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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92077524
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ARASH HOMAMPOUR,

Petitioner,

v.

ARASH KHORSANDI,

Registrant/Respondent.

Cancellation No. 92077524

Registration No. 6/407,070

Mark: ARASH LAW

Registration Date: July 6, 2021

Registration No. 6/407,071



Mark:

(AK ARASH LAW stylized wording and design)

Registration Date: July 6, 2021

REGISTRANT ARASH KHORSANDI'S MOTION TO DISMISS  
PETITIONER ARASH HOMAMPOUR'S AMENDED PETITION FOR CANCELLATION  
FOR FAILURE TO STATE A CLAIM UNDER FRCP 12(b)(6) OR, ALTERNATIVELY,  
FOR A MORE DEFINITIVE STATEMENT UNDER FRCP 12(e)

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## **I. INTRODUCTION**

Petitioner Arash Homampour (“Petitioner”) seeks to cancel Registrant Arash Khorsandi’s (“Registrant”) trademarks for “ARASH LAW” and “AK ARASH LAW” (“Registrant’s Marks”). The Amended Petition for Cancellation (the “Petition”) asserts six grounds for cancelation, but none state a claim. Thus, the Petition should be dismissed with prejudice. Alternatively, the Board should require Petitioner to make a more definite statement, by identifying (1) each trademark at issue, and (2) the specific date when Petitioner started using each specific trademark.

## **II. STATEMENT OF FACTS**

On July 6, 2021, the USPTO registered Registrant’s word mark “ARASH LAW” for legal services (Reg. No. 6/407,070) and the stylized mark “AK ARASH LAW” for legal services (Reg. No. 6/407,071). Registrant has been a licensed California attorney since June 5, 2007, practicing personal injury. Petition, ¶ 13. Petitioner practices law for 30 years in California, focusing on catastrophic injury and wrongful death cases. *Id.*, ¶¶ 1-2, 4. Petitioner alleges the name “Arash” is a fairly “common first name” and is used by over 50 attorneys in California. *Id.*, ¶¶ 2-3.

Over the years, Petitioner allegedly made various media appearances and, since 1993, has used the marks “ARASH HOMAMPOUR,” “ARASH,” and “ARASH LAW,” and various other unpled incarnations incorporating the word “ARASH” (“Petitioner’s Common Law Marks”), and various monikers such as “ARASH THE LAWYER,” “ARASH THE ATTORNEY,” “ARASH THE PI LAWYER,” and “ARASH THE PI ATTORNEY” (the “Arash Monikers”). *Id.*, ¶¶ 4, 7-11. But, Petitioner does not specify which of these marks he used and when he used them, and none are registered. *Id.* Also, instead of registering Petitioner’s Common Law Marks or the Arash Monikers, Petitioner applied for federal and state trademarks for “HOMAMPOUR” (his last name) for legal services as well as other areas, and the USPTO (Reg. No. 6/423,099) and the California Secretary of State (Reg. No. 02005319) registered them for him (the “Petitioner’s HOMAMPOUR Marks”). Registrant’s Request For Judicial Notice (“RJN”), Exh. 1;

Registrant's Notice Of Reliance ("NOR"), Exh. A.

In connection with his California registration, Petitioner filed a declaration, stating—under the penalty of perjury—that: (1) "I have used HOMAMPOUR in all advertising and promotion of my Legal Services, which has been done primarily online and via modern technological means continuously since 1995 until the present," RJN Exh. 1, at 7-91 ("Homampour's Declaration"); RJN Exh. 1, at 7 (¶<sup>14</sup> emphasis added); and (2) "the majority of my clients that have Legal Services rendered are referrals from those who recognize the solid reputation and goodwill of HOMAMPOUR." RJN Exh. 1, at 8 (¶5). And, in response to an office action in the USPTO, Petitioner asserted his use of HOMAMPOUR is the most dominate aspect of Petitioner's HOMAMPOUR Marks. NOR, Exh. B, at 12-15.

Also, Petitioner has publicly abandoned use of the word "ARASH" in relation to offering legal services; according to the WayBack Machine<sup>2</sup>, from 2008 until 2012, Petitioner declared, on his website:

*During his free time*, Mr. Homampour is called Arash. He spends time with his wife, plays with his children and pretends he is a rock star playing loud distorted guitar noise until reality sets in or other people complain (whichever is first).

RJN Exhs. 2-7 (emphasis added). Notably, "free time" means "time when you do not have to work, study, etc. and can do what you want." *Free time*, Cambridge Dictionary Online, *available at* <https://tinyurl.com/3ky6u6a5> (last visited July 30, 2021); RJN Exh. 8.

Homampour's Declaration and the Petition attribute the same advertising, awards, verdicts, fame, unprecedented success, and notoriety to Petitioner's Common Law Marks and the Arash Monikers, as to Petitioner's HOMAMPOUR Marks. *Compare*, Petition, ¶¶ 7-11 & Exhs. B-C, *with*, RJN Exh. 1, at 7-9 (¶¶ 4-6) & 10-92 (Exhs. A-B). For instance, Petitioner attributes to Petitioner's Common

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<sup>1</sup> The entire Homampour's Declaration including exhibits is available on pages 7-91 of RJN, Exh. 1, of the RJN, and, although Homampour's Declaration is not numbered with paragraphs, there are 7 distinct paragraphs, which can be found on the Homampour's Declaration, from pages 7-9 of RJN, Exh. 1. Paragraphs are provided for the Board's review.

<sup>2</sup> "Intellectual Property lawyers frequently use WayBack Machine to determine issues related to infringement or invalidation of patents, trademarks, and copyrights," and, as such, "[n]umerous courts . . . have taken judicial notice of web pages available through the WayBack Machine." *Pohl v. MH Sub I, LLC*, 332 F.R.D. 713, 716 (N.D. Fla. 2019) (collecting cases); see also, RJN, at 10-14.

Law Marks, Arash Monikers, and Petitioner's HOMAMPOUR Marks: (a) the same awards and verdicts, *compare*, Petition, ¶ 6 & Exh. B, *with*, RJN Exh. 1, at 8-9 (¶¶ 5-6) & 61-92 (Exh. B); (b) the same advertising, articles, and podcasts, *compare*, Petition, ¶ 7 & Exh. C, *with*, RJN Exh. 1, at 7-8 (¶4) & 10-60 (Exh. A); and (c) the same "excellent reputation" and "unprecedented success." *Compare*, Petition, ¶ 9, *with*, RJN Exh. 1, at 8 (¶5).

And, Petitioner admits his "fame" arises from HOMAMPOUR. RJN Exh. 1, at 8-9 (¶6) (declaring "over half a billion dollars have been attained for my clients since I began providing Legal Services approximately 25 years ago under the HOMAMPOUR designation"); see also, *id.*, 7-9 (¶¶4-6) & 10-92 (Exhs. A-B). Also, while Petitioner began using Petitioner's Common Law Marks and Arash Monikers since 1993, Petition, ¶ 4, both Petitioner and Registrant have coexisted for over 12 years. *Id.*, ¶ 35.

### III. LEGAL STANDARD

Federal Rule Civil Procedure 12(b)(6)'s purpose "is to allow the [Board] to eliminate actions that are fatally flawed in their legal premises and destined to fail, and thus to spare litigants the burdens of unnecessary pretrial and trial activity." *Advanced Cardiovascular Sys., Inc. v. Scimed Life Sys., Inc.*, 988 F.2d 1157, 1160 (Fed. Cir. 1993). To survive a motion to dismiss under Rule 12(b)(6), Petitioner needs to allege facts which, if proved, would establish that a valid statutory ground exists for cancelling the subject registration. See *Young v. AGB Corp.*, 152 F.3d 1377, 1379 (Fed. Cir. 1998).

The Supreme Court of the United States has established a two-step approach for courts to apply when considering a Rule 12(b)(6) motion to dismiss. First, the Board should identify and disregard conclusory allegations for they are "not entitled to the assumption of truth." *Ashcroft v. Iqbal*, 556 U.S. 662, 679-80 (2009). Second, the Board "consider[s] the factual allegations in [the complaint] to determine if they plausibly suggest an entitlement to relief." *Id.*

Moreover, "[a] court may ... consider certain materials—documents attached to the complaint, documents incorporated by reference in the complaint, or matters of judicial notice—without

converting the motion to dismiss into a motion for summary judgment.” *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003). Here, the Board may consider the allegations in the Petition and the evidence submitted in connection with the concurrently filed Request for Judicial Notice. RJN, at 6-15.

