

COPY

Attorney's Docket No.: 02103-669PP1

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

In the matter of Registration No. 2,867,510  
For the Mark **Lifestyles** INTEGRATED LIVING BY AMX  
Issued on July 27, 2004

Bose Corporation,

Petitioner,

v.

AMX Corporation,

Registrant.

Cancellation No.

Commissioner for Trademarks  
BOX TTAB – FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

**PETITION FOR CANCELLATION**

Bose Corporation, The Mountain, Framingham, Massachusetts 01701-9168, a corporation organized and existing under the laws of Delaware, U.S.A., believes that it is or will be damaged by the above-identified registration, and petitions to cancel the same.

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

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 on the date indicated below and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

Date of Deposit

September 28, 2004

Signature

Jennifer Bettencourt

Typed or Printed Name of Person Signing Certificate

Jennifer Bettencourt

Registrant : AMX Corporation  
Reg. No. : 2,867,227.  
Issued : July 27, 2004  
Mark : **Lifestyles** INTEGRATED LIVING BY AMX  
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As grounds therefore, it is alleged that:

**Claim for Relief**

1. Petitioner uses, and/or has used since long prior to December 2002, the registered trademark LIFESTYLE for loudspeaker systems and music systems consisting of a loudspeaker system and power amplifier and at least one of a CD player, tape player and radio tuner.

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 October 28, 1997, for the mark LIFESTYLE in connection with music systems consisting of a loud speaker system and power amplifier and at least one of a CD player, tape player and radio tuner.

These registrations are valid and subsisting and in full force and effect as evidenced by the enclosed certified copies.

3. Petitioner accordingly owns valuable goodwill in its mark LIFESTYLE in connection with the goods set forth in the above paragraphs.

4. On November 7, 2002, Respondent, AMX Corporation, filed Application Serial No. 76/465,227 for the mark **Lifestyles** INTEGRATED LIVING BY AMX on the basis of intent to use such mark in commerce for programmable central controllers, interface cards and card cages, namely, frames in which circuit cards are mounted and electrically connected to other circuit cards and circuits, sold separately and as an integral component of remote control systems for use with audio, video and lighting equipment; integrated computerized, electronic system

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comprised of circuit board, control panel and electrical controller and related software for use in accessing and controlling slide projectors, video projectors, compact disc players, projection screens, lighting systems and other related audio/video equipment; integrated computerized, electronic system comprised of card frames, control cards, floppy disk drives, slide controller, television control manager, master-post expander, wireless receivers, wired control panels, software panels, data signal modulator, infrared emitted cable, power controller, dual power controller, relay controller, receiver module, extended range antenna, relay receiver, incandescent dimmer module, wireless single projector control, wireless dual projector control and related software for use in accessing and controlling slide projectors, video projectors, compact disc players, projection screens, lighting systems and other related audio/video equipment, in International Class 9. April 21, 2004 Respondent filed a Statement of Use alleging use of the mark in commerce for these goods as of December 2002. Said application was registered on July 27, 2004 under Registration No. 2,867,510.

5. Upon information and belief, Respondent, AMX Corporation, has an office at 3000 Research Drive, Richardson, TX 75082.

6. Upon information and belief, Respondent did not use the mark **Lifestyles** INTEGRATED LIVING BY AMX for programmable central controllers, interface cards and card cages, namely, frames in which circuit cards are mounted and electrically connected to other circuit cards and circuits, sold separately and as an integral component of remote control systems for use with audio, video and lighting equipment; integrated computerized, electronic system comprised of circuit board, control panel and electrical controller and related software for use in

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accessing and controlling slide projectors, video projectors, compact disc players, projection screens, lighting systems and other related audio/video equipment; integrated computerized, electronic system comprised of card frames, control cards, floppy disk drives, slide controller, television control manager, master-post expander, wireless receivers, wired control panels, software panels, data signal modulator, in fared emitted cable, power controller, dual power controller, relay controller, receiver module, extended range antenna, relay receiver, incandescent dimmer module, wireless single projector control, wireless dual projector control and related software for use in accessing and controlling slide projectors, video projectors, compact disc players, projection screens, lighting systems and other related audio/video equipment, prior to its asserted first use date of December 2002.

