

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BOSE CORPORATION,) Civil Action No. 10-10501

Plaintiff,)

vs.)

MARK BAHAR, JERRY RANCE, MARK)
BOUSHY, PAUL FRIEARY, VASILY)
AVETSIUK a/k/a PETER AVETSIUK)
a/k/a JOHN VASNAT a/k/a ALTON)
EWAN a/k/a NAJIB IDOUMOU,)
ANEUDIS VILLALONA, WILLIAM)
HIBPSHMAN, ADLYN SEVERE,)
BRANDON KELLY, JOEL CAMPBELL,)
NICK FRIMPONG, SANDRA OSAFO,)
MICHAEL DASHOSH, VANESSA)
COWLEY, JAKE SOJCHER, DAWAN)
SAWYER, RUBEN KONKIN,)
CHRISTIAN MORALES, FRANK)
BAILEY, CHARLES GIBSON, CARMEN)
PEREZ, RICHARD MENTOR, ALEX)
FELDMAN, DAVID LI, PETER)
KARALEKAS, DAMIEN SAVOY,)
XIAOHANG ZHAO, AZHDAR)
RAGIMOV, THOMAS KLARA, RICK)
MAX, CALIB SWIFT, MARY DUBOIS,)
EKATERINA BATRAK, VLADIMIR)
PYATUNIN, ROBERT NAKAMURA, V.)
SZILARD BARNA, DAVID)
SUBERLAND, ALBERT LAIRD, JON)
CRAIN, ALVARRO TIERRABLANCA,)
TODD POLK, ALBERT FANG, ANDY)
LAU, JIN LIN BLK, KUO XINGTONG,)
and JUST BRIGHT INTERNATIONAL)
PTE LTD.)

Jury Trial Requested

Defendants.)

COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

Plaintiff, Bose Corporation (the "Plaintiff" or "Bose"), as and for its Complaint against
defendants, Mark Bahar, Jerry Rance, Mark Boushy, Paul Friery, Vasily Avetsiuk a/k/a Peter

Avetsiuk a/k/a John Vasnat a/k/a Alton Ewan a/k/a Najib Idoumou, Aneudis Villalona, William Hibpsham, Adlyn Severe, Brandon Kelly, Joel Campbell, Nick Frimpong, Sandra Osafo, Michael Dashosh, Vanessa Cowley, Jake Sojcher, Dawan Sawyer, Ruben Konkin, Christian Morales, Frank Bailey, Charles Gibson, Carmen Perez, Richard Mentor, Alex Feldman, David Li, Peter Karalekas, Damien Savoy, Xiaohang Zhao, Azhdar Ragimov, Thomas Klara, Rick Max, Calib Swift, Mary Dubois, Ekaterina Batrak Vladimir Pyatunin, Robert Nakamura, V. Szilard Barna, David Suberland, Albert Laird, Jon Crain, Alvarro Tierrablanca, Todd Polk, Albert Fang, Andy Lau, Jin Lin Blk, Kuo Xingtong, and Just Bright International Pte Ltd. (collectively, the "Defendants"), alleges upon personal knowledge as to its own acts and as to events taking place in its presence, and upon information and belief as to all other facts, as follows:

NATURE OF THIS ACTION

1. This is an action for trademark counterfeiting, trademark infringement, and trademark dilution arising under the Lanham Act, 15 U.S.C. § 1051, et seq., and under the Anti-Counterfeiting Consumer Protection Act of 1996, 15 U.S.C. §1116(d) as well as related state law claims arising from the Defendants' willful counterfeiting of trademarks owned and used by Bose. As described more fully below, Defendants have knowingly sold, offered for sale, or otherwise contributed to the sale of counterfeit versions of headphones made and sold by Bose, and are therefore liable for direct and/or contributory infringement of Bose's lawfully owned trademarks. Defendants' conduct has produced and, unless enjoined by this Court, will continue to produce a likelihood of consumer confusion and deception, to the irreparable injury of Bose.

2. As a result of Defendants' actions, Bose is suffering a loss of the enormous goodwill Bose has created in its trademarks and is losing profits from lost sales of genuine

products. This action seeks permanent injunctive relief and damages for Defendants' infringement of Bose's intellectual property rights.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this Complaint pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b), as these claims arise under the Trademark Laws of the United States.

4. This Court also has supplemental jurisdiction over the pendent state law claims pursuant to 28 U.S.C. § 1367(a).

5. The Defendants are subject to personal jurisdiction in the Commonwealth of Massachusetts pursuant to Massachusetts General Laws c. 223A § 3 because Defendants misrepresented the authentic nature of their counterfeit headphones to Massachusetts residents; because Defendants have caused tortious injury to Bose trademarks within the Commonwealth; because Defendants practice the unlawful conduct complained of herein, in part, within the Commonwealth; because the unlawful conduct complained of herein causes tortious injury, in part, within the Commonwealth; because the Defendants regularly do or solicit business within the Commonwealth; because the Defendants regularly and systematically direct electronic activity into the Commonwealth with the manifest intent of engaging in business within the Commonwealth, including the sale and/or offer for sale to Internet users within the Commonwealth, as well as, upon information and belief, entry into contracts with residents of the Commonwealth through the sale of items in Internet auctions. Similarly, because some of the Defendants' wrongful acts involved the offering for sale and sale of products that infringe Bose's trademarks, venue is proper in this judicial district under 28 U.S.C. § 1391.

PARTIES

6. Plaintiff Bose Corporation is a Delaware corporation with its principal place of business in Framingham, Massachusetts. Bose designs, manufactures, and sells a variety of high-performance audio products, including headphones. Bose has been a leading innovator in its field since it was founded in 1964. Bose sells products directly to consumers and through retail stores and authorized resellers.