Further, Federal Rule of Civil Procedure 12(e) states that “[a] party may move for a more definite statement of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response.”

#### **IV. ARGUMENTS**

##### **A. The Board Should Order Petitioner To Provide A More Definite Statement.**

The Petition’s general allegations presents a plurality of marks, words, “monikers,” as well as unidentified marks, Petitioner contends he used since 1993—specifically: (1) defining Petitioner’s Common Law Marks as “ARASH HOMAMPOUR,” “ARASH,” “ARASH LAW,” and various other incarnations incorporating the word “ARASH”; and (2) vaguely claiming unknown rights in the Arash Monikers, to wit: “ARASH THE LAWYER,” “ARASH THE ATTORNEY,” “ARASH THE PI LAWYER,” and “ARASH THE PI ATTORNEY”. Petition, ¶ 4. However, these general allegations are “so vague or ambiguous that [Registrant] cannot reasonably prepare a response.” Fed. R. Civ. P. 12(e). Thus, the Board should order Petitioner to provide a more definite statement, by identifying (1) each trademark at issue, and (2) the specific date when Petitioner started using each specific trademark.

Indeed, “[m]erely listing a plurality of marks which a trademark holder has acquired prior rights through use in commerce is not enough to put a party on notice,” and “[a]s such, a party alleging trademark infringement should identify the specific marks allegedly infringed.” *Valero, LLC v. Valero Energy Corp.*, 2014 U.S. Dist. LEXIS 110554, at \*13 (S.D. Fla. Aug. 11, 2014). For instance, in *Valero*, the court granted the defendant's Rule 12(e) motion, ordering a more definitive statement of Valero's marks, because “the general allegations in Valero's Counterclaim (specifically ¶¶ 9-10, 14, 16, and 23-31) present a plurality of marks Valero contends it uses, rather than specifying which marks (either

registered or unregistered) are infringed.” *Id.* at \*14. Similarly, in *Louisiana Pacific Corp. v. James Hardie Bldg. Prods., Inc.*, 2012 U.S. Dist. LEXIS 162980, (N.D. Cal. Nov. 14, 2012), the court granted the defendant’s Rule 12(e) motion, because “the Complaint identifie[d] only three of the allegedly infringed marks and le[ft] Defendant to guess at the others.” *Id.* at \*3. The court held “[t]his is insufficient,” *id.*, reasoning that identifying “every trademark . . . is not an overly burdensome requirement and is necessary to provide Defendant with adequate notice.” *Id.* at \*2.

Likewise, the Petition here identifies only some of Petitioner’s Common Law Marks and Arash Monikers, at issue and leaves Registrant to guess at the others, i.e., “various other incarnations incorporating the words ‘ARASH.’” Petition, ¶ 4. Also, it is not clear when Petitioner started using “ARASH HOMAMPOUR,” “ARASH,” “ARASH LAW,” the Arash Monikers, and the alleged various other unpled “incarnations.” *Id.* Thus, the Board should order Registrant to provide a more definite statement. *See also e.g., RE/MAX, LLC v. Underwood*, 2011 U.S. Dist. LEXIS 55943, at \*10-11 (D. Md. May 24, 2011) (ordering a more definitive statement, because “it is unclear whether [the mark holder] means the Blue-White Sign or other signs or trademarks,” and thus, “RE/MAX lacks enough information to respond to allegations of multiple trademark infringement”).

**B. Ground One Fails To State A Claim For Unlawful Use.**

Citing statutes involving the business name of a law corporation registered to practice law in California, Petitioner claims under Ground One that Registrant’s Marks “were unlawfully used because they were not registered with the California State Bar,” Petition, ¶ 20, to wit:

*A law corporation* may practice law only under the name registered with the Secretary of State and approved by the State Bar.

Cal. St Bar Rules of Law Corp, Rule 3.154(B) (emphasis added).

*A law corporation* is a corporation which is registered with the State Bar of California and has a currently effective certificate of registration from the State Bar pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such law corporation is entitled to practice law. With respect to a law corporation the governmental agency referred to in the Professional Corporation Act is the State Bar.

Cal. Bus. & Prof. Code § 6160 (emphasis added).

An applicant for registration as a *law corporation* shall supply to the State Bar all necessary and pertinent documents and information requested by the State Bar concerning the applicant's plan of operation, including, but not limited to . . . any fictitious name or names which *the corporation* intends to use.

Cal. Bus. & Prof. Code § 6161 (emphasis added).

However, Petitioner's reliance on Cal. St. Bar Rules of Law Corp, Rule 3.154(B) and Cal. Bus. & Prof. Code §§ 6160, 6161 to prove that Registrant "unlawfully" used Registrant's Marks as a trademark fails as a matter of law.

First, as the above recital of statutes proves<sup>3</sup>, the cited statutes have to do with a "law corporation" registering and practicing law in California—not a licensed attorney's use of a trademark. As the Petition concedes, "Registrant is Arash Khorsandi," who is "a licensed attorney in the State of California," Petition, ¶¶ 12-13, and who filed for the registration for Registrant's Marks; a law corporation did not file for the registration. *Id.*, ¶ 16. Thus, the cited statutes—having to do with a law corporation—are inapplicable, because Registrant is not a law corporation. *Id.*, ¶¶ 12-13, 16.

Second, the next fallacy in Petitioner's claim is the conflating of the business name of a law corporation registering to practice law versus the trademark of an attorney or a law corporation. Registrant's Marks are service marks, which are defined as "any word, name, symbol, or device, or any combination thereof used by a person . . . to identify and distinguish the services of one person, including a unique service, from the services of others and to indicate the source of the services." 15 U.S.C. § 1127. Thus, Registrant's Marks are used "to identify and distinguish [Registrant's] services . . . from the services of others and to indicate the source of the services," *id.*, which is a distinct from a

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<sup>3</sup> Petitioner also cites *Cappiello, Hofmann & Katz v. Boyle*, 87 Cal. App. 4th 1064, 1069-71 (2001) (depublished), but reliance on *Boyle* is improper, because the California Supreme Court order the case be depublished. *Cappeillo v. Boyle*, 2001 Cal. LEXIS 4797, at \*1 (July 11, 2001). Petitioner falsely states *Boyle* was "unpublished", Petition, ¶ 20, when it was depublished. *Olson v. Cohen*, 106 Cal. App. 4th 1209, 1218 fn.2 (2003) (noting *Boyle* "was ordered depublished July 11, 2001"). Regardless, *Boyle* is inapplicable, as it had to do with an unregistered corporation. *Boyle*, 87 Cal. App. 4th at 1069-71.

business name: “[t]he name of a business or company is a trade name, and there is no provision in the Trademark Act for registration of trade names which are used solely as trade names.” *In re Stewart Sandwiches Int’l, Inc.*, 220 USPQ 93 (TTAB. 1983).

Indeed, Petitioner’s cited statutes do not forbid a law corporation’s use of a trademark; instead, these statutes require the registration of the law corporation’s business name. Cal. St. Bar Rules of Law Corp, Rule 3.154(B) (“the name registered with the Secretary of State”); Cal. Bus. & Prof. Code § 6161 (“any fictitious name or names which the corporation intends to use”). And, the cited statutes do not require the registration of a law corporation’s trademark, Cal. St. Bar Rules of Law Corp, Rule 3.154(B); Cal. Bus. & Prof. Code §§ 6160, 6161, which is a distinct from a business name. *E.g., In re Pennsylvania Fashion Factory, Inc.*, 588 F.2d 1343, 1345 (C.C.P.A. 1979) (“[T]he Trademark Act mandates that a line be drawn between trade name use and trademark use since trade names qua trade names do not qualify for registration.”); *In re Letica Corp.*, 226 USPQ 276 (TTAB 1985) (“[T]here was a clear intention by the Congress to draw a line between indicia which perform only trade name functions and indicia which perform or also perform the function of trademarks or service marks.”)

