

ESTTA Tracking number: **ESTTA492924**

Filing date: **09/06/2012**

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	Harman International Industries, Incorporated
Granted to Date of previous extension	09/09/2012
Address	8500 Balboa Boulevard Northridge, CA 91329 UNITED STATES

Attorney information	Farah P. Bhatti Buchalter Nemer 18400 Von Karman Ave., Suite 800 Irvine, CA 92612 UNITED STATES trademark@buchalter.com, tmdocketing@harman.com Phone:949.224.6291
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Applicant Information

Application No	85440946	Publication date	03/13/2012
Opposition Filing Date	09/06/2012	Opposition Period Ends	09/09/2012
Applicant	Bernardo Shteremberg 1800 N. W. 95 Ave. Doral, FL 33172 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 1995/04/05 First Use In Commerce: 1995/06/01 All goods and services in the class are opposed, namely: Apparatus and instruments for recording, transmission, and reproduction of sound, namely, stereo systems, speakers, amplifiers, sounds reproduction equipment, tuners, microphones, wireless microphones, headphones, radios, receivers; electrical and electronic devices, namely, power adapters, connectors, power supplies, switches, antennas, bread boards, cables, capacitors, converters, transformers, and woofers
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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.	782327	Application Date	03/09/1964
Registration Date	12/29/1964	Foreign Priority Date	NONE

Word Mark	JBL
Design Mark	
Description of Mark	NONE
Goods/Services	Class U021 (International Class 009). First use: First Use: 1949/00/00 First Use In Commerce: 1949/00/00 LOUDSPEAKERS, SPEAKER SYSTEMS, STEREO REPRODUCERS, DIVIDING NETWORKS FOR SPEAKER SYSTEMS, SPEAKER DRIVERS, HORNS, BAFFLES AND ENCLOSURES, ELECTRONIC EQUIPMENT CABINETS, AND STEREO ENERGIZERS

U.S. Registration No.	861616	Application Date	10/20/1967
Registration Date	12/10/1968	Foreign Priority Date	NONE

Word Mark	JBL
Design Mark	

Description of Mark	NONE
Goods/Services	Class U021 (International Class 009). First use: First Use: 1949/00/00 First Use In Commerce: 1949/00/00 LOUDSPEAKERS, SPEAKER SYSTEMS, STEREO REPRODUCERS, DIVIDING NETWORKS FOR SPEAKER SYSTEMS, HIGH FREQUENCY TRANSDUCERS, ENERGIZERS, TRANSDUCER ENERGIZERS, ACOUSTIC LENSES FOR LOUDSPEAKER HORNS, SPEAKER DRIVERS, BAFFLES AND ENCLOSURES, ELECTRONIC EQUIPMENT CABINETS, PASSIVE RADIATORS (NON-ENERGIZED LOUDSPEAKERS) FOR STEREO ENCLOSURES, STEREO CONTROL CENTERS, AMPLIFIERS, PREAMPLIFIERS, AND RADIO TUNERS

U.S. Registration No.	883096	Application Date	10/11/1968
Registration Date	12/23/1969	Foreign Priority Date	NONE

Word Mark	JBL
Design Mark	
Description of Mark	NONE
Goods/Services	Class U103 (International Class 037). First use: First Use: 1949/00/00 First Use In Commerce: 1949/00/00 MAINTENANCE AND REPAIR OF LOUDSPEAKERS, SPEAKER SYSTEMS, AND ELECTRONIC EQUIPMENT

U.S. Registration No.	880890	Application Date	10/25/1968
Registration Date	11/18/1969	Foreign Priority Date	NONE
Word Mark	!JBL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U036 (International Class 009, 015). First use: First Use: 1949/00/00 First Use In Commerce: 1949/00/00 AMPLIFIERS, SPEAKERS AND SOUND SYSTEMS FOR PHONOGRAPHS AND TAPE REPRODUCERS; SPEAKERS, AMPLIFIERS AND PASSIVE RADIATORS (NON-ENERGIZED SPEAKERS) FOR ELECTRONICALLY AMPLIFIED MUSICAL INSTRUMENTS		

