

ESTTA Tracking number: **ESTTA452553**

Filing date: **01/23/2012**

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	The Mountain, MS-40 Framingham, MA 01701 UNITED STATES		

Attorney information	Michelle Brownlee Bose Corporation The Mountain, MS-40 Framingham, MA 01701 UNITED STATES Michelle_Brownlee@bose.com Phone:508-766-6276		
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Registration Subject to Cancellation

Registration No	3876628	Registration date	11/16/2010
Registrant	Miccus Inc. 1121 Ottawa Beach Rd Holland, MI 49424 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2008/01/01 First Use In Commerce: 2008/01/01 All goods and services in the class are cancelled, namely: Audio headphones; Audio speakers; Consumer electronic products, namely, audio amplifiers, audio speakers, audio receivers, electrical audio and speaker cables and connectors, home theater systems, audio decoders, video decoders, speakers, power conversion devices, power converters, and power inverters; Power supply connectors and adaptors for use with portable electronic devices; Wireless receivers and transmitters for portable media players; Wireless transmitters and receivers

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)

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	Petition to Cancel SIMPLIFY YOUR MOBILE LIFESTYLE.pdf (3 pages)(21215 bytes) LIFESTYLE Reg 1 TARR 1-23-12.pdf (4 pages)(17537 bytes) LIFESTYLE Reg 2 TARR 1-23-12.pdf (4 pages)(17724 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	01/23/2012

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

In The matter of Registration No. 3,876,628
For the Mark SIMPLIFY YOUR MOBILE LIFESTYLE
Registered on November 16, 2010

Bose Corporation,	*	
	*	
Petitioner,	*	
v.	*	
	*	Cancellation No. _____
Miccus Inc.,	*	
	*	
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 April 2, 2010, 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, Miccus Inc., filed Application Serial No. 85/005,353 on April 2, 2010, for the mark SIMPLIFY YOUR MOBILE LIFESTYLE for “Audio headphones; Audio speakers; Consumer electronic products, namely, audio amplifiers, audio speakers, audio receivers, electrical audio and speaker cables and connectors, home theater systems, audio decoders, video decoders, speakers, power conversion devices, power converters, and power inverters; Power supply connectors and adaptors for use with portable electronic devices; Wireless receivers and transmitters for portable media players; Wireless transmitters and receivers” in International Class 9. Said application was registered on November 16, 2010 under Registration No. 3,876,628.
5. Registrant’s SIMPLIFY YOUR MOBILE LIFESTYLE mark, as registered for “Audio headphones; Audio speakers; Consumer electronic products, namely, audio amplifiers, audio speakers, audio receivers, electrical audio and speaker cables and connectors, home theater systems, audio decoders, video decoders, speakers, power conversion devices, power converters, and power inverters; Power supply connectors and adaptors for use with portable electronic devices; Wireless receivers and transmitters for

portable media players; Wireless transmitters and receivers” 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. In the alternative, the Registrant’s SIMPLIFY YOUR MOBILE LIFESTYLE mark is merely descriptive of the goods, and should not have been registered without a showing of acquired distinctiveness.

7. Based upon the foregoing, the registration of the mark SIMPLIFY YOUR MOBILE LIFESTYLE depicted in Registration No. 3,876,628 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 SIMPLIFY YOUR MOBILE LIFESTYLE mark in Class 9 and requests that Registration No. 3,876,628 be cancelled.

Respectfully submitted,

Date: January 23, 2012



Michelle Brownlee
Trademark Counsel

Enclosures:
TARR Printout for Registration No. 1,622,251
TARR Printout for Registration No. 2,108,847

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2012-01-23 14:38:20 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 2012-01-23 14:36:59 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
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Framingham MA 01701
Phone Number: 508-766-6276