Thus, assuming *arguendo* Petitioner’s reliance on the above statutes is appropriate, there was no violation of these statutes as a matter of law, because these statutes do not forbid a law corporation’s use of a trademark, which the law corporation did not registered with the State Bar. *See*, Cal. St. Bar Rules of Law Corp, Rule 3.154(B); Cal. Bus. & Prof. Code §§ 6160, 6161. As required by these statutes, the law corporation, THE LAW OFFICE OF ARASH KHORSANDI, A PROFESSIONAL LAW CORPORATION, (the “Law Corporation”) has in fact properly registered its business name with the California State Bar. Petition, ¶ 21. Registrant’s Marks (“ARASH LAW” and “AK ARASH LAW”) are trademarks. Petition, ¶ 15. Registrant’s Marks (“ARASH LAW” and “AK ARASH LAW”) are not the business or fictitious names of the Law Corporation, and Petitioner cites no statute or regulation requiring the registration of a trademark with the California State Bar. *Id.*, ¶¶ 19-23. Thus, Ground One does not state a claim for cancellation.



**C. Ground Two Fails To State A Claim For Non-Use In Commerce.**

Petitioner claims under Ground Two that Registrant's application is invalid on the basis that "Registrant's legal services have not been provided in interstate commerce since February 9, 2009, because Registrant has not appeared as counsel of record outside of the state of California." Petition, ¶ 25 (emphasis added). The allegation is meritless.

First, Petitioner conflates providing legal services, with the use of Registrant's Marks. By statute, "[t]he owner of a trademark used in commerce may request registration of its trademark on the principal register," 15 U.S.C. § 1051(a)(1) (emphasis added), and "commerce" is defined as "all commerce which may lawfully be regulated by Congress." 15 U.S.C. § 1127. Here, Petitioner does not plead that Registrant's Marks have not been used in commerce, which Congress may lawfully regulate. Instead, Petitioner contends that "Registrant's legal services have not been provided in interstate commerce," Petition, ¶ 25 (emphasis added), and says nothing about the use of Registrant's Marks in commerce. *Id.* For this reason, Ground two does not state a claim for non-use in commerce.

Second, the allegation that "Registrant has not appeared as counsel of record outside of the state of California," Petition, ¶ 25, is not "enough to raise a right to relief above the speculative level[.]" *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Indeed, "where the well-pleaded facts do not permit the [Board] to infer more than the mere possibility of misconduct, the [petition] has alleged—but it has not 'show[n]'—that the pleader is entitled to relief.'" *Iqbal*, 556 U.S. at 679 (quoting Fed. R. Civ. P. 8(a)(2)). Here, the well-pleaded facts in the Petition do not permit the Board to infer more than the mere possibility of that Registrant's Marks were not used in commerce.

Specifically, just because Registrant has not appeared as "counsel of record" outside of California, Petition, ¶ 25, does not establish Registrant's Marks were not used in "commerce which may lawfully be regulated by Congress." 15 U.S.C. § 1127. The fallacy in Petitioner's argument is that Petitioner assumes appearing as "counsel of record" outside of California, Petition, ¶ 25, is the only way

of proving that Registrant “used [Registrant’s Marks] in commerce”. 15 U.S.C.S. § 1051(a)(1). In is not. For example, “[o]ffering services via the Internet has been held to constitute use in commerce, since the services are available to a national and international audience who must use interstate telephone lines to access a website.” TMEP § 901.03; see also, *ARGOS v. Orthotec LLC*, 304 F. Supp. 2d 591, 595 (D. Del. 2004) (“the nature of the Internet indicates that establishing a typical home page on the Internet, for access to all users, would satisfy the Lanham Act's 'in commerce' requirement”).

And, just because Registrant has not appeared as “counsel of record” outside California does not indicate that Congress lacks the authority to regulate Registrant’s services—namely, Registrant could have provided legal services in California (including transactional services, with no official court record) to out-of-state clients. See, e.g., *Christian Faith Fellowship Church v. Adidas AG*, 841 F.3d 986 (Fed. Cir. 2016) (intrastate state sale of two hats to an out-of-state customer was a “use in commerce”); *Larry Harmon Pictures Corp. v. Williams Rest. Corp.*, 929 F.2d 662 (Fed. Cir. 1991) (mark to identify restaurant services at a single-location restaurant serving interstate travelers is “use in commerce”). For this reason, as well, Ground Two fails to state a claim for cancelation, because the Petition offers nothing “more than the mere possibility of” non-use in commerce, *Iqbal*, 556 U.S. at 679, and is not “enough to raise a right to relief above the speculative level[.]” *Twombly*, 550 U.S. at 555.

Third, Petitioner also alleges that “[e]ven if Registrant had made use in commerce of the purported Registrant’s Marks prior to or on the filing date of the applications that matured into the Registrations, such use was unlawful as it was not and is not in compliance with applicable laws and regulations.” Petition, ¶ 26. This too fails to state a claim. Notably, the allegation that “use was unlawful” does not show that the trademark was not “used in commerce”. 15 U.S.C. § 1051(a)(1). Also, the allegation is completely conclusory and thus must be disregarded. *Simio, LLC v. Flexsim Software Prods.*, 983 F.3d 1353, 1365 (Fed. Cir. 2020) (“We disregard conclusory statements when evaluating a complaint under Rule 12(b)(6).”) To the extent Petitioner relies on the same statutes as listed in

Grounds One, Registrant's use of Registrant's Marks was entirely lawful, as discussed *supra*, ¶ IV.B.

Additionally, to the extent the allegation merely duplicative of Ground One, it should be dismissed for this reason as well. *M.M. v. Lafayette Sch. Dist.*, 681 F.3d 1082, 1091 (9th Cir. 2012) ("a district court has broad discretion to control its own docket, and that includes the power to dismiss duplicative claims").

Accordingly, Ground Two fails to state a claim for cancellation.

**D. Ground Three Fails To State A Claim For Priority And Likelihood Of Confusion.**

Petitioner claims priority and likelihood of confusion under 15 U.S.C. § 1052(d), Petition, ¶¶ 28-40, which provides, in part, that a trademark may be registered unless it "consists of or comprises a mark which so resembles ... a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive." Here, Petitioner fails to state such a claim, because (1) Petitioner does not sufficiently allege priority; (2) Petitioner publicly abandoned any claim he had in the word "ARASH" in relation to offering legal services; and (3) Petitioner cannot allege a likelihood of confusion as a matter of law. Thus, Ground Three must be dismissed.

**1. Petitioner does not sufficiently allege priority.**

First, Petitioner does not sufficiently allege priority. Since Petitioner has not pled registration in Petitioner's Common Law Marks and the Arash Monikers, Petitioner must rely on common law usage to establish priority. *Giersch v. Scripps Networks, Inc.*, 90 USPQ2d 1020, 1023 (TTAB 2009). As discussed *supra*, ¶IV.A, Petitioner ambiguously presents a plurality of marks, as well as unidentified marks, Petitioner contends he used "[s]ince at least as early as 1993." Petition, ¶ 4. However, Plaintiff offers no examples of advertisement, promotion, or use of his Petitioner's Common Law Marks or the Arash Monikers. *Id.*, ¶¶ 7-11. Instead, the Petition alleges that: (1) Petitioner has attained several achievements, awards, and verdicts, *id.*, ¶ 6 & Exh. B; (2) Petitioner appeared in various media nationwide, *id.*, ¶ 7 & Exh. C; and (3) and Petitioner has "achieved unprecedented success in his legal

career to include obtaining more than half a billion dollars in awards.” *Id.*, ¶ 9. Notably, this is the same fame, unprecedented success, and notoriety attributed to Petitioner’s HOMAMPOUR Marks. *Compare*, Petition, ¶¶ 7-11 & Exhs. B-C, *with*, RJN Exh. 1, at 7-9 (¶¶ 4-6) & 10-92 (Exhs. A-B).