U.S. Registration No.	2602354	Application Date	09/18/2000
Registration Date	07/30/2002	Foreign Priority Date	NONE
Word Mark	JBL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/10/15 First Use In Commerce: 2001/11/15 radios		

U.S. Registration No.	3026171	Application Date	11/08/2004
Registration Date	12/13/2005	Foreign Priority Date	NONE
Word Mark	!JBL ON TOUR		

Design Mark	 on tour		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2004/07/11 First Use In Commerce: 2004/07/11 Audio equipment, namely, amplifiers and speakers		

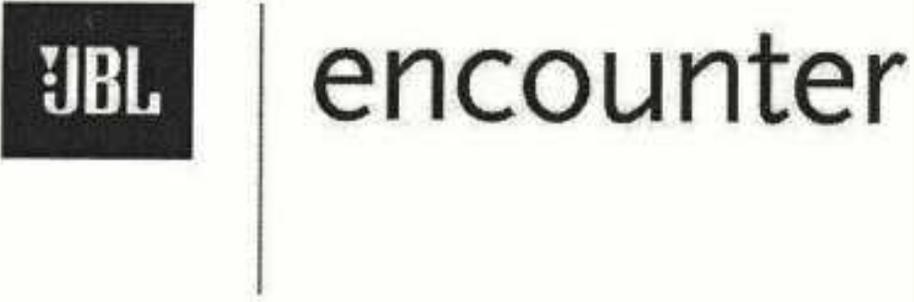
U.S. Registration No.	3397212	Application Date	12/27/2006
Registration Date	03/18/2008	Foreign Priority Date	NONE
Word Mark	JBL ON STAGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2004/07/11 First Use In Commerce: 2004/07/11 Audio equipment, namely, amplifiers and loud speakers		

U.S. Registration No.	2853443	Application Date	10/23/2002
Registration Date	06/15/2004	Foreign Priority Date	NONE
Word Mark	JBL SYNTHESIS		
Design Mark	 S Y N T H E S I S		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1992/07/01 First Use In Commerce: 1992/07/01 CD and DVD players, changers and recorders; [blank audio cassettes, CDs and DVDs;] car and video telephones; [fax machines; antennas;] car radio receivers; audio cassette recorders; loudspeakers; [stereo tuners; transceivers;] tweeters;		

	woofers; amplifiers; pre-amplifiers; data and signal processors; electrical cables; electrical connectors for plugs; [computer interface boards;] car navigation computers; [wireless WAN operating software;] radios incorporating a telephone and Internet transceiver; automotive navigation system comprised of network interface devices and an optical disc with digitized maps, compressed voice records and computer operating programs; parts for the foregoing		
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U.S. Registration No.	3002530	Application Date	12/09/2002
Registration Date	09/27/2005	Foreign Priority Date	NONE
Word Mark	JBL DRIVEPACK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/05/01 First Use In Commerce: 2005/05/01 Audio power amplifiers for use with loudspeakers		

U.S. Registration No.	3002531	Application Date	12/09/2002
Registration Date	09/27/2005	Foreign Priority Date	NONE
Word Mark	JBL PLYMAX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/06/20 First Use In Commerce: 2005/06/20 Loudspeakers, loudspeaker cabinets		

U.S. Registration No.	3107521	Application Date	06/17/2003
Registration Date	06/20/2006	Foreign Priority Date	NONE
Word Mark	JBL ENCOUNTER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2004/12/00 First Use In Commerce: 2005/01/00 Multimedia speakers		

U.S. Registration No.	3027602	Application Date	07/28/2004
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Registration Date	12/13/2005	Foreign Priority Date	NONE
Word Mark	JBL ON STAGE		
Design Mark	 		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2004/07/11 First Use In Commerce: 2004/07/11 Audio equipment, namely, amplifiers and speakers		

U.S. Registration No.	3121896	Application Date	10/18/2004
Registration Date	07/25/2006	Foreign Priority Date	NONE
Word Mark	JBL ON TIME		
Design Mark	 		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/02/15 First Use In Commerce: 2006/02/15 Audio equipment, namely, amplifiers and speakers		

U.S. Registration No.	3175423	Application Date	05/20/2005
Registration Date	11/21/2006	Foreign Priority Date	NONE
Word Mark	JBL ON TOUR		