7. Upon information and belief, defendants Mark Bahar (“Bahar”) and/or Jerry Rance (“Rance”), reside, have resided, do business or have done business at 916 Ave T, Brooklyn, NY, 11223. Bahar sold counterfeit Bose in-ear headphones on eBay.com (“eBay”) under the user ID powersellernyc.

8. Upon information and belief, defendant Mark Boushy (“Boushy”), resides, has resided, does business or has done business at 600 Proudfoot Lane, Suite 507, London, ON N6H5W3, Canada. Boushy sold counterfeit Bose QuietComfort headphones on eBay under the user ID na-deals.

9. Upon information and belief, defendant Paul Friery (“Friery”) resides, has resided, does business or has done business at 6001A Riverdale Avenue, Riverdale, NY 10471. Friery is listed in Amazon.com’s (“Amazon”) records as the owner of user ID XW478, which sold counterfeit Bose in-ear headphones.

10. Upon information and belief, the defendant Vasily Avetsiuk and/or Peter Avetsiuk, a/k/a John Vasnat, a/k/a Alton Ewan, a/k/a Najib Idoumou (hereinafter referred to as “Avetsiuk”) resides, has resided, does business or has done business at one or more of the following addresses: (a) 44 Young Avenue, New York Mills, NY 13417; (b) 782 Elizabeth St., 2nd Floor, Utica, NY 13501; (c) 68 Adrean Terrace W., Utica, NY 13501; or (d) 1537 North San

Mateo Drive, Northport, FL. Avetsiuk has sold counterfeit Bose in-ear headphones on Craigslist.com ("Craigslist"), eBay and iOffer.com ("iOffer") under the user ID vasnat55.

11. Upon information and belief, defendant Aneudis Villalona ("Villalona") resides, has resided, does business or has done business at 1544-305 Sunbow Falls Lane, Raleigh, NC, 27609. Villalona sold counterfeit Bose in-ear headphones on eBay under the user ID aneudisv1.

12. Upon information and belief, defendant William Hibpshman ("Hibpshman") resides, has resided, does business or has done business at 4951 Meadow View Drive, Mariposa, CA, 95338 or 5008 Hwy 140, #127, Mariposa, CA 95338. Hibpshman sold counterfeit Bose in-ear headphones on eBay under the user ID integritysource.

13. Upon information and belief, defendant Adlyn Severe ("Severe") resides, has resided, does business or has done business at 21218 Saint Andrews Blvd, #220, Boca Raton, FL, 33433. Severe sold counterfeit Bose in-ear headphones on eBay under the user ID kamikaz_inc.

14. Upon information and belief, defendant Brandon Kelly ("Kelly") resides, has resided, does business or has done business at 172-40 133 Ave, Jamaica, NY, 11434. Kelly sold counterfeit Bose in-ear headphones on eBay under the user ID shankhood.

15. Upon information and belief, defendant Joel Campbell ("Campbell") resides, has resided, does business or has done business at 556 E 34th St, Brooklyn, NY, 11203. Campbell sold counterfeit Bose in-ear headphones on eBay under the user ID ceojaebanks.

16. Upon information and belief, defendants Nick Frimpong ("Frimpong") and Sandra Osafo ("Osafo") reside, have resided, do business or have done business at 44 H Church, East Hartford, CT, 06108 and/or 185 B East Middle Turnpike, Manchester, CT 06040.

Frimpong and/or Osafo sold counterfeit Bose in-ear headphones on eBay under the user IDs nickfrimpy2008 and bidzmoney.

17. Upon information and belief, defendant Michael Dashosh (“Dashosh”) resides, has resided, does business or has done business at 14355 SW 158th Pl, Miami, FL, 33196. Dashosh sold counterfeit Bose in-ear headphones on eBay under the user ID mikeymad113.

18. Upon information and belief, defendant Vanessa Cowley (“Cowley”) resides, has resided, does business or has done business at 478 Monument RD, East Tawas, MI, 48730 and/or 1007 E Lincoln St, Apt 5, East Tawas, MI 48730. Cowley sold counterfeit Bose in-ear headphones on eBay under the user ID money_banks8798.

19. Upon information and belief, defendant Jake Sojcher (“Sojcher”) resides, has resided, does business or has done business at 592 Wildwood Rd., West Hempstead, NY 11552-3410. Sojcher sold counterfeit Bose in-ear headphones on eBay under the user ID electronics182009.

20. Upon information and belief, defendant Dawan Sawyer (“Sawyer”) resides, has resided, does business or has done business at 16 Rowena Street, Apt 1, Dorchester, MA, 02124. Sawyer sold counterfeit Bose in-ear headphones on eBay under the user ID goheaddl.

21. Upon information and belief, defendant Ruben Konkin (“Konkin”) resides, has resided, does business or has done business at 2191 Rainbow Lake Rd., Chesnee, SC 29323 and/or 517 Seays Crest Dr, Inman, SC 29349. Konkin sold counterfeit Bose in-ear headphones on Craigslist.

22. Upon information and belief, defendant Christian Morales (“Morales”) resides, has resided, does business or has done business at 17419 Madison Green Drive, Tampa FL,

33647. Morales sold counterfeit Bose in-ear headphones on eBay under the user ID igetitcheap321.

23. Upon information and belief, defendant Frank Bailey (“Bailey”) resides, has resided, does business or has done business at 48491 Montelepre, Utica, MI 48315. Bailey sold counterfeit Bose in-ear headphones on eBay under the user ID pryce2sell.