More importantly, as discussed, on this motion to dismiss, the Board must first identify and disregard conclusory allegations for they are “not entitled to the assumption of truth.” *Iqbal*, 556 U.S. at 679-80. Here, the Petition provides only conclusory statements regarding the Petitioner’s Common Law Marks and the Arash Monikers being “advertised, promoted, and used,” Petition, ¶ 8, without attaching or describing a single such advertisement, promotion or use, *id.*, although such advertisement, promotion, or use has allegedly been on going “[s]ince at least as early as 1993.” *Id.*, ¶ 4. Yet, Federal Rule of Civil Procedure 8 “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Iqbal*, 556 U.S. at 678. “A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’” *Id.* “Nor does a complaint suffice if it tenders ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Id.* Indeed, Petitioner must allege sufficient facts to “nudge[] [his] claims across the line from conceivable to plausible,” *Twombly*, 550 U.S. at 570, which he fails to do. Petition, ¶¶ 7-11. It is easy to see why the Petition to does not allege or attach such advertisement, promotion, or use, as Petitioner has declared under the penalty of perjury that he “used HOMAMPOUR in all advertising and promotion of [his] Legal Services ... since 1995.” RJN Exh. 1, at 7-8 (¶4, emphasis added). Thus, Petitioner has not properly alleged priority.

*Geodata Sys. Mgmt. v. Am. Pac. Plastic Fabricators, Inc.*, 2015 U.S. Dist. LEXIS 193679 (C.D. Cal. Sept. 21, 2015) is instructive. There, GeoData, who was a designer and manufacturer of naval target balloons bearing the name, “The Killer Tomato,” brought a trademark infringement claim against a government contractor. The court granted the defendant’s motion to dismiss, because GeoData failed to adequately allege priority, *id.* at \*21, reasoning:

GeoData alleges in conclusory fashion that it first used the “Killer Tomato” mark in commerce as early as 1997 in connection with the sale of certain target balloons, and

that its use has been "substantially continuous for years." It pleads in similarly conclusory fashion that by 2005, "Killer Tomato" had become a recognizable trade name. The complaint also asserts that GeoData recorded the "Killer Tomato" name with the U.S. Navy Procurement and Operational Systems but does not mention the date of this registration. The only sale that is specifically alleged in the complaint is the September 20, 2007 sale of fifteen targets to Port Hueneme; as for this sale, the complaint does not allege that the products were sold under the trade name "Killer Tomato." There is only one factually specific allegation concerning GeoData's use of the trademark in commerce — the fact that in 2007 GeoData made "Killer Tomato" its official name for the product in question.

*Geodata*, 2015 U.S. Dist. LEXIS at \*21-22.

The *Geodata* court continued, "to allege priority, GeoData can plead either the date it first used the mark in commerce or the date it registered the trademark. GeoData does not allege sufficiently specific facts concerning either date. It thus fails adequately to plead that it was the first to use the mark in commerce, i.e., that it had priority of use." *Id.*, at \*23-24. "In other words, a party asserting common law priority over a mark bears the burden of proof that its use was 'both prior and continuous,' and 'the simple demonstration that [a party] had some prior use would not be enough to sustain its burden.'"

*Betterbody Foods & Nutrition, LLC v. Oatly AB*, 2020 U.S. Dist. LEXIS 215185, at \*7-8 (D. Utah Nov. 16, 2020). Likewise, here, Petitioner alleges in conclusory fashion that Petitioner used Petitioner's Common Law Marks and Arash Monikers without specifying which specific mark "since at least as early as 1993." Petition, ¶ 4. And, Plaintiff offers no examples of use of Petitioner's Common Law Marks or the Arash Monikers. Instead, he relies heavily on his fame, unprecedented success, and notoriety, *id.*, ¶¶ 7-11, while making conclusory statements regarding Petitioner's Common Law Marks and the Arash Monikers being "advertised, promoted, and used." Petition, ¶ 8. Thus, Petitioner has not properly alleged priority.

## **2. Petitioner publicly abandoned his rights in ARASH in relation to legal services.**

Second, Petitioner publicly abandoned any claim he had in the word "ARASH" in relation to offering legal services. 15 U.S.C. § 1052(d) "permits opposition on the basis of ownership of 'a mark or trade name previously used in the United States ... and not abandoned.'" *Exec. Coach Builders, Inc. v. SPV Coach Co.*, 123 USPQ2d 1175, 1180 (TTAB 2017) (quoting § 1052(d).) Petitioner asserts prior use of the various incarnations incorporating the word "ARASH" as a common law mark. Petition, ¶ 4.

“[B]ecause unregistered marks are not entitled to the presumptions established under Trademark Act Section 7(b)-(c), it is [Petitioner’s] burden to demonstrate that it owns a trademark that was used prior to [Registrant’s] first use or constructive use of its mark and not abandoned.” *Exec. Coach Builders*, 123 USPQ2d at 1180. 15 U.S.C. § 1127 provides a mark shall be deemed to be “abandoned,” when

its use has been discontinued with intent not to resume such use. Intent not to resume may be inferred from circumstances. Nonuse for 3 consecutive years shall be prima facie evidence of abandonment. “Use” of a mark means the bona fide use of such mark made in the ordinary course of trade, and not made merely to reserve a right in a mark.

Here, Petitioner failed to allege that he did not abandon his use of the word “ARASH.” Petition, ¶¶ 28-40. To the contrary, from at least 2008 until 2012, Petitioner publicly abandoned use of “ARASH” in relation to offering legal services, RJN, Exhs. 2-7 (“During his free time, Mr. Homampour is called Arash”), and, instead, Petitioner has “used HOMAMPOUR in all advertising and promotion of [his] Legal Services ... since 1995,” RJN Exh. 1, at 7-8 (¶4, emphasis added), while Registrant’s first use was February 9, 2009. Petition, ¶ 24. Thus, Ground Three must be dismissed for abandonment.

### **3. Petitioner cannot allege a likelihood of confusion as a matter of law.**

Fourth, Petitioner cannot allege a likelihood of confusion under *E. I. Du Pont de Nemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973) as a matter of law. In determining likelihood of confusion, only relevant factors need to be considered. *Shen Mfg. Co. v. Ritz Hotel, Ltd.*, 393 F.3d 1238, 1241 (Fed. Cir. 2004). Here, the *Du Pont* factors do not weigh in Petitioner’s favor. Thus, Ground Three should be dismissed.

#### **a. Dissimilarity of the marks.**

The first *Du Pont* factor is “the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *Du Pont*, 476 F.2d at 1361. “The proper test is ... ‘whether the marks are sufficiently similar in terms of their commercial impression’ such that persons who encounter the marks would be likely to assume a connection between the parties.” *Coach Servs. Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368 (Fed. Cir. 2012) . And, “the focus is on the recollection of the average purchaser, who normally retains a general rather than a specific impression

of trademarks.” *In re Assoc. of the U.S. Army*, 85 USPQ2d 1264, 1268 (TTAB 2007).

Here, Registrant’s word mark, “ARASH LAW,” as well as the stylized word and design mark “AK ARASH LAW,” are dissimilar to the extremely amorphous and vaguely defined Petitioner’s Common Law Marks: “‘ARASH HOMAMPOUR’ ‘ARASH’, and ‘ARASH LAW’, and, various other incarnations incorporating the words ‘ARASH,’” and the Arash Monikers: “ARASH THE LAWYER,” “ARASH THE ATTORNEY,” “ARASH THE PI LAWYER,” and “ARASH THE PI ATTORNEY”. Petition, ¶ 4. But, as discussed *supra*, ¶ IV.D.2, Petitioner publicly abandoned any claim he had in the word “ARASH” in relation to offering legal services. RJN, Exhs. 2-7. So, the phrase “ARASH” is not part of Petitioner’s marks. And, Petitioner has declared under the penalty of perjury that he has “used HOMAMPOUR in all advertising and promotion of [his] Legal Services ... since 1995,” RJN Exh. 1, at 7-8 (¶4), and attributes the same advertising, awards, and unprecedented success of Petitioner’s Common Law Marks and Arash Monikers as to Petitioner’s HOMAMPOUR Marks. *Compare*, Petition, ¶¶ 7-11 & Exhs. B-C, *with*, RJN Exh. 1, at 7-9 (¶¶ 4-6) & 10-92 (Exhs. A-B). Thus, as discussed *infra*, ¶IV.D.3.d, under the doctrine of judicial estoppel, the phrase HOMAMPOUR should be considered part of Petitioner’s Common Law Marks and the Arash Monikers, which further distinguishes them from Registrant’s Marks.<sup>4</sup>