Design Mark	JBL ON TOUR
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2004/07/11 First Use In Commerce: 2004/07/11 Audio equipment, namely, amplifiers and speakers

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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	/fbhatti/
Name	Farah P. Bhatti
Date	09/06/2012

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

Harman International Industries, Incorporated)
Opposer,)
)
)
Vs.)
)
Bernardo Shteremberg)
)
Applicant.)
_____)

Opposition No. _____
Serial No. 85/440946

MARK: 

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451 Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Re: Application No. 85/440946

Mark: 

Applicant: Bernardo Shteremberg
Filed: October 6, 2011
Published: March 13, 2012
Intl. Class: 9
Goods: Apparatus and instruments for recording, transmission, and reproduction of sound, namely, stereo systems, speakers, amplifiers, sounds reproduction equipment, tuners, microphones, wireless microphones, headphones, radios, receivers; electrical and electronic devices, namely, power adapters, connectors, power supplies, switches, antennas, bread boards, cables, capacitors, converters, transformers, and woofers.

Harman International Industries, Incorporated, a Delaware corporation having its offices at 8500 Balboa Blvd., Northridge, CA 91329 USA ("Opposer"), believes it will be damaged by registration of the mark "JB & design" covered by U.S. Application S/N: 85/440946 owned by Bernardo Shteremberg.

The grounds for this Opposition are as follows:

1. Opposer provides in commerce, *inter alia*, loudspeakers, amplifiers, pre-amplifiers, multimedia players, docking stations, headphones, speaker systems, optical disc players, changers and recorders, stereo tuners, digital processor, transceivers, tweeters, woofers, car radio receivers; transducers; compression drivers; sound reinforcement systems; and automotive infotainment systems comprised of radios, network buses, optical disc players, and computer operating system and related application

programs. (“Opposer’s Goods”).

2. Opposer, since at least as early as 1949, has used the JBL mark in interstate commerce in connection with Opposer’s Goods.

3. Opposer owns common law rights to the mark JBL, including a version of the logo with white lettering on an orange background, that pre-date Applicant’s rights, if any. In addition, Opposer owns the following U.S. Trademark Registrations:

MARK	REG. NO.	REG. DATE	GOODS
JBL	782327	December 29, 1964	Loudspeakers, speaker systems, stereo reproducers, dividing networks for speaker systems, speaker drivers, horns, baffles and enclosures, electronic equipment cabinets, and stereo energizer.
JBL Logo 	861616	December 10, 1968	Loudspeakers, speaker systems, stereo reproducers, dividing networks for speaker systems, high frequency transducers, energizers, transducer energizers, acoustic lenses for loudspeaker horns, speaker drivers, baffles and enclosures, electronic equipment cabinets, passive radiators (non-energized loudspeakers) for stereo enclosures, stereo control centers, amplifiers, preamplifiers, and radio tuners
JBL	883096	December 23, 1969	Maintenance and repair of loudspeakers, speaker systems, and electronic equipment.
JBL Logo 	880890	November 19, 1969	Amplifiers, speakers and sound systems for phonographs and tape reproducers; speakers, amplifiers and passive radiators (non-energized speakers) for electronically amplified musical instruments

JBL	2602354	July 30, 2002	Radios
 on tour	3026171	December 13, 2005	Audio equipment, namely, amplifiers and speakers.
JBL ON STAGE	3397212	March 18, 2008	Audio equipment, namely, amplifiers and loud speakers.
 S Y N T H E S I S	2853443	June 15, 2004	CD and DVD players, changers and recorders; car and video telephones; car radio receivers; audio cassette recorders; loudspeakers; tweeters; woofers; amplifiers; pre-amplifiers; data and signal processors; electrical cables; electrical connectors for plugs; car navigation computers; radios incorporating a telephone and Internet transceiver; automotive navigation system comprised of network interface devices and an optical disc with digitized maps, compressed voice records and computer operating programs; parts for the foregoing
JBL DRIVEPACK	3002530	September 27, 2005	Audio power amplifiers for use with loudspeakers.
JBL PLYMAX	3002531	September 27, 2005	Loudspeakers, loudspeaker cabinets
 encounter	3107521	June 20, 2006	Multimedia speakers
 on stage	3027602	December 13, 2005	Audio equipment, namely, amplifiers and speakers.
 on time	3121896	July 25, 2006	Audio equipment, namely, amplifiers and speakers.
JBL ON TOUR	3175423	November 21, 2006	Audio equipment, namely, amplifiers and speakers.