24. Upon information and belief, defendant Charles Gibson (“Gibson”), also known as Cha Chang, resides, has resided, does business or has done business at PO Box 51151, Provo, Utah 84605 or 1,1 Agoura Hills, CA, 91301. Gibson sold counterfeit Bose in-ear headphones on eBay under the user ID bikeshopoutlet.

25. Upon information and belief, defendant Carmen Perez (“Perez”) resides, has resided, does business or has done business at 117 South 4 Street, Brooklyn, NY 11211. Perez sold counterfeit Bose in-ear headphones on eBay under the user ID Lakers4Life911.

26. Upon information and belief, defendant Richard Mentor (“Mentor”) resides, has resided, does business or has done business at 432 Thomas Ct., Portage, MI 49024. Mentor sold counterfeit Bose QuietComfort headphones on eBay under the user ID The_ric_meister1954.

27. Upon information and belief, defendant Alex Feldman (“Feldman”) resides, has resided, does business or has done business at 8875 17th Ave 2 Floor, Brooklyn, NY 11214. Feldman sold counterfeit Bose in-ear headphones on eBay under the user ID Feldmanelectronics.

28. Upon information and belief, defendant David Li (“Li”) resides, has resided, does business or has done business at 392 Westwood Ave, Staten Island, NY 10314. Li sold counterfeit Bose in-ear headphones on eBay under the user ID Daffylii.

29. Upon information and belief, defendant Peter Karalekas (“Karalekas”) resides, has resided, does business or has done business at 94 Oak Street, Ludlow, MA 01056. Karalekas sold counterfeit Bose in-ear headphones on eBay under the user ID Peterak2009.

30. Upon information and belief, defendant Damien Savoy (“Savoy”) resides, has resided, does business or has done business at 6934 Datura Ave, TwentyNine Palms, CA 92277. Savoy sold counterfeit Bose in-ear headphones on eBay under the user ID Electonica09.

31. Upon information and belief, defendant Xiaohang Zhao (“Zhao”) resides, has resided, does business or has done business at 307 2085 Guy Street, Montreal QC H3H2ml. Zhao sold counterfeit Bose in-ear headphones on eBay under the user ID quizz_91.

32. Upon information and belief, defendant Azhdar Ragimov (“Ragimov”), resides, has resided, does business or has done business at 2800 Coyle Street Apt 203, Brooklyn, NY 11235. Ragimov sold counterfeit Bose in-ear headphones on eBay under the user ID azhdar.

33. Upon information and belief, defendant Thomas Klara (“Klara”), resides, has resided, does business or has done business at 1107 Pennsylvania Ave., Prospect Park, PA, 19076. Klara sold counterfeit Bose in-ear headphones on eBay under the user ID tklara.

34. Upon information and belief, defendant Rick Max (“Max”), resides, has resided, does business or has done business at 1932 Crotona Ave., Bronx, NY 10457 or 1500 Popham Ave., Bronx, NY 10453. Max sold counterfeit Bose in-ear headphones on eBay under the user ID urick7860.

35. Upon information and belief, defendant Calib Swift (“Swift”), resides, has resided, does business or has done business at 140 N Policy St, Salem, NH, 03079. Swift sold counterfeit Bose in-ear headphones on eBay under the user ID calicalib.

36. Upon information and belief, defendant Mary Dubois (“Dubois”), resides, has resided, does business or has done business at 1858 E Allegrie Dr, Inverness, FL, 34453.

Dubois sold counterfeit Bose in-ear headphones on eBay under the user ID mgpandme.

37. Upon information and belief, defendants Ekaterina Batrak (“Batrak”) and/or Vladimir Pyatunin (“Pyatunin”), reside, have resided, do business or have done business at 131 SE 3rd Ave, Hallandale, FL, 33009. Batrak sold counterfeit Bose in-ear headphones on eBay under the user ID v.e.p.

38. Upon information and belief, defendant Robert Nakamura (“Nakamura”) resides, has resided, does business or has done business at, 1718 Silver Knoll Avenue, Las Vegas, NV 89123. Nakamura sold counterfeit Bose in-ear headphones on eBay under the user ID jspecdriver and on Craigslist.

39. Upon information and belief, defendant V. Szilard Barna (“Barna”) resides, has resided, does business or has done business at 505 Grace Avenue, Garfield, NJ 07026. Barna sold counterfeit Bose in-ear headphones on eBay under the user ID wakicsibeszl.

40. Upon information and belief, defendants David Suberland (“Suberland”) and/or Albert Laird (“Laird”) and/or Jon Crain (“Crain”) reside, have resided, do business or have done business at 138 W. School St., Woonsocket, RI 02895 and/or 150 Blackstone St., Woonsocket, RI 02895. Suberland and/or Laird and/or Crain sold counterfeit Bose in-ear headphones on eBay under the user IDs crain5rules and eastcoastmotorin.

41. Upon information and belief, defendant Alvaro Tierrablanca (“Tierrablanca”) resides, has resided, does business or has done business at 1127 Royal Blue Dr., Stockton, CA 95206. Tierrablanca sold counterfeit Bose in-ear headphones on eBay under the user ID tierrablanca2007.

42. Upon information and belief, defendant Todd Polk ("Polk") resides, has resided, does business or has done business at 565 West Hastings Street, Vancouver, BC V6B 4N6, Canada. Polk sold counterfeit Bose QuietComfort headphones on eBay under the user ID toddstore.

43. Upon information and belief, defendant Albert Fang ("Fang") resides, has resided, does business or has done business at 3310 Battle Creek Dr., Missouri City, TX 77459. Fang sold counterfeit Bose QuietComfort headphones on eBay under the user IDs aldarawf and/or aldaragearusa.