Also, the “AK ARASH LAW” mark in a stylized wording and design is clearly distinct from any of Petitioner’s Common Law Marks and Arash Monikers. The first word, “AK,” makes the mark completely different in appearance, sound, connotation and commercial impression. None of Petitioner’s claimed

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<sup>4</sup> Although Petitioner alleges “Registrant and Petitioner both incorporate the word “ARASH” as the dominant portion of their respective marks and Petitioner’s ‘ARASH’ monikers,” Petition, ¶ 31, in response to an office action in his federal registration, Petitioner asserted that his use of the phrase HOMAMPOUR is the most dominate aspect of his mark, NOR, Exh. B, at 12-15, and a review of the Exhibits attached to the Petition confirm the phrase HOMAMPOUR is most dominate aspect of his mark. Petition, Exhs. A-C. Indeed, Federal Rule Civil Procedure 10(c) states that an exhibit attached to the pleading “is part of the pleading for all purposes.” *Durning v. First Boston Corp.*, 815 F.2d 1265, 1267 (9th Cir. 1987). And, “where a plaintiff attaches documents and relies upon the documents to form the basis for a claim or part of a claim, dismissal is appropriate if the document negates the claim.” *Thompson v. Illinois Dep’t of Professional Regulation*, 300 F.3d 750, 754 (7th Cir. 2002) (applying the “well-settled rule that when a written instrument contradicts allegations in a complaint to which it is attached, the exhibit trumps the allegations”). Thus, this factor weighs towards no confusion.

marks include “AK” in them. Petition, ¶ 4. Furthermore, the stylized wording and design makes the “AK ARASH LAW” unique. Indeed, the “AK” is encapsulated within a large, shaded oval at the top of the mark, and the size of the font is much larger than the words “ARASH LAW” at the bottom of the mark. Thus, this factor weighs heavily towards no likelihood of confusion for the “AK ARASH LAW” mark.

**b. Similarity of services, trade channels, and actual confusion.**

The second *Du Pont* factor is the “similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.” *Du Pont*, 476 F.2d at 1361. Here, Petitioner alleges that both provide the same services—namely, legal services. Petition, ¶ 32. But, “the similarity of the goods, alone, is not dispositive as to the likelihood of confusion.” *Renaissance Greeting Cards, Inc. v. Dollar Tree Stores, Inc.*, 227 F. App'x 239, 244 (4th Cir. 2007); *Brookfield Communs., Inc. v. W. Coast Entm't Corp.*, 174 F.3d 1036, 1054 (9th Cir. 1999) (“Where the two marks are entirely dissimilar, there is no likelihood of confusion.”)

And, the third *Du Pont* factor is the “similarity or dissimilarity of established, likely-to-continue trade channels.” *Du Pont*, 476 F.2d at 1361. While the Petition alleges that “Registrant’s and Petitioner’s legal services are offered in the same or similar trade channels to the same class of consumers,” Petition, ¶ 33, the allegation is conclusory (because Petitioner does not allege what those same or similar trade channels are or who the same class of consumers are) and should be disregarded. *See, Iqbal*, 556 U.S. at 679-80 (holding courts should disregard conclusory allegations for they are “not entitled to the assumption of truth”); *Flexsim Software*, 983 F.3d at 1365. Similarly, although Petitioner claims “[t]here is actual confusion,” Petition, ¶ 38, Petitioner does not assert how long that confusion has been going on, nature and extent, and how many people have been confused, making the allegation of actual confusion conclusory; thus, it should be disregarded, because the Board must consider the “nature and extent of any actual confusion” and the “length of time during and conditions under which there has been concurrent use without evidence of actual confusion.” *Du Pont*, 476 F.2d at 1361.



**c. Sophistication of consumers.**

The fourth *Du Pont* factor is the “conditions under which and buyers to whom sales are made, i.e. ‘impulse’ vs. careful, sophisticated purchasing.” *Du Pont*, 476 F.2d at 1361. Here, “[l]egal services are expensive, generally costing hundreds if not thousands of dollars. Thus, the reasonably prudent consumer of legal services is more likely to exercise care and less likely to be confused.” *ACI Law Grp. PLLC v. ACI Law Grp. PC*, 2021 U.S. Dist. LEXIS 178882, at \*42 (D. Ariz. Sep. 20, 2021).

**d. Laches and estoppel attributable to Petitioner.**

The tenth *Du Pont* factor is “laches and estoppel attributable to owner of prior mark and indicative of lack of confusion.” *Du Pont*, 476 F.2d at 1361.

Concerning estoppel, “[o]ne’s conduct may estop one from proceeding against another party even where there is no delay or implied or stated acquiescence in the other’s use of a trademark.” 3 Gilson on Trademarks § 13.12 (2021). Here, from at least 2008 until 2012, Petitioner publicly abandoned use of “ARASH” in relation to offering legal services. RJN, Exhs. 2-7. He also declared—under the penalty of perjury—that he has “used HOMAMPOUR in all advertising and promotion of [his] Legal Services ... since 1995.” RJN Exh. 1, at 7-8 (¶4, emphasis added). Thus, Petitioner should be estopped from now claiming rights in “ARASH” in relation to offering legal services.

Concerning laches, courts have found delays of over ten years to constitute laches. *See NAACP v. NAACP Legal Defense & Education Fund, Inc.*, 753 F.2d 131 (D.C. Cir. 1985) (13-year delay); *Polaroid Corp. v. Polarad Elecs. Corp.*, 287 F.2d 492 (2d Cir. 1961) (11-year delay); *Seven-Up Co. v. O-So-Grape*, 283 F.2d 103, 105-06 (7th Cir. 1960) (13-year delay). Here, while Petitioner allegedly began using his claimed Petitioner’s Common Law Marks and Arash Monikers since as early as 1993, Petition, ¶ 4, Registrant’s first use was February 9, 2009, *id.*, ¶ 35, and Petitioner has done nothing since Registrant’s first use, until now. Thus, laches bar enforcement of Petitioner’s rights.

Moreover, “judicial estoppel as an equitable principle that holds a party to a position on which it

prevailed, as against later litigation arising from the same facts.” *Boston Chicken Inc. v. Boston Pizza International Inc.*, 53 USPQ2d 1053, 1055 (TTAB 1999). “The doctrine is intended to protect the courts and the integrity of judicial proceedings against litigants who ‘play fast and loose with the courts.’” *Id.* “[T]he Board has authority to apply the doctrine of judicial estoppel in appropriate cases.” *Id.* And, the following factors are considered:

(1) judicial acceptance of the previously asserted inconsistent position; (2) risk of inconsistent results; (3) effect of the pleading party's actions on the integrity of the judicial process; and (4) perception that the tribunal has been misled[;] ... (5) reliance by the opposing party[;] (6) prejudice to the opposing party's case as a result of the inconsistent position[;]” and “[m]ost importantly, (7) the party against whom estoppel is invoked must have received some benefit from the previously taken position, i.e., won because of it.

*Boston Chicken*, 53 USPQ2d at 1055.

Here, the factors weigh in favor of applying judicial estoppel. In the state registration proceeding, Petitioner declared—under the penalty of perjury—that he has “used HOMAMPOUR in all advertising and promotion of [his] Legal Services ... since 1995,” RJN Exh. 1, at 7-8 (¶14, emphasis added), which California’s Secretary of State accepted as true. Furthermore, Petitioner uses the advertising, awards, and unprecedented success of Petitioner’s Common Law Marks and Arash Monikers as to Petitioner’s HOMAMPOUR Marks, *compare*, Petition, ¶¶ 7-11 & Exhs. B-C, *with*, RJN Exh. 1, at 7-9 (¶¶ 4-6) & 10-92 (Exhs. A-B), which creates a risk of inconsistent results, tarnishes the integrity of the judicial process, and causes prejudice to Registrant’s case because of Petitioner’s inconsistent position. Thus, this factor weighs heavily towards no likelihood of confusion.

