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Attorney's Docket No.: 02103-00800J

07-17-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

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

In the matter of Application Serial No. 76-304,063
For the Mark HEXAWAVE
Published in the Official Gazette on March 18, 2003 at TM 278

Bose Corporation,

Opposer,

v.

Hexawave, Inc.,

Applicant.

Opposition No.

Commissioner for Trademarks
BOX TTAB – FEE
2900 Crystal Drive
Arlington, VA 22202-3514

NOTICE OF OPPOSITION

Bose Corporation, The Mountain, Framingham, Massachusetts, 01701-9168, a
corporation duly organized and existing under the laws of the State of Delaware, believes that it

CERTIFICATE OF MAILING OR TRANSMISSION

08/11/2003 TSMITH 00000218 76304063
01 FC:6402 300.00 DP

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, or is being facsimile transmitted to the Patent and Trademark Office, on the date indicated below.

Date *July 15, 2003*

Signature *Amy Armitage*

Typed or Printed Name of Person Signing Certificate
Amy V. Armitage

08/25/2001 09:11 AM

Applicant : Hexawave, Inc.
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will be damaged by registration of the mark shown in the above-identified application, and hereby opposes same.

The grounds for opposition are as follows:

1. Opposer uses, and/or has used since long prior to May 2, 2000 the registered trademarks WAVE, ACOUSTIC WAVE, PROFESSIONAL WAVE, and WAVESYNC on one or more of radios, clock radios, portable radio and cassette recorder combinations, compact stereo systems; loudspeaker systems; 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; sound reproduction systems, namely, a loudspeaker system comprising a power amplifier and a radio tuner and/or CD player; radio controllers, namely, controllers for remotely establishing predetermined settings in radios in rooms having occupants frequently changed, such as hotel rooms, sold through channels including those selling to renters of such rooms, such as hotels for the purpose of clearing settings in radios set by occupants who have vacated the rooms.

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, audio tape recorders and players, portable radio and cassette recorder combinations, compact stereo systems and portable compact disc players;

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.

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

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Reg. No. 2,464,181 issued June 26, 2001, for the mark PROFESSIONAL WAVE in connection with sound reproduction systems, namely, a loudspeaker system comprising a power amplifier and a radio tuner and/or CD player.

Reg. No. 2,493,186 issued on September 25, 2001, for the mark WAVESYNC in connection with radio controllers, namely, controllers for remotely establishing predetermined settings in radios in rooms having occupants frequently changed, such as hotel rooms, sold through channels including those selling to renters of such rooms, such as hotels for the purpose of clearing settings in radios set by occupants who have vacated the rooms.

These registrations are valid and subsisting and in full force and effect. Certified copies of Reg. Nos. 1,633,789; 1,764,183; 1,338,571; 2,464,181; and 2,493,186 are enclosed herewith.

3. Opposer accordingly owns valuable goodwill in its marks WAVE, ACOUSTIC WAVE, PROFESSIONAL WAVE, and WAVESYNC.

4. Hexawave, Inc., filed Application Serial No. 76/304,063 on August 24, 2001 for the mark HEXAWAVE for compound semi-conductor devices consisting of an integrated circuit; microwave monolithic integrated circuit; modules, namely power modules for wireless communication; transistor; tuner; mixer; amplifier; downconverter; transceiver; transmitter; receiver; detectors, namely radio frequency detectors; radio frequency switch; antenna, in International Class 9, based on first use of the mark in commerce from May 2, 2000. Said application was published in the Official Gazette of March 18, 2003.

5. Applicant's HEXAWAVE mark, as applied to compound semi-conductor devices consisting of an integrated circuit; microwave monolithic integrated circuit; modules, namely

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power modules for wireless communication; transistor; tuner; mixer; amplifier; downconverter; transceiver; transmitter; receiver; detectors, namely radio frequency detectors; radio frequency switch; antenna, so resembles the previously used and registered WAVE, ACOUSTIC WAVE, PROFESSIONAL WAVE, and WAVESYNC marks of Opposer, as used in connection with Applicant'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 depicted in Application Serial No. 76/304,063 on the Principal Register of the United States Patent and Trademark Office will cause injury and damage to Opposer.