44. Upon information and belief, defendant Andy Lau ("Lau"), residence and place of business unknown, sold counterfeit Bose in-ear headphones through Amazon, iOffer and Craigslist through an agent or agents who sold them on his behalf.

45. Upon information and belief, defendants Jun Lin Blk and/or Kuo Xingtong and/or Just Bright International Pte Ltd. (collectively, "Just Bright") resides, has resided, does business or has done business at 504 Serangoon North Ave 4, #09-468, 550504 Singapore and/or 73A West Coast Drive, Hong Leong Condominium, Singapore 127991 and/or 10 Anson Road, #26-04 International Plaza, Singapore. Just Bright sold counterfeit Bose QuietComfort headphones to several different eBay members who then proceeded to resell them on eBay.


FACTS GIVING RISE TO THIS ACTION



A. Bose And Its Trademark Usage

46. Bose is the sole and exclusive owner of the federally registered mark BOSE[®], which is in several registrations on the U.S. Patent and Trademark Office's ("PTO") Principal Register. Bose has continuously used BOSE[®] as a mark and the salient feature of its trade name for at least four decades. For example, the PTO issued Registration No. 829,402 for the BOSE[®]

trademark (and design) to Bose on May 30, 1967, for use in connection with acoustical transducer systems for reproduction of sound. The first use date was at least as early as 1966, which is long prior to any use by any of the Defendants. A printout from the PTO Trademark Electronic Search System (“TESS”) reflecting this registration is attached hereto as **Exhibit 1**. The mark is incontestable pursuant to 15 U.S.C. § 1065 since at least November of 1980. Said registration remains in full force and effect.

47. Bose also owns the following federal trademark and service mark registrations, which are relevant to this action:

Reg. No.	Reg. Date	Mark	Goods/Services
3,060,458	2/21/2006	TRIPORT	Music system consisting of headphones and a player of recorded sound signals in Int’l Class 9
3,497,786	9/9/2008	Black and white cord design	Headphones in Int’l Class 9
3,339,159	11/20/2007	Oval headphone design	Headphones in Int’l Class 9
2,539,951	2/19/2002	QUIETCOMFORT	audio and video headsets in Int’l Class 9
3,355,350	12/18/2007	QC	headphones and headphone-related accessories, namely, audio cables with built-in microphones and adapters to connect headphones to cell phones in Int’l Class 9
2,096,548	9/16/97	ACOUSTIC NOISE CANCELLING	headsets for reducing acoustic noise in Int’l Class 9
991,271	8/20/1974	BOSE	loudspeaker systems; electrical power processors – namely, power amplifiers, inverters, and battery chargers, in Int’l Class 9
1,297,699	9/25/1984		clothing – namely, shirts, hats and jackets, in Int’l Class 25

Reg. No.	Reg. Date	Mark	Goods/Services
1,727,482	10/27/1992	BOSE	printed matter; namely, catalogs, newsletters and brochures in the field of electronic and electro-acoustical equipment, in Int'l Class 16; and repair of electronic and electro-acoustical equipment, in Int'l Class 37
1,738,278	12/8/1992		printed matter; namely, catalogs, newsletters, and brochures all in the field of electronics and electro-acoustical equipment, in Int'l Class 16; and services and repair of electronic and electroacoustical equipment, in Int'l Class 37
1,828,700	3/29/1994	BOSE	retail store services in the field of electronic and electro-acoustical products, in Int'l Class 42
1,830,727	4/12/1994		retail services in the field of electronic and electro-acoustical products, in Int'l Class 42
2,288,004	10/19/1999	BOSE	computerized on-line retail services in the field of sound reproduction products, and shopping information related thereto, in Int'l Class 35

True and correct copies of printouts from TESS evidencing these registrations are attached hereto as **Exhibit 2**. Said registrations are in full force and effect, and these marks are incontestable pursuant to 15 U.S.C. § 1065. The marks contained in the registrations are hereinafter referred to collectively as the "Bose Marks."

48. Bose also has acquired common law rights in BOSE[®] throughout the United States.

49. BOSE[®] is well-known and famous. The goodwill associated with BOSE[®] is a valuable asset. Bose has expended great effort and considerable resources in the promoting and advertising of its goods and services under BOSE[®]. As a result of this widespread and

continuous use and promotion, BOSE[®] identifies Bose as the source of goods and services identified in the registrations of BOSE[®].

50. Bose's Federal trademark registrations were duly and legally issued, are valid and subsisting, and constitute *prima facie* evidence of Bose's exclusive ownership of the Bose Marks.

51. Bose has invested many millions of dollars and has expended significant time and effort in advertising, promoting and developing its Bose Marks throughout the United States and the world. As a result of such advertising and promotion, Bose has established substantial goodwill and widespread recognition in its Bose Marks, and those marks have become associated exclusively with Bose by both customers and potential customers, as well as with the general public at large.

52. To create and maintain such goodwill among its customers, Bose has taken substantial steps to ensure that products bearing its Bose Marks are of the highest quality. As a result, the Bose Marks have become widely known and are recognized throughout the United States and the world as symbols of high quality products.

53. Customers throughout the United States and throughout the world recognize the Bose name and logo, upon which they rely for high quality products and attentive customer service.

54. As a result of, *inter alia*, the care and skill exercised by Bose in the conduct of its business, the high quality of the goods sold under the Bose Marks and the extensive advertising, sale, and promotion by Bose of its branded products, the Bose Marks have acquired secondary meaning throughout the United States, including in the Commonwealth of Massachusetts.