4. Since long prior to Applicant's filing of its application to register the mark "JB & design" and years prior to any claimed use of the mark by Applicant, Opposer has and continues to use, advertise and promote in commerce Opposer's JBL marks in connection with Opposer's Goods and trademark.

5. Opposer has expended substantial resources to advertise and promote Opposer's Goods, all under Opposer's JBL marks.

6. Opposer has expended substantial amounts of money, time and resources in sales, use, and

worldwide distribution of Opposer's Goods. Opposer has built up extensive goodwill in its JBL marks.

7. Prior to Applicant's filing of its application to register the mark "JB & design," purchasers had come to recognize Opposer's JBL marks as identifying goods emanating exclusively from Opposer.

8. On October 6, 2011, Applicant filed an application to register "JB & design" for goods identified as "Apparatus and instruments for recording, transmission, and reproduction of sound, namely, stereo systems, speakers, amplifiers, sounds reproduction equipment, tuners, microphones, wireless microphones, headphones, radios, receivers; electrical and electronic devices, namely, power adapters, connectors, power supplies, switches, antennas, bread boards, cables, capacitors, converters, transformers, and woofers," in Class 9 (Application No. 85/440946). The subject application was published for opposition on March 13, 2012, in the Official Gazette of the United States Patent and Trademark Office.

8. Opposer was granted an extension of time until September 9, 2012 to oppose; therefore this Notice of Opposition is being timely filed.

9. Applicant's alleged "JB & design" mark is confusingly similar to Opposer's JBL trademarks. The overall commercial impression conveyed by Applicant's alleged mark is similar to Opposer's marks.

10. The goods "Apparatus and instruments for recording, transmission, and reproduction of sound, namely, stereo systems, speakers, amplifiers, sounds reproduction equipment, tuners, microphones, wireless microphones, headphones, radios, receivers; electrical and electronic devices, namely, power adapters, connectors, power supplies, switches, antennas, bread boards, cables, capacitors, converters, transformers, and woofers" in Applicant's herein-opposed application are similar and related to Opposer's goods, in which Opposer uses the JBL marks. Applicant's use and registration of the mark "JB & design" in connection with its products is likely to cause confusion, deception and/or mistake among the relevant public.

11. The channels of distribution employed by Opposer and Applicant are similar; and the classes of customers sold to by Opposer and Applicant are similar. Therefore, purchasers of Applicant's products are likely to believe or be confused or deceived into thinking that Applicant's products also originate with or are in some way associated with, connected with, sponsored by or authorized by Opposer, and registration of Applicant's alleged mark is likely to cause confusion or mistake or to deceive, all to the injury of the Opposer.

12. Applicant's use and registration of the mark "JB & design" is likely to falsely suggest a connection with Opposer and Opposer's JBL mark.

13. Applicant's use and registration of the mark "JB & design" interferes with Opposer's JBL marks and will damage Opposer, its business and its goodwill.

Therefore, Opposer requests that registration sought by the Applicant be denied and that this Opposition be sustained.

Please charge Deposit Account No. 500977 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

DATED: September 6, 2012

Respectfully Submitted,

Harman International Industries, Incorporated

/fbhatti/

Farah P. Bhatti

Buchalter Nemer

Attorneys for Applicant

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Phone: 949.224.6291

Fax: 949.224.6408

Email: trademark@buchalter.com

CERTIFICATE OF SERVICE

Opposer Harman International Industries, Incorporated, hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon counsel for Applicant Bernardo Shteremberg on this 6th day of September, 2012, by First Class U.S. Mail, postage prepaid, at the following address:

Dan W. Kehr
Kehr Law
501 W Broadway Ste 800
San Diego, California 92101-3546
United States

/fbhatti/

Attorney for Opposer