

ESTTA Tracking number: **ESTTA467233**

Filing date: **04/16/2012**

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	04/18/2012
Address	The Mountain, MS-40 Framingham, MA 01701 UNITED STATES
Correspondence information	Michelle Brownlee Trademark Counsel Bose Corporation The Mountain, MS-40 Framingham, MA 01701 UNITED STATES Michelle_Brownlee@bose.com Phone:508-766-6276

Applicant Information

Application No	85206249	Publication date	12/20/2011
Opposition Filing Date	04/16/2012	Opposition Period Ends	04/18/2012
Applicant	IBULE PHOTONICS Co., Ltd. 7-39, Songdo-dong, Yeonsu-gu Incheon, KOREA, REPUBLIC OF		

Goods/Services Affected by Opposition

Class 009. Opposed goods and services in the class: electroacoustic transducers; electric audio and visual apparatus and instruments, namely, audio and video recorders; headphones; audio speakers; panel loud speakers; microphones; wireless communication device for voice transmission; apparatus for wireless transmission of acoustic information; earphones; microphones for telecommunication apparatus;
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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 Mark	NONE
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.	3457854	Application Date	11/15/2007
Registration Date	07/01/2008	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		

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
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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		

Attachments	73830246#TMSN.gif (1 page)(bytes) 77330052#TMSN.jpeg (1 page)(bytes) Notice of Opposition - CRYSTAL WAVE.pdf (19 pages)(590588 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	04/16/2012

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

In the matter of application Serial No. 85/206,249
For the Trademark CRYSTAL WAVE
Published in the Official Gazette on December 20, 2011

BOSE CORPORATION,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
IBULE PHOTONICS CO., LTD.,)	
)	
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 CRYSTAL WAVE (the “Mark”), as applied for in application Serial No. 85/206,249 (the “Application”) filed on December 27, 2010 by Applicant IBULE PHOTONICS Co., Ltd. (“Applicant”) and hereby opposes the same.

As grounds for opposition, Bose alleges that:

1. Opposer uses and/or has used, long since prior to December 27, 2010, 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:

Reg. No. 1,633,789, issued February 5, 1991, for the mark WAVE in connection with radios, clock radios, compact stereo systems and portable compact disc players; and

Reg. No. 3,457,854, issued July 1, 2008, 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; and

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; and

Reg. No. 1,338,571, issued May 28, 1985, for the mark ACOUSTIC WAVE in connection with loudspeaker systems.

These 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 December 27, 2010, which seeks to register the mark CRYSTAL WAVE for various goods in International Class 10, which are not being opposed by the Opposer, and the following goods in International Class 9: "Digital cameras;

infrared cameras; acceleration sensors; distance measuring apparatus; range finders; metal detectors for industrial or military purposes; resonators; probes for scientific purposes, namely, for testing printed circuit boards; measuring instruments, namely, saccharometers; testing apparatus for testing printed circuit boards; diagnostic apparatus for printed circuit boards; marine depth finders; echo sounding apparatus and machines; water level indicators; automatic liquid-level control machines and instruments; gyrometers; precision measuring apparatus for printed circuit boards; precision measuring machines for printed circuit boards; measuring instruments for printed circuit boards; ultrasonic thickness gauges for animals skins for non-medical use; electronic ultrasonic test equipment, namely, thickness measurers for leather; ultrasonic heat sensors; acoustic sound alarms; alarms for the detection of inflammable gases; dry cells; electric batteries; self-charging batteries; batteries that charge wirelessly; **electroacoustic transducers; electric audio and visual apparatus and instruments, namely, audio and video recorders; headphones; audio speakers; panel loud speakers; microphones;** frequency converter for actuators; **wireless communication device for voice transmission; apparatus for wireless transmission of acoustic information; earphones; microphones for telecommunication apparatus;** portable communications apparatus, namely, cellular telephones; blank optical discs; blank optical discs for recording hologram images; computer software for detecting flaws in printed circuit boards; computer software programs for detecting flaws in printed circuit boards; roentgen cameras, not for medical purposes; lasers, not for medical purposes; hydrophone machines and apparatus for printed circuit boards; operating system programs; sonars; echo sounders; sound locating instruments, namely, echo sounders; computer application software for cellular telephones for detecting flaws in printed circuit boards. electron microscopes; ultrasonic echo sounders; ultrasonic flaw detectors; ultrasonic

sensors; ultrasonic sensor probes, not for medical purposes; semi-conductor memories; semi-conductor memory units; semi-conductor elements, namely, memory units; structured semi-conductor wafers; silicon wafers; electronic circuit boards; electronic integrated circuits; integrated circuits; integrated circuit modules; circuit boards; protective helmets; protective helmets for sports; motorcycle helmets.” The Application was published for opposition on April 26, 2011.