B. Defendants' Sale of Counterfeit Headphones

55. In the fall of 2007, Bose discovered that counterfeit Bose headphones were being sold from web sites originating in China. These products are nearly identical in appearance to genuine Bose goods, but are inferior in quality. Many people who purchase these items have no idea that they are getting a counterfeit product rather than the genuine article.

56. As soon as this discovery was made, Bose began regularly monitoring eBay, Amazon.com and other online commerce sites in order to try to prevent sales of counterfeit Bose goods and take enforcement action as appropriate against sellers of counterfeit Bose goods.

57. In February of 2008, an eBay buyer contacted Bose customer service about a set of QuietComfort Acoustic Noise Cancelling headphones purchased from an eBay seller located in Singapore. The eBay buyer sent the headphones to Bose for analysis of whether the product was counterfeit. Bose engineers determined that the product was counterfeit. Since that time, Bose has been able to determine that numerous QuietComfort headphones sold online are counterfeit.

58. Bose engineers are able to identify products as counterfeit based on certain physical differences between the counterfeit product and packaging and that of genuine Bose goods.

59. Each of the Defendants named herein is associated with an eBay account that Bose, through its online monitoring or through investigation, has determined to have sold or offered for sale counterfeit Bose headphones, or committed acts in furtherance of such sales, such as providing false feedback to enable the counterfeit sellers to gain credibility in order to make sales.

60. Bose's investigation has also revealed that Defendants purchased the counterfeit products at highly discounted prices from questionable sources, such as anonymous sellers on Craigslist or Internet web sites located in China. Accordingly, the Defendants either knew or acted in reckless disregard of circumstances, suggesting that the products they were selling were counterfeit, and their actions were therefore knowing and willful.

61. Based upon Bose's investigation of each Defendant, Bose has determined that each Defendant has knowingly sold or offered to sell large volumes of counterfeit headphones to unsuspecting customers.

62. Upon information and belief, all the defendants have conducted sales of their counterfeit products using banking accounts with PayPal and email accounts such as Google, Yahoo, Hotmail and others.

C. The Likelihood of Confusion and Injury Caused by Defendants' Actions

63. The counterfeit headphones sold by the Defendants are not the same or of the same quality as those manufactured and sold by Bose under the Bose Marks.

64. As such, consumers who purchase headphones bearing the Bose Marks are likely to be confused and/or disappointed by obtaining counterfeit headphones when they intended to purchase genuine Bose headphones.

65. In addition, the sale of counterfeit headphones bearing the Bose Marks is likely to cause confusion among consumers regarding Bose's sponsorship or approval of the counterfeit headphones.

66. As a result of Defendants' actions, Bose is suffering a loss of the enormous goodwill Bose has created in its Bose Marks and is losing profits from lost sales of genuine product.

67. Defendants are likely to continue to commit the acts complained of herein, and unless restrained and enjoined, will continue to do so, all to Bose's irreparable harm.

COUNT I
Trademark Counterfeiting and Infringement under
15 U.S.C. §§ 1114(1)(a), 1116 and 1117

68. Plaintiff hereby realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

69. The acts of Defendants alleged herein constitute the use in commerce, without the consent of Bose, of a reproduction, counterfeit, copy, or colorable imitation of one or more of the Bose Marks in connection with the sale, offering for sale, distribution, or advertising of goods, which use is likely to cause confusion or mistake, or to deceive consumers and therefore infringe Bose's rights in one or more of the Bose Marks, all in violation of the Lanham Act.

70. Defendants' use of the counterfeit versions of the Bose Marks was willful, intentional and done with the knowledge that the marks used were counterfeit marks, as defined in Section 34(d)(1)(B) of the Lanham Act, 15 U.S.C. § 1116(d)(1)(B).

71. Specifically, upon information and belief, the Defendants have knowingly purchased counterfeit goods bearing the Bose Marks, and are knowingly importing the goods for re-sale in the United States and/or are manufacturing, promoting, and otherwise advertising, selling, offering for sale and distributing counterfeit and infringing goods bearing the Bose Marks.

72. The conduct of the Defendants' counterfeiting and infringing activities is likely to cause, is actually causing, and was willful and intended to cause, confusion, mistake, and deception among members of the trade and the general consuming public as to the origin and quality of such products and constitutes trademark counterfeiting under 15 U.S.C. § 1114(1)(b).

73. As a direct and proximate result of the Defendants' actions, Plaintiff has suffered substantial damages. Bose is entitled to an injunction and to recover the Defendants' profits, all damages sustained by Bose, treble those profits or damages, and the cost of this action, plus interest, under 15 U.S.C. §1117(a) and §1117(b), which amounts are yet to be determined.

74. As a direct and proximate result of the Defendants' acts of willful trademark counterfeiting, Plaintiff is entitled to elect statutory damages, under 15 U.S.C. § 1117(c)(2), of \$2,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed by Defendants.

COUNT II
**Federal Unfair Competition and False Designation of
Origin under 15 U.S.C. § 1125(a)**

75. Plaintiff hereby realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

76. The acts of Defendants alleged herein constitute the use in interstate commerce of a word, term, name, symbol, or device, or any combination thereof, or false designation of origin, in connection with the sale, or offering for sale, of goods in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A). These acts of the Defendants are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Bose, or as to the origin, sponsorship, or approval of counterfeit headphones by Bose.

77. The Defendants' counterfeit goods are seemingly identical in appearance to each of Bose's genuine goods. The Defendants' counterfeit goods, however, are different and inferior in quality. As such, the Defendants' conduct is likely to cause confusion in the trade and among the general public as to the origin or sponsorship of the counterfeit goods.