WHEREFORE, Opposer requests that registration of Applicant's mark HEXAWAVE, Application Serial No. 76/304,063, be denied.

Enclosed is a check for \$300.00 to cover the required fee. Please apply any charges not

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covered, or any credits, to Deposit Account 06-1050, Order No. 02103-00800J.

Respectfully submitted,

Date: 7/15/03



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225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

Attorneys for Opposer,
BOSE CORPORATION

- Enclosures:
Check (\$300)
Exhibit A – Copies of Opposer's Trademark Reg. Nos.:
- 1) 1,633,789
 - 2) 1,764,183
 - 3) 1,338,571
 - 4) 2,464,181
 - 5) 2,493,186

08/13/0003TTAG

Int. Cl.: 9

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,338,571

Registered May 28, 1985

**TRADEMARK
SUPPLEMENTAL REGISTER**

ACOUSTIC WAVE

**BOSE CORPORATION (DELAWARE CORPO-
RATION)
THE MOUNTAIN
FRAMINGHAM, MA 01701**

**FOR: LOUDSPEAKER SYSTEMS, IN CLASS 9
(U.S. CL. 21).**

**FIRST USE 2-1-1984; IN COMMERCE
2-1-1984.**

**SER. NO. 477,755, FILED P.R. 4-30-1984; AM.
S.R. 3-18-1985.**

JOHN CURTIN, EXAMINING ATTORNEY

06/13/1993 11:00 AM
Int. Cl.: 9

Prior U.S. Cls.: 21, 26 and 36

United States Patent and Trademark Office

Reg. No. 1,764,183
Registered Apr. 13, 1993

**TRADEMARK
PRINCIPAL REGISTER**

ACOUSTIC WAVE

BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 017019168

FOR: 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. IN CLASS 9 (U.S. CLS. 21, 26 AND 36).

FIRST USE 2-1-1984; IN COMMERCE 2-1-1984.

OWNER OF U.S. REG. NOS. 1,338,571 AND 1,633,789.

SEC. 2(F).

SER. NO. 74-242,129, FILED 2-3-1992.

ELISSA ROSENBURGH, EXAMINING ATTORNEY

09/12/2001 09:11:00 AM

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,493,186

United States Patent and Trademark Office

Registered Sep. 25, 2001

**TRADEMARK
PRINCIPAL REGISTER**

WAVESYNC

**BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 017019168**

RADIOS SET BY OCCUPANTS WHO HAVE VACATED THE ROOMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: RADIO CONTROLLERS, NAMELY, CONTROLLERS FOR REMOTELY ESTABLISHING PRE-DETERMINED SETTINGS IN RADIOS IN ROOMS HAVING OCCUPANTS FREQUENTLY CHANGED, SUCH AS HOTEL ROOMS, SOLD THROUGH CHANNELS INCLUDING THOSE SELLING TO RENTERS OF SUCH ROOMS, SUCH AS HOTELS FOR THE PURPOSE OF CLEARING SETTINGS IN

FIRST USE 9-0-1999; IN COMMERCE 9-0-1999.

OWNER OF U.S. REG. NOS. 63,760, 1,764,183, AND OTHERS.

SN 75-683,367, FILED 4-15-1999.

MICHAEL WEBSTER, EXAMINING ATTORNEY

08/12/2009TTAB

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,464,181

Registered June 26, 2001

**TRADEMARK
PRINCIPAL REGISTER**

PROFESSIONAL WAVE

**BOSE CORPORATION (DELAWARE CORPORATION)
THE MOUNTAIN
FRAMINGHAM, MA 017019168**

**OWNER OF U.S. REG. NOS. 1,338,571, 1,633,789,
AND 1,764,183.**

**FOR: SOUND REPRODUCTION SYSTEMS,
NAMELY, A LOUDSPEAKER SYSTEM COMPRIS-
ING A POWER AMPLIFIER AND A RADIO TUNER
AND/OR CD PLAYER, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PROFESSIONAL", APART FROM
THE MARK AS SHOWN.**

SN 75-478,847, FILED 5-4-1998.

FIRST USE 2-2-1996; IN COMMERCE 2-2-1996.

BRETT J. GOLDEN, EXAMINING ATTORNEY