

ESTTA Tracking number: **ESTTA688999**

Filing date: **08/12/2015**

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	Empire Distribution, Inc.		
Entity	Corporation	Citizenship	California
Address	375 Potrero Avenue San Francisco, CA 94103 UNITED STATES		

Attorney information	Austin Padgett Troutman Sanders LLP 600 Peachtree St. NE, Suite 5200 Atlanta, GA 30308 UNITED STATES trademarks@troutmansanders.com,austin.padgett@troutmansanders.com Phone:4048853155		
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**Registration Subject to Cancellation**

Registration No	3131261	Registration date	08/15/2006
Registrant	Champion Audio Inc. 5650 Fondren Houston, TX 77036 UNITED STATES		

**Goods/Services Subject to Cancellation**

<p>Class 009. First Use: 2005/10/01 First Use In Commerce: 2005/10/01 All goods and services in the class are cancelled, namely: Consumer and professional musical, audio, and visual equipment for home and motor vehicles, namely, audio power amplifiers and sub woofers, distribution amplifiers, preamplifiers, microphones, speakers and speaker enclosures, audio signal processors and related electronic audio equipment, namely, mixers, routers, loadmonitors, crossovers, compressors, namely, devices used to compress audio signals to minimize distortion, limiters, gates, equalizers, electronic noise reducers, line amplifiers, routing devices, namely, electronic audio and video routers,signal generators, transformers, computer hardware and software for use in consumer and professional audio and moving image products, namely, monitoring, capture, modification, review, programming, transmission of audio or video of any aforesaid or hereafter goods; networking hardware, namely, fiber optic and electriccables; computer software for use in monitoring, operating and controlling an audio system and control panels and displays; recording and playback devices, namely, reel to reel tape players and recorders, multitrack tape players and recorders, cassette tape players and recorders, personal video recorders and players, hard disk recorders and players, video cassette recorders and players, video tape recorders and players, portable multichannel tape recorders and sound mixers, eight track tape players and recorders, compact disc recorders and players, digital video disc players and recorders, compact flash memory players and recorders, memory stick players and recorders, digital audio tape players and recorders, mini disc players and recorders; video cameras, electrical cables and electricalconnectors, power supplies, and voltagesurge suppressors, voltage regulators for electric power conditioners and distributors, loudspeakers, dividing networksfor speaker systems, namely, passive crossovers, high frequency transducers, acoustic lenses for loudspeaker horns, speaker drivers, baffles and speaker enclosures,</p>
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loudspeaker cabinets, passive radiators, namely, non-energized loudspeakers for stereo enclosures; stereo control centers, namely, 5;1, 7;1, and 9;1 surround sound processors, preamps, receivers, and decoders; radio tuners, electronic equipment cabinets, namely, audio and video equipment mounting racks and parts therefore, namely, speaker grills, shelves, rack screws and washers, rack rails, sliding drawers, covers and panels; and replacement parts for all the aforesaid goods

## Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition.pdf(118301 bytes ) Petitioner's Exhibit A.pdf(1574409 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 Overnight Courier on this date.

Signature	/Austin Padgett/
Name	Austin Padgett
Date	08/12/2015

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

EMPIRE DISTRIBUTION, INC.	)	
	)	
Petitioner,	)	Mark: EMPIRE
	)	
v.	)	Registration No.: 3131261
	)	Registration Date: August 15, 2006
CHAMPION AUDIO INC.	)	Cancellation No.: _____
	)	
Registrant.	)	
	)	
	)	

**PETITION FOR CANCELLATION**

Petitioner, Empire Distribution, Inc. (“Petitioner”) for its Petition of Cancellation against Registration No. 3131261 owned by Champion Audio Inc. (“Registrant”) shows the Board as follows:

1. Petitioner is a California corporation with its principal place of business located at 375 Potrero Avenue, San Francisco, California 94103.
2. On the face of its Registration (defined in Paragraph 4 below), Registrant describes itself to be a Texas corporation with an address located at 5650 Fondren Rd., Houston, Texas 77036.
3. Petitioner is the owner of U.S. Trademark Application Serial Nos. 86590385 and 86590415 for EMPIRE, respectively (the “Applications”). The Applications were both filed on April 8, 2015.
4. The Examining Attorney responsible for Petitioner’s Applications has cited Registrant’s U.S. Trademark Registration No. 3131261 (the “Registration”) as a basis for refusing to register

Petitioner's Applications under Section 2(d) of the Trademark Act. *See Petition Exhibit A* (true and accurate copy of registration information and certificate for Registration).

5. Upon information and belief, Registrant no longer uses its mark in commerce and has no intent to resume any use of the mark, and, therefore, its Registration is subject to cancellation.