78. As a direct and proximate result of Defendants' actions, Plaintiff has suffered damages.

79. Such conduct on the part of the Defendants has caused and will continue to cause irreparable injury and harm to Plaintiff.

COUNT III
Trademark Dilution under 15 U.S.C. § 1125(c)

80. Plaintiff hereby realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

81. Use by Defendants of the Bose Marks in connection with the sale of counterfeit goods has lessened, and will continue to lessen, the capacity of Bose's famous and distinctive trademarks to distinguish Bose's products and services from those of others, and has diluted the distinctive quality of Bose's famous and distinctive marks.

82. Defendants' acts constitute trademark dilution in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

83. Defendants' acts have caused and will continue to cause Bose to suffer irreparable harm.

COUNT IV
Unfair Competition under M.G.L. c. 93A

84. Plaintiff hereby realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

85. By reason of the foregoing, the Defendants have engaged, and continue to engage, in acts of unfair and deceptive competition in violation of Massachusetts law.

86. Such conduct on the part of the Defendants has caused and will continue to cause irreparable injury to Plaintiff, for which Plaintiff has no adequate remedy at law.

87. Such conduct on the part of the Defendants has caused and will continue to cause damage to Plaintiff.

COUNT V
Trademark Infringement Under Massachusetts Common Law

88. Plaintiff hereby realleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

89. As alleged above, Defendants have infringed Bose's senior common law trademark rights in the Bose Marks with the intent to deceive the public into believing that Defendants' products were manufactured by, approved by, sponsored by or affiliated with Bose.

90. By reason of Defendants' acts alleged herein, the distinctiveness of the Bose Marks has been diluted and their reputation has been harmed. Consequently, Bose has suffered and will continue to suffer damage and injury to its business, reputation and goodwill, for which Bose has no adequate remedy at law.

91. Such conduct on the part of the Defendants has caused and will continue to cause irreparable harm to Bose.

WHEREFORE, Bose requests that this Court:

A. Preliminarily and permanently enjoin the Defendants, including all partners, officers, agents, servants, employees, attorneys, and all those persons and entities in active concert or participation with them, from using the Bose Marks or any mark confusingly similar to the Bose Marks, whether alone or in combination with other words or symbols, and from any further infringement, false designation of origin, unfair competition and unfair trade practices.

B. Direct Defendants to pay Bose the actual damages to Bose and profits realized by the Defendants, and the costs and attorneys fees incurred in pursuit of this action pursuant to 15 U.S.C. § 1117(a), Mass. Gen. Laws ch. 93A, § 11, or otherwise.

C. Enter judgment that Defendants' acts of infringement, false designation of origin, unfair competition and unfair trade practices have been knowing and willful.

D. Direct Defendants to pay Bose statutory damages in an amount not to exceed two million dollars (\$2,000,000) per mark for each of Bose's marks which Defendants have counterfeited, as authorized by 15 U.S.C. § 1117(c)(2).

E. Award Bose treble damages pursuant to 15 U.S.C. § 1117(b), Mass. Gen. Laws ch. 93A, § 11, or otherwise.

F. Order Defendants to pay for corrective advertising for the purpose of correcting consumers' mistaken impressions created by Defendants' infringing acts.

G. Order the recall, impounding and destruction of all goods, advertising or other items bearing infringing markings, pursuant to 15 U.S.C. § 1118, or otherwise.

H. Award Bose such further relief as this Court may deem just and proper.

Jury Trial Claim

The Plaintiff, Bose, claims a trial by jury on all issues so triable.

[Signature Block on Next Page]

Respectfully submitted,
Plaintiff,
BOSE CORPORATION,
by its attorneys,

/s/ Jeffrey S. Patterson

Jeffrey S. Patterson (BBO # 671383)
jeffrey.patterson@nelsonmullins.com
Christopher S. Finnerty (BBO # 657320)
chris.finnerty@nelsonmullins.com
William T. Hogan, III (BBO# 237710)
bill.hogan@nelsonmullins.com
Morgan T. Nickerson (BBO # 667290)
morgan.nickerson@nelsonmullins.com
Nelson Mullins Riley & Scarborough LLP
One Boston Place, 40th Floor
Boston, MA 02108
p. (617) 573-4700
f. (617) 573-4710

Dated: March 24, 2010

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Bose Corporation

(b) County of Residence of First Listed Plaintiff Middlesex
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jeffrey S. Patterson, Nelson Mullins Riley & Scarborough LLP, One Boston Place, 40th Fl., Boston, MA 02108

DEFENDANTS

Mark Bahar, et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input checked="" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	IMMIGRATION		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 465 Other Immigration Actions		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1051
Brief description of cause:
Violations of 15 U.S.C. Section 1051

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 03/24/2010 SIGNATURE OF ATTORNEY OF RECORD: /s/ Jeffrey S. Patterson, Esq.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Bose Corporation v. Mark Bahar, et al.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 462, 463, 465, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Jeffrey S. Patterson

ADDRESS Nelson Mullins Riley & Scarborough LLP, One Boston Place, 40th Flr., Boston, MA 02108

TELEPHONE NO. (617) 573-4705

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Middlesex on the following Patents or Trademarks:

DOCKET NO. 10-10501	DATE FILED 3/24/2010	U.S. DISTRICT COURT Middlesex
PLAINTIFF Bose Corporation		DEFENDANT Mark Bahar, et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 3,060,458	2/21/2006	Bose Corporation
2 3,497,786	9/9/2008	Bose Corporation
3 3,339,159	11/20/2007	Bose Corporation
4 2,539,951	2/19/2002	Bose Corporation
5 3,355,350	12/18/2007	Bose Corporation

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> Answer <input checked="" type="checkbox"/> Cross Bill <input checked="" type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
-------	-------------------	------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

ADDENDUM TO REPORT ON THE FILING AND DETERMINATION OF AN ACTION
REGARDING A PATENT OR TRADEMARK

Bose Corporation v. Mark Bahar, et al.