5. The Applicant’s CRYSTAL WAVE 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 with respect to the goods listed in bold type above, namely: “electroacoustic transducers; electric audio and visual apparatus and instruments, namely, audio and video recorders; headphones; audio speakers; panel loud speakers; microphones; wireless communication device for voice transmission; apparatus for wireless transmission of acoustic information; earphones; microphones for telecommunication apparatus.” Accordingly, Opposer will be damaged by registration of the Applicant’s mark with respect to these goods.

6. Wherefore, Bose prays that this Opposition be sustained and that Application Serial No. 85/206,249 be denied and refused with respect to the goods listed in Paragraph 5.

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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.

MB Dated: April ¹⁶~~10~~, 2012

By: 
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 2012-04-10 13:56:51 ET

Serial Number: 73830246 Assignment Information Trademark Document Retrieval

Registration Number: 1633789

Mark

WAVE

(words only): WAVE

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-10-06

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

Current Location: (NOT AVAILABLE)

Date In Location: 2010-10-06

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

RADIOS, CLOCK RADIOS, 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

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

2010-10-06 - Second renewal 10 year

2010-10-06 - Section 8 (10-year) accepted/ Section 9 granted

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

2009-01-06 - Case File In TICRS
2008-09-24 - Section 7 correction issued
2008-09-24 - Assigned To Paralegal
2008-09-09 - Assigned To Paralegal
2008-09-02 - Assigned To Paralegal
2008-08-14 - Section 7 amendment filed
2008-08-14 - FAX RECEIVED
2008-05-09 - Section 7 correction issued
2008-02-29 - Assigned To Paralegal
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

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Michelle Brownlee

Correspondent

Michelle Brownlee

The Mountain, MS-40

Framingham MA 01701

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 2012-04-10 13:56:24 ET

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

Registration Number: 3457854

Mark

WAVE

(words only): WAVE

Standard Character claim: Yes

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

Date of Status: 2008-07-01

Filing Date: 2007-11-15

Transformed into a National Application: No

Registration Date: 2008-07-01

Register: Principal

Law Office Assigned: LAW OFFICE 105

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: 2008-07-01

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

GOODS AND/OR SERVICES

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

ADDITIONAL INFORMATION

Prior Registration Number(s):

1338571

1633789

1764183

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.

2008-07-01 - Registered - Principal Register

2008-04-15 - Published for opposition

2008-03-26 - Notice of publication
2008-03-11 - Assigned To Examiner
2008-03-09 - Law Office Publication Review Completed
2008-03-09 - Assigned To LIE
2008-02-14 - Approved for Pub - Principal Register (Initial exam)
2008-02-13 - Assigned To Examiner
2007-11-19 - New Application Entered In Tram

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

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

This page was generated by the TARR system on 2012-04-10 13:57:57 ET

Serial Number: 74242129 Assignment Information Trademark Document Retrieval

Registration Number: 1764183

Mark (words only): ACOUSTIC WAVE

Standard Character claim: No

Current Status: The 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

Current Location: 40S -Scanning On Demand

Date In Location: 2008-08-05

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

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

ADDITIONAL INFORMATION

Section 2(f)

Prior Registration Number(s):

1338571

1633789

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.

2010-11-18 - Attorney Revoked And/Or Appointed

2010-11-18 - TEAS Revoke/Appoint Attorney Received

2008-08-05 - Case File In TICRS

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

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Michelle Brownlee

Correspondent

Michelle Brownlee

Bose Corporation

MS-40

Mountain Road

Framingham MA 01701

Phone Number: 508-766-6276

Fax Number: 508-766-6485

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

This page was generated by the TARR system on 2012-04-10 13:57:23 ET

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

Registration Number: 1338571

Mark (words only): ACOUSTIC WAVE

Standard Character claim: No

Current Status: The 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

Current Location: 40S -Scanning On Demand

Date In Location: 2008-05-30

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: 1984-02-01

First Use in Commerce Date: 1984-02-01

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.

2010-11-18 - Attorney Revoked And/Or Appointed

2010-11-18 - TEAS Revoke/Appoint Attorney Received

2008-05-30 - Case File In TICRS

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 & 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

Attorney of Record

Michelle Brownlee

Correspondent

Michelle Brownlee

Bose Corporation

MS-40

Mountain Road

Framingham MA 01701

Phone Number: 508-766-6276

Fax Number: 508-766-6485
