23 - Registered - Principal Register

2009-05-14 - TTAB Release Case To Trademarks

2009-05-14 - Opposition terminated for Proceeding

2009-05-14 - Opposition dismissed for Proceeding

2009-05-06 - Assignment Of Ownership Not Updated Automatically

2009-01-07 - Assignment Of Ownership Not Updated Automatically
2007-06-27 - Assignment Of Ownership Not Updated Automatically
2007-05-23 - Assignment Of Ownership Not Updated Automatically
2006-07-24 - Opposition instituted for Proceeding
2006-04-21 - Extension Of Time To Oppose Received
2006-03-28 - Published for opposition
2006-03-08 - Notice of publication
2005-08-12 - Law Office Publication Review Completed
2005-08-05 - Assigned To LIE
2005-08-04 - Approved for Pub - Principal Register (Initial exam)
2005-08-04 - EXAMINERS AMENDMENT E-MAILED
2005-08-04 - Examiners Amendment -Written
2005-07-21 - Attorney Revoked And/Or Appointed
2005-07-21 - TEAS Revoke/Appoint Attorney Received
2005-05-06 - Non-final action e-mailed
2005-05-06 - Non-Final Action Written
2005-04-25 - Assigned To Examiner
2004-10-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Vincent K. Gustafson, Steven J. Hultquist

Correspondent

Vincent K. Gustafson
Intellectual Property/Technology Law
1414 Raleigh Road Suite 201
Chapel Hill, NC 27517
Phone Number: 919-419-9350
Fax Number: 919-419-9354

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

This page was generated by the TARR system on 2011-08-01 17:09:58 ET

Serial Number: 74028663 Assignment Information Trademark Document Retrieval

Registration Number: 1622251

Mark (words only): LIFESTYLE

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-10-14

Filing Date: 1990-02-13

Transformed into a National Application: No

Registration Date: 1990-11-13

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

Current Location: (NOT AVAILABLE)

Date In Location: 2010-10-14

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

1. Bose Corporation

Address:

Bose Corporation
The Mountain
Framingham, MA 01701
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

loudspeaker systems

Basis: 1(a)

First Use Date: 1989-09-12

First Use in Commerce Date: 1989-09-12

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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

2010-10-21 - Attorney Revoked And/Or Appointed

2010-10-21 - TEAS Revoke/Appoint Attorney Received

2010-10-14 - Second renewal 10 year

2010-10-14 - Section 8 (10-year) accepted/ Section 9 granted

2010-10-05 - TEAS Section 8 & 9 Received

2007-10-04 - Case File In TICRS

2001-02-02 - First renewal 10 year

2001-02-02 - Section 8 (10-year) accepted/ Section 9 granted

2000-06-29 - Combined Section 8 (10-year)/Section 9 filed

1998-01-13 - Counter claim opp. for Proceeding No.

1996-07-10 - Section 8 (6-year) accepted & Section 15 acknowledged

1995-12-14 - Section 8 (6-year) and Section 15 Filed

1990-11-13 - Registered - Principal Register

1990-08-21 - Published for opposition

1990-07-21 - Notice of publication

1990-05-29 - Approved for Pub - Principal Register (Initial exam)

1990-05-21 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Michelle Brownlee

Correspondent

Michelle Brownlee

Bose Corporation

The Mountain, MS-40

Framingham MA 01772

Phone Number: 508-766-6276

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

This page was generated by the TARR system on 2011-09-29 14:36:48 ET

Serial Number: 75171091 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2108847

Mark (words only): LIFESTYLE

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2007-03-17

Filing Date: 1996-09-24

Transformed into a National Application: No

Registration Date: 1997-10-28

Register: Principal

Law Office Assigned: LAW OFFICE 102

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

Current Location: 830 -Post Registration

Date In Location: 2007-03-17

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

1. Bose Corporation

Address:

Bose Corporation
The Mountain
Framingham, MA 017019168
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

music systems consisting of a loudspeaker system and power amplifier and at least one of a CD player, tape player and radio tuner

Basis: 1(a)

First Use Date: 1990-06-00

First Use in Commerce Date: 1990-06-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

1622251

1915785

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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

2010-10-21 - Attorney Revoked And/Or Appointed

2010-10-21 - TEAS Revoke/Appoint Attorney Received

2007-03-17 - First renewal 10 year

2007-03-17 - Section 8 (10-year) accepted/ Section 9 granted

2007-03-17 - Assigned To Paralegal

2007-03-02 - Case File In TICRS

2006-12-05 - Combined Section 8 (10-year)/Section 9 filed

2006-12-05 - TEAS Section 8 & 9 Received

2003-03-04 - Section 8 (6-year) accepted & Section 15 acknowledged

2002-12-12 - Section 8 (6-year) and Section 15 Filed

2002-12-12 - PAPER RECEIVED

1997-10-28 - Registered - Principal Register

1997-08-05 - Published for opposition

1997-07-04 - Notice of publication

1997-05-12 - Approved for Pub - Principal Register (Initial exam)

1997-05-07 - Assigned To Examiner

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