Docket Number – 10-10501

Patent or Trademark No.	Date	Holder of Patent or Trademark
2,096,548	9/16/1997	Bose Corporation
991,271	8/20/1974	Bose Corporation
1,297,699	9/25/1984	Bose Corporation
1,727,482	10/27/1992	Bose Corporation
1,738,278	12/8/1992	Bose Corporation
1,828,700	3/29/1994	Bose Corporation
1,830,727	4/12/1994	Bose Corporation
2,288,004	10/19/1999	Bose Corporation



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Word Mark	BOSE
Goods and Services	IC 009. US 021. G & S: ACOUSTICAL TRANSDUCER SYSTEMS FOR REPRODUCING SOUND. FIRST USE: 19660500. FIRST USE IN COMMERCE: 19660500
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	72255691
Filing Date	October 4, 1966
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 14, 1967
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	0829402
Registration Date	May 30, 1967
Owner	(REGISTRANT) BOSE CORPORATION CORPORATION MASSACHUSETTS EAST NATICK INDUSTRIAL PARK 17 ERIE DRIVE NATICK MASSACHUSETTS 01762 (LAST LISTED OWNER) BOSE CORPORATION CORPORATION BY MERGER WITH AND CHANGE OF NAME FROM DELAWARE THE MOUNTAIN FRAMINGHAM MASSACHUSETTS

01701
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Michelle Brownlee
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECTION 8(10-YR) 20060922.
Renewal 2ND RENEWAL 20060922
Live/Dead Indicator LIVE

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TRIPORT

Word Mark TRIPORT
Goods and Services IC 009. US 021 023 026 036 038. G & S: Music system consisting of headphones and a player of recorded sound signals. FIRST USE: 20050203. FIRST USE IN COMMERCE: 20050203
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78590159
Filing Date March 18, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 29, 2005
Registration Number **3060458**
Registration Date February 21, 2006
Owner (REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168
Attorney of Record Charles Hieken
Prior Registrations 2634412
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Browser to return to TESS)



Goods and Services IC 009. US 021 023 026 036 038. G & S: Headphones. FIRST USE: 20070315. FIRST USE IN COMMERCE: 20070315

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 14.01.04 - Cables, electrical, Without electric plugs; Cords, electrical (without plugs); Electrical wire/cables, Without plug
16.01.07 - Head phones; Headphones; Headsets; Microphones

Trademark Search Facility Classification Code ART-14.01 Tubes; cables; heavy hardware articles
ART-16.01 Telecommunications and sound recording or reproduction equipment
SHAPES-COLORS-2 Design listing or lined for two colors

Serial Number 77168672

Filing Date April 30, 2007

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition June 24, 2008

Registration Number 3497786

Registration Date September 9, 2008

Owner (REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168

Attorney of Record Michelle Brownlee

Description of Mark The color(s) black and white is/are claimed as a feature of the mark. The mark consists of the color white interwoven with the color black throughout the length of the cords attached to headphones. No claim is made to the shape of the cords or the headphones.

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Live/Dead Indicator LIVE

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Goods and Services IC 009. US 021 023 026 036 038. G & S: Headphones. FIRST USE: 20070315. FIRST USE IN COMMERCE: 20070315

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 16.01.07 - Head phones; Headphones; Headsets; Microphones
 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles
 26.03.02 - Ovals, plain single line; Plain single line ovals
 26.11.26 - Oblongs as carriers for words, letters or designs
 26.11.27 - Oblongs not used as carriers for words, letters or designs

Trademark Search Facility Classification Code ART-16.01 Telecommunications and sound recording or reproduction equipment
 SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles
 SHAPES-MISC Miscellaneous shaped designs
 SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

Serial Number 77154705

Filing Date April 12, 2007

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition September 4, 2007

Registration Number 3339159

Registration Date November 20, 2007

Owner (REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168

Attorney of Record Michelle Brownlee
Description of Mark The mark consists of a complete oval inside a partial oval on top with an oblong shape on bottom.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark QUIETCOMFORT
Goods and Services IC 009. US 021 023 026 036 038. G & S: audio and video headsets. FIRST USE: 20000601. FIRST USE IN COMMERCE: 20000601
Mark Drawing Code (1) TYPED DRAWING
Serial Number 76191799
Filing Date December 28, 2000
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 27, 2001
Registration Number 2539951
Registration Date February 19, 2002
Owner (REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Road Framingham MASSACHUSETTS 017019168
Attorney of Record Charles Hieken
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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QC

Word Mark QC

Goods and Services IC 009. US 021 023 026 036 038. G & S: headphones and headphone-related accessories, namely, audio cables with built-in microphones and adapters to connect headphones to cell phones. FIRST USE: 20050804. FIRST USE IN COMMERCE: 20050804

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Trademark Search Facility Classification Code LETS-2 QC Two letters or combinations of multiples of two letters

Serial Number 77135456

Filing Date March 20, 2007

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition October 2, 2007

Registration Number 3355350

Registration Date December 18, 2007

Owner (REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168

Attorney of Record Michelle Brownlee
Prior Registrations 2539951
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark ACOUSTIC NOISE CANCELLING

Goods and Services IC 009. US 021 023 026 036 038. G & S: headsets for reducing acoustic noise. FIRST USE: 19870804. FIRST USE IN COMMERCE: 19870804

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75034312

Filing Date December 4, 1995

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition June 24, 1997

Registration Number 2096548

Registration Date September 16, 1997

Owner (REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168

Attorney of Record Charles Hieken

Prior Registrations 1520322

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070316.