6. Upon information and belief, Registrant has abandoned the Registration pursuant to 15 U.S.C. § 1127.

7. For the reasons set forth above, Petitioner believes that it is or will be damaged by the continued registration of the Registration and that the Registration should be cancelled.

8. Petitioner has standing to bring the instant action pursuant to 15 U.S.C. § 1063(a).

9. Petitioner has paid the fee for the petition cancellation in the amount of \$300.00. If any additional fees are deemed to be payable, please charge our Deposit Account No. 20-1507.

*[prayer and valediction on following page]*

WHEREFORE, Petitioner prays that said Registration No. 3131261 be cancelled and that this Cancellation action be sustained in favor of Petitioner.

This 12th day of August 2015

Respectfully submitted,

TROUTMAN SANDERS LLP

By: 

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Michael D. Hobbs, Jr., Esq.  
Georgia Bar No. 358160  
Austin Padgett, Esq.  
Ohio Bar No. 0085368

ATTORNEYS FOR EMPIRE  
DISTRIBUTION, INC.

TROUTMAN SANDERS LLP  
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Atlanta, Georgia 30308-2216  
Tel: (404) 885-3000  
trademarks@troutmansanders.com

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

_____	)		
EMPIRE DISTRIBUTION, INC.	)		
	)		
Petitioner,	)	Mark: EMPIRE	
	)		
v.	)	Registration No.:	3131261
	)	Registration Date:	August 15, 2006
CHAMPION AUDIO INC.	)	Cancellation No.:	_____
	)		
Registrant.	)		
_____	)		

**CERTIFICATE OF SERVICE**

I have this date served the foregoing PETITION FOR CANCELLATION by forwarding a copy by FedEx courier to the Registrant's address of record as follows:

Champion Audio Inc.  
5650 Fondren Rd.  
Houston TEXAS 77036

This 12th day of August 2015

  
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# EMPIRE

**Word Mark** EMPIRE

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Consumer and professional musical, audio, and visual equipment for home and motor vehicles, namely, audio power amplifiers and sub woofers, distribution amplifiers, preamplifiers, microphones, speakers and speaker enclosures, audio signal processors and related electronic audio equipment, namely, mixers, routers, load monitors, crossovers, compressors, namely, devices used to compress audio signals to minimize distortion, limiters, gates, equalizers, electronic noise reducers, line amplifiers, routing devices, namely, electronic audio and video routers, signal generators, transformers, computer hardware and software for use in consumer and professional audio and moving image products, namely, monitoring, capture, modification, review, programming, transmission of audio or video of any aforesaid or hereafter goods; networking hardware, namely, fiber optic and electric cables; computer software for use in monitoring, operating and controlling an audio system and control panels and displays; recording and playback devices, namely, reel to reel tape players and recorders, multitrack tape players and recorders, cassette tape players and recorders, personal video recorders and players, hard disk recorders and players, video cassette recorders and players, video tape recorders and players, portable multichannel tape recorders and sound mixers, eight track tape players and recorders, compact disc recorders and players, digital video disc players and recorders, compact flash memory players and recorders, memory stick players and recorders, digital audio tape players and recorders, mini disc players and recorders. video cameras, electrical cables and electrical connectors, power supplies, and voltage surge suppressors, voltage regulators for electric power conditioners and distributors, loudspeakers, dividing networks for speaker systems, namely, passive crossovers, high frequency transducers, acoustic lenses for loudspeaker horns, speaker drivers, baffles and speaker enclosures, loudspeaker cabinets, passive radiators, namely, non-energized loudspeakers for stereo enclosures; stereo control centers, namely, 5;1, 7;1, and 9;1 surround sound processors, preamps, receivers, and decoders; radio tuners, electronic equipment cabinets, namely, audio and video equipment mounting racks and parts therefore, namely, speaker grills, shelves, rack screws and washers, rack rails, sliding drawers, covers and panels; and replacement parts for all the aforesaid goods. FIRST USE: 20051001. FIRST USE IN COMMERCE: 20051001