7. Respondent's **Lifestyles** INTEGRATED LIVING BY AMX mark, as used for programmable central controllers, interface cards and card cages, namely, frames in which circuit cards are mounted and electrically connected to other circuit cards and circuits, sold separately and as an integral component of remote control systems for use with audio, video and lighting equipment; integrated computerized, electronic system comprised of circuit board, control panel and electrical controller and related software for use in accessing and controlling slide projectors, video projectors, compact disc players, projection screens, lighting systems and other related audio/video equipment; integrated computerized, electronic system comprised of card frames, control cards, floppy disk drives, slide controller, television control manager, master-post expander, wireless receivers, wired control panels, software panels, data signal modulator, in fared emitted cable, power controller, dual power controller, relay controller,

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receiver module, extended range antenna, relay receiver, incandescent dimmer module, wireless single projector control, wireless dual projector control and related software for use in accessing and controlling slide projectors, video projectors, compact disc players, projection screens, lighting systems and other related audio/video equipment, so resembles the previously used and registered LIFESTYLE marks of Petitioner, as used in connection with Respondent's goods, as to be likely to cause confusion or cause mistake, or to deceive.

8. Based upon the foregoing, the registrations of the mark depicted in Registration No. 2,867,510 registered on July 27, 2002 on the Principal Register of the United States Patent and Trademark Office, will cause injury and damage to Petitioner.

WHEREFORE, petitioner requests that Registration No. 2,867,510 for **Lifestyles** INTEGRATED LIVING BY AMX owned by Respondent be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

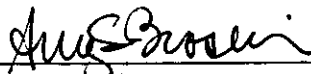
Enclosed is a check for \$300.00 to cover the required fee. Please apply any charges not covered, or any credits, to Deposit Account 06-1050, Order No. 02103-669PP1.

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Respectfully submitted,

Date: September 28, 2004

  
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Facsimile: (617) 542-8906

Attorneys for Petitioner,  
BOSE CORPORATION

Enclosures:

Certified Copies:

- 1) Reg. No. 1,622,251
- 2) Reg. No. 2,108,847

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716785



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

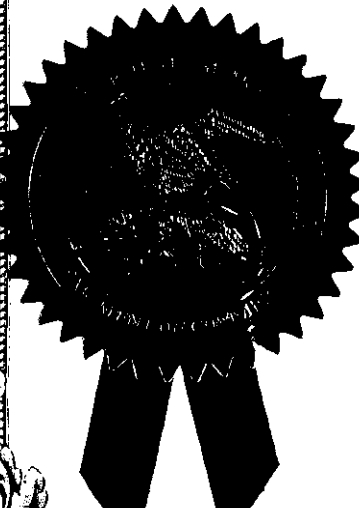
February 23, 2004

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,622,251 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *November 13, 1990*  
*1st* RENEWAL FOR A TERM OF 10 YEARS FROM *November 13, 2000*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

*Registrant*



By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS

E. BORNETT  
Certifying Officer

**Int. Cl.: 9**

**Prior U.S. Cl.: 21**

**United States Patent and Trademark Office** **Reg. No. 1,622,251**  
**Registered Nov. 13, 1990**

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**TRADEMARK  
PRINCIPAL REGISTER**

**LIFESTYLE**

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

**FIRST USE 9-12-1989; IN COMMERCE  
9-12-1989.**

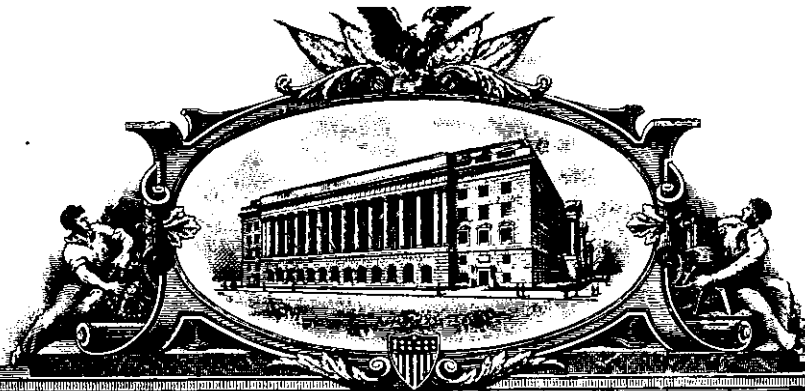
**SER. NO. 74-028,663, FILED 2-13-1990.**

