

ESTTA Tracking number: **ESTTA338620**

Filing date: **03/23/2010**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Bose Corporation		
Entity	Corporation	Citizenship	Delaware
Address	Mountain Road Framingham, MA 01701 UNITED STATES		

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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Registration Subject to Cancellation

Registration No	3705744	Registration date	11/03/2009
Registrant	jWIN ELECTRONICS CORP 2 HARBOR PARK DRIVE PORT WASHINGTON, NY 11050 UNITED STATES		

Goods/Services Subject to Cancellation

<p>Class 009. First Use: 2007/01/11 First Use In Commerce: 2007/01/11 Cancelled goods and services in the class: Audio amplifiers; Audio cassette decks for automobiles; Audio cassette recorders; Audio circuit boards; Audio equipment for vehicles, namely, stereos, speakers, amplifiers, equalizers, crossovers and speaker housings; Audio mixers; Audio processing equipment, namely, limiters and compressors; Audio speaker enclosures; Audio speakers; Audio tape recorders; Audio-video receivers; Car video recorders; Combination video players and recorders; Computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; Computer programs for editing images, sound and video; Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals; Computer software for manipulating digital audio information for use in audio media applications; 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; Computer software to control and improve computer and audio equipment sound quality; Computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; Computerized video game tables for gaming purposes, namely, a computerized video craps game table; Computerized video table games for gaming purposes; Digital audio players; Digital audio tape players; Digital audio tape recorders; Digital photo frames for displaying digital pictures, video clips and music; Digital video disc drives; Digital video recorders; Downloadable films and tv programs provided via a video-on-demand; Downloadable MP3 files, MP3 recordings, online discussion boards, web casts, pod casts featuring music, audio books and news</p>

broadcasts; Electric audio playback units with lights and speakers; Electronic products for the generation, measurement, and analysis of audio signals, namely, audio analyzers; Electronic products for the manipulation of the frequency, time, and amplitude characteristics of audio signals, namely, audio processors; Receivers for audio and video; Software to control and improve audio equipment sound quality; Sound and video recording and playback machines; Stand alone video gaming machines, namely, a video craps game machine; Telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; TV and video converters; Video cameras; Video capture cards; Video cassette recorders; Video circuit boards; Video disk players; Video disks and video tapes with recorded animated cartoons; Video display cards; Video displays mounted in eyeglasses; Video displays that may be worn on the body; Video processors; Video projectors; Video screens; Video tape recorders; Video transmission apparatus; Video-telephones

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Related Proceedings	Filing proceeding against Registration Number 3,709,147
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Marks Cited by Petitioner as Basis for Cancellation

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.	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		

Attachments	INNOVATIVE LS UNQUESTIOBALE VALUE.pdf (13 pages)(588847 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	03/23/2010

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

In The matter of Registration No. 3,705,744
For the Mark INNOVATIVE LIFESTYLE UNQUESTIONABLE VALUE
Registered on November 3, 2009

Bose Corporation,	*	
	*	
Petitioner,	*	
v.	*	
	*	Cancellation No. _____
jWIN Electronics Corporation,	*	
	*	
Registrant.	*	
	*	
	*	

PETITION FOR CANCELLATION

Bose Corporation (“Petitioner”), The Mountain, Framingham, Massachusetts. 01701-9168, a corporation duly organized and existing under the laws of the State of Delaware, believes that it will be damaged by registration of the mark shown above, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner uses and/or has used since long prior to January 4, 2007, 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. Petitioner 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; and 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.

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 marks.
4. Registrant, jWIN Electronics Corporation, filed Application Serial No. 77/075,792 on January 4, 2007, for the mark INNOVATIVE LIFESTYLE UNQUESTIONABLE VALUE for "Audio amplifiers; Audio cassette decks for automobiles; Audio cassette recorders; Audio circuit boards; Audio equipment for vehicles, namely, stereos, speakers, amplifiers, equalizers, crossovers and speaker housings; Audio mixers; Audio processing equipment, namely, limiters and compressors; Audio speaker enclosures; Audio speakers; Audio tape recorders; Audio-video receivers; Blank audio cassettes; Blank audio tapes; Blank CD-ROMs for sound or video recording; Blank digital audio tapes; Blank video cassettes; Blank video tapes; Car video recorders; Children's video tapes; Combination video players and recorders; Computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; Computer programs for editing images, sound and video; Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals;