**Standard Characters**

**Claimed**

**Mark**  
**Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 78636314

**Filing Date** May 24, 2005

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** February 7, 2006

**Registration Number** 3131261

**Registration Date** August 15, 2006

**Owner** (REGISTRANT) Champion Audio Inc. CORPORATION TEXAS 5650 Fondren Houston TEXAS 77036

**Attorney of Record** Robert W. Strozier

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

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**Int. Cl.: 9**

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

**Reg. No. 3,131,261**

**United States Patent and Trademark Office**

**Registered Aug. 15, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**EMPIRE**

CHAMPION AUDIO INC. (TEXAS CORPORATION)  
5650 FONDREN  
HOUSTON, TX 77036

FOR: CONSUMER AND PROFESSIONAL MUSICAL, AUDIO, AND VISUAL EQUIPMENT FOR HOME AND MOTOR VEHICLES, NAMELY, AUDIO POWER AMPLIFIERS AND SUB WOOFERS, DISTRIBUTION AMPLIFIERS, PREAMPLIFIERS, MICROPHONES, SPEAKERS AND SPEAKER ENCLOSURES, AUDIO SIGNAL PROCESSORS AND RELATED ELECTRONIC AUDIO EQUIPMENT, NAMELY, MIXERS, ROUTERS, LOAD MONITORS, CROSSOVERS, COMPRESSORS, NAMELY, DEVICES USED TO COMPRESS AUDIO SIGNALS TO MINIMIZE DISTORTION, LIMITERS, GATES, EQUALIZERS, ELECTRONIC NOISE REDUCERS, LINE AMPLIFIERS, ROUTING DEVICES, NAMELY, ELECTRONIC AUDIO AND VIDEO ROUTERS, SIGNAL GENERATORS, TRANSFORMERS, COMPUTER HARDWARE AND SOFTWARE FOR USE IN CONSUMER AND PROFESSIONAL AUDIO AND MOVING IMAGE PRODUCTS, NAMELY, MONITORING, CAPTURE, MODIFICATION, REVIEW, PROGRAMMING, TRANSMISSION OF AUDIO OR VIDEO OF ANY AFORESAID OR HERE-AFTER GOODS; NETWORKING HARDWARE, NAMELY, FIBER OPTIC AND ELECTRIC CABLES; COMPUTER SOFTWARE FOR USE IN MONITORING, OPERATING AND CONTROLLING AN AUDIO SYSTEM AND CONTROL PANELS AND DISPLAYS; RECORDING AND PLAYBACK DEVICES, NAMELY, REEL TO REEL TAPE PLAYERS AND RECORDERS, MULTITRACK TAPE PLAYERS AND RECORDERS, CASSETTE TAPE PLAYERS AND RECORDERS, PERSONAL VIDEO RECORDERS AND PLAYERS, HARD DISK RECORDERS AND PLAYERS, VIDEO CASSETTE RECORDERS AND PLAYERS, VIDEO TAPE RECORDERS AND PLAYERS, PORTABLE MULTICHANNEL TAPE RECORDERS AND SOUND MIXERS, EIGHT TRACK

TAPE PLAYERS AND RECORDERS, COMPACT DISC RECORDERS AND PLAYERS, DIGITAL VIDEO DISC PLAYERS AND RECORDERS, COMPACT FLASH MEMORY PLAYERS AND RECORDERS, MEMORY STICK PLAYERS AND RECORDERS, DIGITAL AUDIO TAPE PLAYERS AND RECORDERS, MINI DISC PLAYERS AND RECORDERS; VIDEO CAMERAS, ELECTRICAL CABLES AND ELECTRICAL CONNECTORS, POWER SUPPLIES, AND VOLTAGE SURGE SUPPRESSORS, VOLTAGE REGULATORS FOR ELECTRIC POWER CONDITIONERS AND DISTRIBUTORS, LOUDSPEAKERS, DIVIDING NETWORKS FOR SPEAKER SYSTEMS, NAMELY, PASSIVE CROSSOVERS, HIGH FREQUENCY TRANSDUCERS, ACOUSTIC LENSES FOR LOUDSPEAKER HORNS, SPEAKER DRIVERS, BAFFLES AND SPEAKER ENCLOSURES, LOUDSPEAKER CABINETS, PASSIVE RADIATORS, NAMELY, NON-ENERGIZED LOUDSPEAKERS FOR STEREO ENCLOSURES; STEREO CONTROL CENTERS, NAMELY, 5:1, 7:1, AND 9:1 SURROUND SOUND PROCESSORS, PRE-AMPS, RECEIVERS, AND DECODERS; RADIO TUNERS, ELECTRONIC EQUIPMENT CABINETS, NAMELY, AUDIO AND VIDEO EQUIPMENT MOUNTING RACKS AND PARTS THEREFORE, NAMELY, SPEAKER GRILLS, SHELVES, RACK SCREWS AND WASHERS, RACK RAILS, SLIDING DRAWERS, COVERS AND PANELS; AND REPLACEMENT PARTS FOR ALL THE AFORESAID GOODS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-1-2005; IN COMMERCE 10-1-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-636,314, FILED 5-24-2005.

JENNIFER MARTIN, EXAMINING ATTORNEY