**e. Potential confusion is *de minimis* and other established facts.**

The twelfth and thirteenth *Du Pont* factors are “[t]he extent of potential confusion, i.e., whether *de minimis* or substantial,” and “[a]ny other established fact probative of the effect of use.” *Du Pont*, 476 F.2d at 1361. Here, any potential confusion is *de minimis*. Petitioner has declared that “over half a billion dollars have been attained for my clients since I began providing Legal Services approximately 25 years ago under the HOMAMPOUR designation,” RJN Exh. 1, at 8-9 (¶6), and that “the majority of my

clients that have Legal Services rendered are referrals from those who recognize the solid reputation and goodwill of HOMAMPOUR.” RJN Exh. 1, at 8 (¶15). Hence, whether there is a confusion with Petitioner’s Common Law Marks or Arash Monikers is at best *de minimis*.

**E. Ground Four Fails To State A Claim For False Association.**

Petitioner’s Fourth Ground for cancellation is labelled “False Association, 15 U.S.C. § 1052(a),” which prohibits registration of “matter which may . . . falsely suggest a connection with persons, living or dead, institutions, beliefs or national symbols.” To establish his claim of false suggestion of a connection, Petitioner must plead and prove: (1) that Registrant’s Marks either are, or are a close approximation of, Petitioner’s name or identity, as previously used by him or identified with him; (2) that Registrant’s Marks would be recognized as such by purchasers, in that it points uniquely and unmistakably to Petitioner; (3) that Petitioner is not connected with the services that are sold under Registrant’s Marks; and (4) that Petitioner’s name or identity is of sufficient fame or reputation that when used by Registrant as a mark for his legal services, a connection with Petitioner would be “presumed.” *In re Nieves & Nieves LLC*, 113 USPQ2d 1639, 1643 (TTAB 2015). Here, Petitioner does not state a claim for false association for several reasons.

First, as demonstrated *supra*, ¶IV.D.1, Petitioner has failed to allege he has priority. Thus, even if there is an association, Petitioner’s false association claim fails because he has failed to plead that the marks were “previously used” by him or identified with him. Second, as demonstrated *supra*, ¶IV.A, Petitioner fails to identify what marks he owns. Thus, Registrant’s Marks are not in “close approximation” to Petitioner’s name or identity.

Third, Registrant’s Marks are not a “close approximation” to Petitioner’s name or identity, because, as explained *supra*, ¶IV.D.3, there is no likelihood of confusion between Registrant’s Marks and “Arash Homampour” or his alleged persona. *Bos. Athletic Ass’n v. Velocity, LLC*, 117 USPQ2d 1492, 1497 (TTAB 2015) (“[T]he similarity required for a ‘close approximation’ is akin to that required for a

likelihood of confusion under § 2(d) and is more than merely ‘intended to refer’ or ‘intended to evoke.’”)

Fourth, Petitioner has not, and cannot, allege facts that Registrant’s Marks would be recognized by purchasers of Registrant’s services in that Registrant’s Marks point “uniquely and unmistakably” to Petitioner. To the contrary, Petitioner admits that the name “Arash” is a fairly common name and that there are literally scores of attorneys in California alone with the name “Arash.” Petition, ¶¶ 2-3. Thus, Registrant’s Marks do not “uniquely” lead to an association with Petitioner.

Fifth, the mere fact that Petitioner and Registrant (or Registrant’s Marks) share a common name (“Arash”) is insufficient to state a claim for false association. Rather, Petitioner must plead and prove that Registrant’s Marks are a “close approximation” of Petitioner’s persona. That is, Petitioner must establish that Registrant’s Marks do more than simply bring Petitioner’s alleged persona to mind. See *Boston Red Sox Baseball Club LP v. Sherman*, 88 USPQ2d 1581 (TTAB 2008) (test for false suggestion of a connection more stringent than in disparagement, where reference to persona suffices). Here, the Petition does not allege any facts upon which a reasonable person could presume that Registrant’s Marks “uniquely” and “unmistakenly” would lead to an association with Petitioner. Nor does he sufficiently allege that the term “Arash” is closely associated with his persona. Petition, ¶¶ 41-49. To the contrary, Petitioner has admitted that his alleged “fame” arises from his last name (Homampour). See RJN Exh. 1, at 7-9 (¶¶ 4-6) & 10-92 (Exhs. A-B).

Finally, Petitioner has not alleged sufficient facts that he has acquired sufficient fame or reputation such that when Registrant’s Marks are used for legal services, a connection with Petitioner would be presumed. Under this element, “the key is whether the name *per se* is unmistakably associated with a particular person or institution and, as used would point uniquely to the person or institution. In short, it is the combination of (1) the name of sufficient fame or reputation and (2) its use on or in connection with particular goods or services, that would point consumers of the goods or services uniquely to a particular person or institution.” *In re White*, 73 USPQ2d 1713, 1720 (TTAB 2004).

Here, the Petition do not come close to alleging that Petitioner has gained sufficient fame or reputation such that one would associate Registrant's Marks with Petitioner. Again, Petitioner has admitted that his alleged "fame" arises from his last name (Homampour). See RJN Exh. 1, at 7-9 (¶¶4-6) & 10-92 (Exhs. A-B). Also, Petitioner admits "Arash" is a fairly "common first name" and is used by over fifty attorneys in California alone. Petition, ¶¶ 2-3. Also, although the Petition spends a great deal of ink touting his alleged personal injury verdicts and settlements, Petition, ¶¶ 6-9 & Exhs. B-C, these successes do not establish that his name or persona has acquired such fame or notoriety such that the Registrant's Marks at issue are unmistakably associated with him. *Compare In re Nieves & Nieves LLC*, 113 USPQ2d at 1647-48 (holding ROYAL KATE used with applicant's consumer products, including fashion, suggested a connection with Kate Middleton would be inferred because evidence showed that Kate Middleton, by virtue of being the wife of Prince William of the British Royal family, has become a celebrity and fashion trend-setter the media reports on, including the clothes she wears, what she does, and what she buys). Thus, Ground Four should be dismissed.

**F. Ground Five Fails To State A Claim For Name Of A Particular Living Individual.**

15 U.S.C. § 1052(c) "bars the registration of a designation that identifies a particular living individual absent written consent." *In re Richard M. Hoefflin*, 97 USPQ2d 1174 (TTAB 2010). In determining whether a particular living individual with that "name" would be associated with the mark, the Board must consider "(1) if the person is so well known that the public would reasonably assume the connection, or (2) if the individual is publicly connected with the business in which the mark is being used." *Id.* at 1175-1176 (affirming refusal to register OBAMA BAHAMA PAJAMAS, OBAMA PAJAMA, and BARACK'S JOCKS DRESS TO THE LEFT for pajamas and briefs, because the record did not include the written consent of former President Barack Obama, who was "extremely well known"). Indeed,

If the mark comprises a first name . . . , the examining attorney must determine whether there is evidence that the name identifies an individual who is generally known or is publicly connected with the business in which the mark is used and, as a result, the relevant public would perceive the name as identifying a particular living individual. ...Whether the relevant public would perceive a first name . . . as identifying a particular

individual usually depends on whether the particular individual has achieved some public recognition under that name, either generally or in connection with the relevant industry, business entity, goods, or services (e.g., as the inventor of the goods or services, the public face of the company, or a notable user of the products).

TMEP § 1206.03.

Here, the Petition fails to allege sufficient facts that the name “Arash” (Homampour) is so “generally known or is publicly connected with” legal services and, as a result, “the relevant public would perceive the name as identifying a particular living individual.” Rather, Petitioner asserts that he is known to other attorneys who refer cases to him and that he is a successful personal injury attorney. Petition, ¶¶ 6-9 & Exhs. B-C. This, however, hardly amounts to alleging that he is “generally known” or that the term “Arash” uniquely identifies him. Petitioner has not reached the name-recognition of a famous baseball player, *In re Sauer*, 27 USPQ2d 1073 (TTAB 1993) (Bo Jackson), or a U.S. President. *In re Richard M. Hoefflin*, 97 USPQ2d 1174 (Barack Obama). Thus, Ground Five should be dismissed.

**G. Ground Six Fails To State A Claim Based On Merely Descriptive.**

In Ground Six, Petitioner asserts that Registrant’s Marks are merely descriptive. A mark is considered “merely descriptive” if it “describes an ingredient, quality, characteristic, function, feature, purpose, or use of the specified goods or services.” 15 U.S.C. § 1052(e)(1). The goods/services described in Registrant’s registrations are “Legal Services.” Petition, at 1. The marks at issue are ARASH LAW and AK ARASH LAW (and logo). The term “Arash” is not a legal term and does not describe legal services. Petitioner even admits the term “Arash” is the first name of both Petitioner and Registrant as well as a name in Iranian Mythology. Petition, ¶ 3. Petitioner also admits Registrant has used Registrant’s Marks for over twelve years, *id.*, ¶ 35, which is sufficient to prove it “acquired distinctiveness” under 15 U.S.C. § 1052(f) to defeat a claim of merely descriptive. TMEP § 1212. Ground Six should be dismissed.