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

**STEVEN R. FOSTER, EXAMINING ATTORNEY**



740039



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**September 23, 2004**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 2,108,847 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *October 28, 1997***

**SECTION 8 & 15**

**SAID RECORDS SHOW TITLE TO BE IN:**

***REGISTRANT***

**By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS**



*N. Woodson*  
**N. WOODSON**  
**Certifying Officer**

**Int. Cl.: 9**

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

**Reg. No. 2,108,847**

**United States Patent and Trademark Office**

**Registered Oct. 28, 1997**

**TRADEMARK  
PRINCIPAL REGISTER**

**LIFESTYLE**

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

**FIRST USE 6-0-1990, IN COMMERCE  
6-0-1990.**

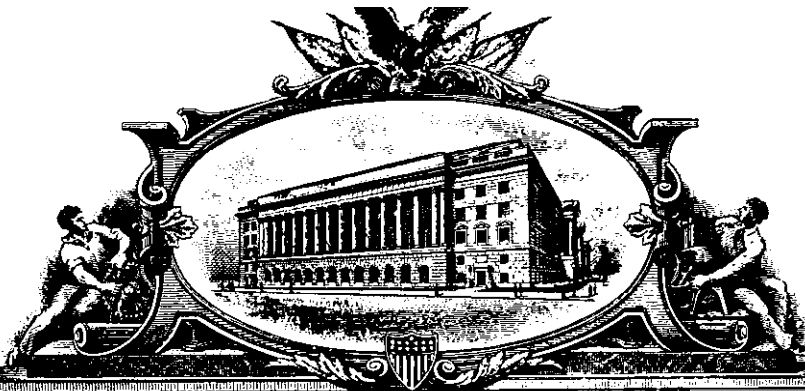
**OWNER OF U.S. REG. NOS. 1,622,251 AND  
1,915,785.**

**FOR: MUSIC SYSTEMS CONSISTING OF A  
LOUDSPEAKER SYSTEM AND POWER AMPLIFIER  
AND AT LEAST ONE OF A CD PLAYER,  
TAPE PLAYER AND RADIO TUNER,  
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

**SER. NO. 75-171,091, FILED 9-24-1996.**

**MARTHA SANTOMARTINO, EXAMINING ATTORNEY**

740039



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**September 23, 2004**

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**REGISTERED FOR A TERM OF 10 YEARS FROM *October 28, 1997***

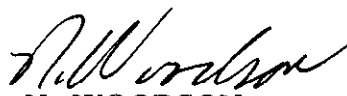
**SECTION 8 & 15**

**SAID RECORDS SHOW TITLE TO BE IN:**

***REGISTRANT***

**By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS**



  
**N. WOODSON**  
**Certifying Officer**

Int. Cl.: 9

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

Reg. No. 2,108,847

**United States Patent and Trademark Office**

Registered Oct. 28, 1997

**TRADEMARK  
PRINCIPAL REGISTER**

**LIFESTYLE**

BOSE CORPORATION (DELAWARE CORPORATION)  
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FIRST USE 6-0-1990; IN COMMERCE  
6-0-1990.

OWNER OF U.S. REG. NOS. 1,622,251 AND  
1,915,785.

FOR: MUSIC SYSTEMS CONSISTING OF A  
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AND AT LEAST ONE OF A CD PLAYER,  
TAPE PLAYER AND RADIO TUNER,  
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SER. NO. 75-171,091, FILED 9-24-1996.

MARTHA SANTOMARTINO, EXAMINING ATTORNEY