

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

**TTAB**

In the Matter of U.S. Registration No. 3,343,180

Mark: **EPISODE** Cancellation No. 92052967

Registration Date: **November 27, 2007**

**Episode Audio,**

#77125342

**Petitioner,**

v.

**Wirepath Home Systems, LLC,**

**Respondent.**

**AMENDED PETITION FOR CANCELLATION**

**PETITIONER'S MOTION REQUESTED BY TRADEMARK TRIAL AND APEAL BOARD AND THE  
RESPONDENT FOR A MORE DEFINITE STATEMENT**

**Mr. Michael B. Adlin, Interlocutory Attorney:**

- 1- "Episode Audio" was registered with the Orange County Clerk- Recorder Tom Daly in California, registration numbers; 20046006129 and 20096209118 registered on 10-29-2004 and renewed on 10-15-2009 respectively.
- 2- "Episode Audio" is a sole proprietorship, owned by petitioner Mr. Ira Pazandeh. Episode Audio's address is 18700 Yorba Linda Blvd. # 56, Yorba Linda, CA 92886.



**11-29-2010**

3- "Episode Audio", petitioner's company was formed and registered for the purpose of design, research, manufacturing and consultation in the audio field especially in the area of loudspeakers for consumer electronics.

4- Mr. Pazandeh, the petitioner is representing "Episode Audio".

**Petitioner's alleged trademark(s) or service mark (s) which form basis for petitioner's  
allegations**

1- On 10-29-04, "Episode Audio", Fictitious Business Name was filed

2- On 11-20-04, "Episode Audio" became member of Alma International (American Loudspeaker Manufacturer Association).

3- On 11-18-2004, "Episode Audio" signed an agreement to exhibit at The Home Entertainment Show, in Las Vegas, Nevada

4- From 1-4-2005 to 1-5-2005, Alma Winter Symposium 2005, Las Vegas- "Episode Audio"/ model "Episode 1" speakers exhibited a new speaker. "Episode"/ "Episode Audio" mark was introduced to the trade.

5- From 1-6-2005 to 1-9-2005, The Home Entertainment Show, also known as CES (Consumer Electronics Show), Las Vegas, Nevada. " Episode Audio"/ model "Episode 1" was exhibited and introduced to the consumer audio market.

6- April 2005, *Voice Coil Magazine* (a well known periodical for loudspeaker industry). Episode Audio's speaker graced the cover page and "Episode Audio" (trade name) technology was offered for licensing.

7- On 6-6-2005, "Episode Audio" Domain name: [www.episodeaudio.com](http://www.episodeaudio.com) was registered.

### **The basis for petitioner's claim of damage**

1. Wirepath's registration of the mark "Episode" has grossly reduced Episode Audio's opportunities to succeed in the speaker/ audio market.
2. Wirepath registration of the mark "Episode" has significantly diluted the value of Episode Audio's mark, time, effort and money in promoting the trade name and its products. The cost in time and money to establish the accumulated good will under a new trade name would be prohibitive. It is Episode audio's right due to its seniority to have the exclusive right to use "Episode" mark in the audio market.

### **Grounds for cancellation**

#### **Alleged fraud**

- 1- On 3-8-2007, Wirepath filed with the U.S. trademark office an application, registration No. 3,343,10, to register the mark "Episode". Wirepath at the time of this application, up on information and fact had full knowledge of the petitioner's mark "Episode audio".
- 2- On 1-11-2007, "Episode Audio", Dai- ichi Electronics, Philippines and Menlo Scientific, USA partnered to design, develop and manufacture speakers for the international market.
- 3- From 2-4- 2007 to 3-08-2007, at Dai- ichi Electronics in the Philippines, approximately two weeks before trademark application of "Episode" was filed, "Episode Audio" (Ira

Pazandeh) was introduced to Mr. Jay Faison, Wirepath's president by Mr. Pablo Tobiano the director of Dai-ichi Electronics.

4- On 4-19- 2007, "Episode Audio" was served with a cease and deceased letter by Ms. Jayne Hunter of Robinson, Bradshaw & Hinson, P.A. law firm, the attorney for Wirepath.

5- On 5- 16-2007- "Episode Audio" hired Buche & Associates, P.C, to respond to the ceased and deceased letter sent to "Episode Audio" by Wirepath on 4- 19-2007. In that letter, Mr. Buche of Buche & Associates, P.C, pointed out that Wirepath's attempt to register the mark "Episode" appeared to be fraudulent.

**Likelihood of confusion due to confusingly similar/ identical trademark/trade name**

1- Wirepath has registered the mark "Episode" confusingly similar or identical to the petitioner's mark "Episode Audio".

2- In 2005 an oval shape "Episode Audio" logo was introduced at trade shows.

3- In 2007 an oval shape logo with "Episode" mark appeared on Wirepath's products on "Episode" speakers.

4- "Episode Audio", petitioner's company was formed and registered for the purpose of design, research, manufacture and consultation in the audio field especially in the area of loudspeakers for consumer electronics. Wirepath's later trademark registration of the mark "Episode" clearly causes confusion for a number of reasons since a large part of their business is consumer loudspeakers. "Episode Audio" has been visible in significant ways to the field as is well documented.

I hereby, Ira Pazandeh the petitioner for "Episode Audio", respectfully plead the United States Trademark and Trial Appeal Board, after reviewing the facts presented by the petitioner, whether Wirepath's registration of the mark "Episode" allegedly was obtained fraudulently and if as a matter of fact had the right to register trade name/ mark identical or confusingly similar to the petitioner's mark.

Dated: November 24, 2010

Respectfully submitted,

Ira Pazandeh  
Episode Audio



I hereby certify that a duplicate copy of this petition via USPS Priority Mail was served at the following address below:

**Robinson, Bradshaw & Hinson, P.A.**  
**Mr. Robert H Cameron**  
101 North Tryon Street, Suite 1900  
Charlotte, NC 28246



Ira Pazandeh