Renewal 1ST RENEWAL 20070316

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Record 1 out of 1

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Typed Drawing

Word Mark	BOSE
Goods and Services	IC 009. US 021. G & S: LOUDSPEAKER SYSTEMS; ELECTRICAL POWER PROCESSORS-NAMELY, POWER AMPLIFIERS, INVERTERS, AND BATTERY CHARGERS. FIRST USE: 19660500. FIRST USE IN COMMERCE: 19660500
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72450949
Filing Date	March 9, 1973
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0991271
Registration Date	August 20, 1974
Owner	(REGISTRANT) BOSE CORPORATION CORPORATION MASSACHUSETTS 100 THE MOUNTAIN ROAD FRAMINGHAM MASSACHUSETTS 01701 (LAST LISTED OWNER) BOSE CORPORATION CORPORATION BY MERGER AND CHANGE OF NAME FROM DELAWARE THE MOUNTAIN FRAMINGHAM MASSACHUSETTS 017019168
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Michelle Brownlee
Prior Registrations	0829402
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20031215.
Renewal	2ND RENEWAL 20031215

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Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark BOSE

Goods and Services IC 025. US 039. G & S: Clothing-Namely, Shirts, Hats and Jackets. FIRST USE: 19740600. FIRST USE IN COMMERCE: 19740600

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 73421780

Filing Date April 15, 1983

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition July 17, 1984

Registration Number 1297699

Registration Date September 25, 1984

Owner (REGISTRANT) Bose Corporation CORPORATION DELAWARE 100 The Mountain Rd. Framingham MASSACHUSETTS 01701

Attorney of Record Michelle Brownlee

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20031229.

Renewal 1ST RENEWAL 20031229

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Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	BOSE
Goods and Services	IC 016. US 038. G & S: printed matter; namely, catalogs, newsletters and brochures in the field of electronic and electroacoustical equipment. FIRST USE: 19640000. FIRST USE IN COMMERCE: 19640000
	IC 037. US 103. G & S: repair of electronic and electroacoustical equipment. FIRST USE: 19640000. FIRST USE IN COMMERCE: 19640000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74112160
Filing Date	November 5, 1990
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 7, 1992
Registration Number	1727482
Registration Date	October 27, 1992
Owner	(REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168
Attorney of Record	Michelle Brownlee
Prior Registrations	0829402;0991271;1297699
Type of Mark Register	TRADEMARK. SERVICE MARK PRINCIPAL
Affidavit Text Renewal	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020808. 1ST RENEWAL 20020808
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Record 1 out of 1

TARR Status ASSIGN Status TDR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	BOSE
Goods and Services	IC 016. US 038. G & S: printed matter; namely, catalogs, newsletters, and brochures all in the field of electronics and electroacoustical equipment. FIRST USE: 19740500. FIRST USE IN COMMERCE: 19740500
	IC 037. US 103. G & S: services and repair of electronic and electroacoustical equipment. FIRST USE: 19740500. FIRST USE IN COMMERCE: 19740500
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	74145597
Filing Date	March 6, 1991
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 15, 1992
Registration Number	1738278
Registration Date	December 8, 1992
Owner	(REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168
Attorney of Record	Michelle Brownlee
Prior Registrations	0829402;0991271;1297699

Type of Mark TRADEMARK, SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15, SECT 8 (6-YR), SECTION 8(10-YR) 20020808.
Renewal 1ST RENEWAL 20020808
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Record 1 out of 1

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Typed Drawing

Word Mark BOSE
Goods and Services IC 042. US 101. G & S: retail store services in the field of electronic and electro-acoustical products. FIRST USE: 19841100. FIRST USE IN COMMERCE: 19841100
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74408123
Filing Date July 1, 1993
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition January 4, 1994
Registration Number 1828700
Registration Date March 29, 1994
Owner (REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168
Attorney of Record Michelle Brownlee
Prior Registrations 0829402;0991271;1297699;1727482;1738278;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20031210.
Renewal 1ST RENEWAL 20031210
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Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

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Record 1 out of 1

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Word Mark	BOSE
Goods and Services	IC 042. US 101. G & S: retail store services in the field of electronic and electro-acoustical products. FIRST USE: 19841100. FIRST USE IN COMMERCE: 19841100
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	74415018
Filing Date	July 21, 1993
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 18, 1994
Registration Number	1830727
Registration Date	April 12, 1994
Owner	(REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168
Attorney of Record	Michelle Brownlee
Prior Registrations	0829402;0991271;1297699;1727482;1738278;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20031202.

Renewal 1ST RENEWAL 20031202
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Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	BOSE
Goods and Services	IC 035. US 100 101 102. G & S: computerized on-line retail services in the field of sound reproduction products, and shopping information related thereto. FIRST USE: 19970300. FIRST USE IN COMMERCE: 19970300
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75573700
Filing Date	October 20, 1998
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 27, 1999
Registration Number	2288004
Registration Date	October 19, 1999
Owner	(REGISTRANT) Bose Corporation CORPORATION DELAWARE The Mountain Framingham MASSACHUSETTS 017019168
Attorney of Record	Michelle Brownlee
Prior Registrations	0829402;0991271;1297699;1727482;1738278;1828700;1830727;AND OTHERS
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090313.
Renewal	1ST RENEWAL 20090313
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