**V. CONCLUSION**

This Court should grant Registrant’s Motion to Dismiss, or, alternatively, require Petitioner to a more definite statement.

Dated: October 26, 2021

Respectfully submitted,

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ARASH KHORSANDI

**CERTIFICATE OF TRANSMITTAL**

I certify that a copy of the REGISTRANT ARASH KHORSANDI'S MOTION TO DISMISS PETITIONER ARASH HOMAMPOUR'S AMENDED PETITION FOR CANCELLATION FOR FAILURE TO STATE A CLAIM UNDER FRCP 12(b)(6) OR, ALTERNATIVELY, FOR A MORE DEFINITIVE STATEMENT UNDER FRCP 12(e) is being filed electronically with the Trademark Trial and Appeal Board via ESTTA on October 26, 2021.

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2021, a true and correct copy of the foregoing REGISTRANT ARASH KHORSANDI'S MOTION TO DISMISS PETITIONER ARASH HOMAMPOUR'S AMENDED PETITION FOR CANCELLATION FOR FAILURE TO STATE A CLAIM UNDER FRCP 12(b)(6) OR, ALTERNATIVELY, FOR A MORE DEFINITIVE STATEMENT UNDER FRCP 12(e) was served on Petitioner's Attorney of Record by electronic mail as follows:

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

ARASH HOMAMPOUR,

Petitioner,

v.

ARASH KHORSANDI,

Registrant/Respondent.

Cancellation No. 92077524

Registration No. 6/407,070

Mark: ARASH LAW

Registration Date: July 6, 2021

Registration No. 6/407,071



Mark:

(AK ARASH LAW stylized wording and design)

Registration Date: July 6, 2021

REGISTRANT ARASH KHORSANDI'S MOTION TO STRIKE

IN SUPPORT OF REGISTRANT ARASH KHORSANDI'S MOTION TO DISMISS,

DECLARATION OF RYAN KASHFIAN IN SUPPORT THEREOF, AND EXHIBITS 1-8

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**I. MATTERS TO BE JUDICIALLY NOTICED**

Please take notice that, pursuant to Federal Rule of Evidence 201, Registrant Arash Khorsandi (“Khorsandi” or “Registrant”) hereby requests that the Trademark Trial and Appeal Board (the “Board”) take judicial notice of the following, in support of Registrant’s concurrently filed Motion to Dismiss the Amended Petition for Cancellation (“Petition”) of Petitioner Arash Homampour (“Homampour” or “Petitioner”):

<b><u>No.</u></b>	<b><u>Exhibit</u></b>
1.	Homampour’s California State Application and Registration for his Trademark HOMAMPOUR (Reg. No. 02005319), filed with the California Secretary of State, <i>available at</i> <a href="https://tmbizfile.sos.ca.gov/Search">https://tmbizfile.sos.ca.gov/Search</a>
2.	Homampour’s website from May 17, 2008, according to WayBack Machine, <i>available at</i> <a href="http://web.archive.org/web/20080517074436/http://homampour.com:80/attorney_profiles_arash.shtml">http://web.archive.org/web/20080517074436/http://homampour.com:80/attorney_profiles_arash.shtml</a>
3.	Homampour’s website from June 25, 2008, according to WayBack Machine, <i>available at</i> <a href="http://web.archive.org/web/20080625033726/http://homampour.com:80/attorney_profiles_arash.shtml">http://web.archive.org/web/20080625033726/http://homampour.com:80/attorney_profiles_arash.shtml</a>
4.	Homampour’s website from September 5, 2009, according to WayBack Machine, <i>available at</i> <a href="http://web.archive.org/web/20090905001459/http://www.homampour.com/attorney_profiles_arash.shtml">http://web.archive.org/web/20090905001459/http://www.homampour.com/attorney_profiles_arash.shtml</a>
5.	Homampour’s website from January 10, 2012, according to WayBack Machine, <i>available at</i> <a href="http://web.archive.org/web/20120110101031/http://www.homampour.com:80/attorney_profiles_arash.shtml">http://web.archive.org/web/20120110101031/http://www.homampour.com:80/attorney_profiles_arash.shtml</a>
6.	Homampour’s website from May 12, 2012, according to WayBack Machine, <i>available at</i> <a href="http://web.archive.org/web/20120508011242/http://www.homampour.com:80/attorney_profiles_arash.shtml">http://web.archive.org/web/20120508011242/http://www.homampour.com:80/attorney_profiles_arash.shtml</a>
7.	Homampour’s website from June 21, 2012, according to WayBack Machine, <i>available at</i> <a href="http://web.archive.org/web/20120621232647/http://www.homampour.com:80/attorney_profiles_arash.shtml">http://web.archive.org/web/20120621232647/http://www.homampour.com:80/attorney_profiles_arash.shtml</a>
8.	Cambridge Dictionary Definition of “free time,” <i>available at</i> <a href="https://dictionary.cambridge.org/us/dictionary/english/free-time">https://dictionary.cambridge.org/us/dictionary/english/free-time</a>

///

## II. LEGAL AUTHORITY

“Although [courts] primarily consider the allegations in a complaint, [courts] are ‘not limited to the four corners of the complaint.’” *Dimare Fresh, Inc. v. United States*, 808 F.3d 1301, 1306 (Fed. Cir. 2015), quoting 5B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure*, § 1357 (3d ed. 2004). Courts may also look to “matters incorporated by reference or integral to the claim, items subject to judicial notice, [and] matters of public record.” *Id.*; *Outdoor Cent., Inc. v. GreatLodge.com, Inc.*, 643 F.3d 1115, 1120 (8th Cir. 2011) (“In deciding Rule 12(b)(6) motions, courts are not strictly limited to the four corners of complaints.”)

Indeed, as the Supreme Court has explained, “courts must consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss, in particular, documents incorporated into the complaint by reference, and matters of which a court may take judicial notice.” *Tellabs, Inc. v. Makor Issues & Rts., Ltd.*, 551 U.S. 308, 322 (2007), emphasis added; *e.g.*, *Sears, Roebuck & Co. v. Metropolitan Engravers, Ltd.*, 245 F.2d 67, 70 (9th Cir. 1956) (“[J]udicial notice may be taken of a fact to show that a complaint does not state a cause of action.”); *Branch v. Tunnell*, 14 F.3d 449, 454 (9th Cir. 1994) (“[W]e hold that documents whose contents are alleged in the complaint and whose authenticity no party questions, but which are not physically attached to the pleading, may be considered in ruling on a Rule 12(b)(6) motion to dismiss.”); *Roe v. Unocal Corp.*, 70 F.Supp.2d 1073, 1075 (C.D. Cal. 1999) (“[E]ven if a document is neither submitted with the complaint nor explicitly referred to in the complaint, the . . . court may consider the document in ruling on a motion to dismiss so long as the complaint necessarily relies on the document and the document’s authenticity is not contested.”).

Thus, in every circuit, “[a] court may . . . consider certain materials—documents attached to the complaint, documents incorporated by reference into the complaint, or matters of judicial notice—without converting the motion to dismiss into a motion for summary judgment.” *United States v. Ritchie*,



342 F.3d 903, 908 (9th Cir. 2003); *Zenon v. Guzman*, 924 F.3d 611, 616 (1st Cir. 2019); *Apotex Inc. v. Acorda Therapeutics, Inc.* 823 F.3d 51, 60 (2d Cir. 2016); *Schmidt v. Skolas*, 770 F.3d 241, 249 (3d Cir. 2014); *Witthohn v. Fed. Ins. Co.*, 164 F. App'x 395, 396-97 (4th Cir. 2006); *Hall v. Hodgkins*, 305 F. App'x 224, 227 (5th Cir. 2008); *Thomas v. Noder-Love*, 621 F. App'x 825, 829 (6th Cir. 2015); *Peters v. Zhang*, 803 F. App'x 957, 958 (7th Cir. 2020); *Levy v. Ohl*, 477 F.3d 988, 991 (8th Cir. 2007); *Lee v. City of Los Angeles*, 250 F.3d 668, 688-89 (9th Cir. 2001); *Rader v. Citibank Nat'l Ass'n*, 700 F. App'x 817, 820 (10th Cir. 2017); *Horne v. Potter*, 392 F. App'x 800, 802 (11th Cir. 2010); *Marshall Cty. Health Care Auth. v. Shalala*, 988 F.2d 1221, 1222-23 (D.C. Cir. 1993); *CODA Dev. s.r.o v. Goodyear Tire & Rubber Co.*, 916 F.3d 1350, 1360 (Fed. Cir. 2019); *Cacciapalle v. United States*, 148 Fed. Cl. 745, 781 (2020).