Computer software for manipulating digital audio information for use in audio media applications; 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; Computer software to control and improve computer and audio equipment sound quality; Computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; Computerized video game tables for gaming purposes, namely, a computerized video craps game table. Computerized video table games for gaming purposes; Digital audio players; Digital audio tape players; Digital audio tape recorders; Digital photo frames for displaying digital pictures, video clips and music; Digital video disc drives; Digital video recorders; Downloadable films and tv programs provided via a video-on-demand; Downloadable MP3 files, MP3 recordings, online discussion boards, web casts, pod casts featuring music, audio books and news broadcasts; Electric audio playback units with lights and speakers; Electronic products for the generation, measurement, and analysis of audio signals, namely, audio analyzers; Electronic products for the manipulation of the frequency, time, and amplitude characteristics of audio signals, namely, audio processors; Receivers for audio and video; Software to control and improve audio equipment sound quality; Sound and video recording and playback machines; Stand alone video gaming machines, namely, a video craps game machine; Telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; TV and video

converters; Video cameras; Video capture cards; Video cassette recorders; Video circuit boards; Video disk players; Video disks and video tapes with recorded animated cartoons; Video display cards; Video displays mounted in eyeglasses; Video displays that may be worn on the body; Video processors; Video projectors; Video screens; Video tape recorders; Video transmission apparatus; Video-telephones; Videotapes and video disks recorded with animation; Visual recordings and audio visual recordings featuring music and animation.” in International Class 9. Said application was registered on November 3, 2009 under Registration No. 3,705,744.

5. Registrant’s INNOVATIVE LIFESTYLE UNQUESTIONABLE VALUE mark, as registered for “Audio amplifiers; Audio cassette decks for automobiles; Audio cassette recorders; Audio circuit boards; Audio equipment for vehicles, namely, stereos, speakers, amplifiers, equalizers, crossovers and speaker housings; Audio mixers; Audio processing equipment, namely, limiters and compressors; Audio speaker enclosures; Audio speakers; Audio tape recorders; Audio-video receivers; Car video recorders; Combination video players and recorders; Computer hardware and computer software programs for the integration of text, audio, graphics, still image and moving pictures into an interactive delivery for multimedia applications; Computer programs for editing images, sound and video; Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals; Computer software for manipulating digital audio information for use in audio media applications; 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; Computer software to control and improve computer and audio equipment sound quality; Computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, audio, graphics, still images and moving pictures; Computerized video game tables for gaming purposes, namely, a computerized video craps game table. Computerized video table games for gaming purposes; Digital audio players; Digital audio tape players; Digital audio tape recorders; Digital photo frames for displaying digital pictures, video clips and music; Digital video disc drives; Digital video recorders; Downloadable films and tv programs provided via a video-on-demand; Downloadable MP3 files, MP3 recordings, online discussion boards, web casts, pod casts featuring music, audio books and news broadcasts; Electric audio playback units with lights and speakers; Electronic products for the generation, measurement, and analysis of audio signals, namely, audio analyzers; Electronic products for the manipulation of the frequency, time, and amplitude characteristics of audio signals, namely, audio processors; Receivers for audio and video; Software to control and improve audio equipment sound quality; Sound and video recording and playback machines; Stand alone video gaming machines, namely, a video craps game machine; Telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; TV and video converters; Video cameras; Video capture cards; Video cassette recorders; Video circuit boards; Video disk players; Video display cards; Video displays mounted in eyeglasses; Video displays that may be worn on the body; Video processors; Video projectors; Video screens; Video tape

recorders; Video transmission apparatus; Video-telephones ” so resembles the previously used and registered LIFESTYLE marks of Petitioner, as used in connection with Petitioner’s goods, as to be likely to cause confusion or cause mistake, or to deceive.

6. Based upon the foregoing, the registration of the mark INNOVATIVE LIFESTYLE UNQUESTIONABLE VALUE depicted in Registration No. 3,705,744 on the Principal Register of the United States Patent and Trademark Office will cause injury and damage to the Petitioner.

WHEREFORE, Petitioner opposes registration of INNOVATIVE LIFESTYLE UNQUESTIONABLE VALUE mark in Class 9 and requests that Registration No. 3,705,744 be cancelled.

Date: 3/23/10

Respectfully submitted,



Michelle Brownlee
Trademark Counsel

Enclosures:

TARR Printout for Registration No. 1,622,251

TARR Printout for Registration No. 2,108,847

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PETITION FOR CANCELLATION has this 23rd day of March 2010 been mailed by prepaid first class mail to the below-identified Registrant at its place of business:

jWIN ELECTRONICS CORP
2 Harbor Park Drive
Port Washington, NY 11050
United States
Attn: Hyunjung Kim


Jessica Doherty

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

This page was generated by the TARR system on 2010-03-22 16:13:05 ET

Serial Number: 74028663 Assignment Information Trademark Document Retrieval

Registration Number: 1622251

Mark (words only): LIFESTYLE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-02-02

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: 40S -Scanning On Demand

Date In Location: 2007-10-04

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.

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

Charles Hieken

Correspondent

CHARLES HIEKEN
FISH & RICHARDSON, P.C.
225 FRANKLIN STREET

BOSTON, MA 02110-2804

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

This page was generated by the TARR system on 2010-03-22 16:13:38 ET

Serial Number: 75171091 Assignment Information Trademark Document Retrieval

Registration Number: 2108847

Mark (words only): LIFESTYLE

Standard Character claim: No

Current Status: This 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.

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

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