Under Federal Rule of Evidence 201, the Board may take judicial notice of facts that are "not subject to reasonable dispute" because they (1) are "generally known within the trial court's territorial jurisdiction," or (2) "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201(b). Matters of public record are properly the subject of judicial notice. *See Hyatt v. Yee*, 871 F.3d 1067, 1071 n.15 (9th Cir. 2017); *Interstate Nat. Gas Co. v. S. Cal. Gas Co.*, 209 F.2d 380, 385 (9th Cir. 1953).

Moreover, the "incorporation-by-reference is a judicially created doctrine that treats certain documents as though they are part of the complaint itself. The doctrine prevents plaintiffs from selecting only portions of documents that support their claims, while omitting portions of those very documents that weaken — or doom — their claims." *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988, 1002 (9th Cir. 2018). And, "the policy concern underlying the rule" is "[p]reventing plaintiffs from surviving a Rule 12(b)(6) motion by deliberately omitting references to documents upon which their claims are based." *Id.* (citation omitted). Furthermore, "[e]ven where a document is not incorporated by reference, the court may nevertheless consider it where the complaint 'relies heavily upon its terms and effect,' which renders the document 'integral' to the complaint." *Chambers v. Time Warner, Inc.*, 282

F.3d 147, 153 (2d Cir. 2002) (quoting *Int'l Audiotext Network, Inc. v. Am. Tel. & Tel. Co.*, 62 F.3d 69, 72 (2d Cir. 1995) (per curiam)).

### III. ARGUMENTS

#### A. **The Board Should Take Judicial Notice Of Exhibit 1—Homampour’s California State Application And Registration For His Trademark HOMAMPOUR (Reg. No. 02005319), Filed With The California Secretary Of State.**

The Board should take judicial notice of Homampour’s California State Application and Registration for his Trademark HOMAMPOUR (Reg. No. 02005319), filed with the California Secretary of State, which is available the California Secretary of State’s website. Attached Declaration of Attorney Ryan D. Kashfian (“Kashfian Dec.”), ¶ 3 & Exh. 1.

First, as noted above, “under Fed. R. Evid. 201, a court may take judicial notice of ‘matters of public record,’” *Lee*, 250 F.3d at 689 (quoting *Mack v. South Bay Beer Distrib.*, 798 F.2d 1279, 1282 (9th Cir. 1986)), and filings with “California Secretary of State” are “matter[s] of public record.” *San Diego Unified Port v. Underwriters at Lloyd's London*, No. 15-cv-00022-WQH-JLB, 2015 U.S. Dist. LEXIS 115693, at \*10 (S.D. Cal. Aug. 28, 2015); *Hesse v. Godiva Chocolatier, Inc.*, 463 F. Supp. 3d 453, 462 (S.D.N.Y. 2020) (“[b]ecause [a] trademark registration is a matter of public record, the Court [may] take judicial notice of its content”); *Lopez v. Nike, Inc.*, No. 20-CV-905 (PGG) (JLC), 2021 U.S. Dist. LEXIS 7583, at \*14-15 (S.D.N.Y. Jan. 14, 2021) (taking judicial notice of existence of New York state trademark as a “matter of public record”).

Second, as discussed, under Federal Rule of Evidence 201, the Board may take judicial notice of facts that are “not subject to reasonable dispute” and “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). Thus, as requested here, “judicial notice of the various filings with ... California Secretary of State and the print-out from the California Secretary of State's website is warranted as each document's accuracy can be readily determined and is not reasonably subject to dispute.” *Re-Marketing Grp., Inc. v. Miller*, No. 2:20-cv-09505-CAS-AFMx, 2021 U.S. Dist. LEXIS 36028, at \*15 (C.D. Cal. Feb. 25, 2021); *Champion Courage Ltd. v.*

*Fighter's Mkt., Inc.*, No. 17-cv-01855-AJB-BGS, 2018 U.S. Dist. LEXIS 69043, at \*6 (S.D. Cal. Apr. 24, 2018) (“The Court finds judicial notice of the filings with the USPTO and the various printouts from the California Secretary of State website warranted as their accuracy can be readily determined from other reliable sources.”); *L'Garde, Inc. v. Raytheon Space and Airborne Sys.*, 805 F. Supp. 2d 932, 938 (C.D. Cal. 2011) (finding judicial notice of records searches from the State of California corporate search website justified as the documents could be “determined by readily accessible resources whose accuracy cannot reasonably be questioned”); *Benabou v. Cheo*, No. 2:19-cv-04619-R-SS, 2019 U.S. Dist. LEXIS 227927, at \*8-9 (C.D. Cal. Nov. 8, 2019) (judicially noticing a group of “government trademark records”).

**B. The Board Should Take Judicial Notice Of Exhibits 2-7—Homampour’s Website From 2008-2012, According To Wayback Machine.**

The Board should take judicial notice of Homampour’s website from 2008-2012, as found on WayBack Machine, a digital archive of websites. Kashfian Dec., ¶¶ 4-10 & Exhs. 2-7.

First, “Intellectual Property lawyers frequently use WayBack Machine to determine issues related to infringement or invalidation of patents, trademarks, and copyrights,” and, as such, “[n]umerous courts . . . have taken judicial notice of web pages available through the WayBack Machine.” *Pohl v. MH Sub I, LLC*, 332 F.R.D. 713, 716 (N.D. Fla. 2019) (collecting cases); *OptoLum, Inc. v. Cree, Inc.*, 490 F. Supp. 3d 916, 939 (M.D.N.C. 2020) (finding *Pohl* persuasive).

For example, in *UL LLC v. Space Chariot, Inc.*, 250 F. Supp. 3d 596 (C.D. Cal. 2017), the court took “judicial notice of the archived SpaceChariot.com webpages [from the WayBack Machine] because they ‘can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.’ Fed. R. Evid. 201(b)(1).” *Id.* at 616 n.2. The court reasoned,

“[C]ourts have taken judicial notice of the contents of web pages available through the Wayback Machine as facts that can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned[.]” *Erickson v. Nebraska Mach. Co.*, No. 15-cv-01147-JD, 2015 U.S. Dist. LEXIS 87417, 2015 WL 4089849, at \*1 (N.D. Cal. July 6, 2015); *see also Pond Guy, Inc. v. Aquascape Designs, Inc.*, No. 13-13229, 2014 U.S. Dist. LEXIS 85504, 2014 WL 2863871, at \*4 (E.D. Mich. June 24, 2014) (“As a resource the accuracy of which cannot reasonably be questioned, the Internet Archive has been found to be an acceptable source for the taking of judicial notice.”); *Martins v. 3PD, Inc.*, No. 11-cv-11313, 2013 U.S. Dist. LEXIS 45753, 2013 WL 1320454, at \*16 n.8 (D. Mass.

Mar. 28, 2013) (taking judicial notice of "the various historical versions of a website available on the Internet Archive at Archive.org as facts readily determinable by resort to a source whose accuracy cannot reasonably be questioned"); *Foreword Magazine, Inc. v. OverDrive, Inc.*, No. 1:10-cv-1144, 2011 U.S. Dist. LEXIS 125373, 2011 WL 5169384, at \*3 (W.D. Mich. Oct. 31, 2011) ("[T]he federal courts have recognized that Internet archive services, although representing a relatively new source of information, have sufficient indicia of reliability to support introduction of their contents into evidence, subject to challenge at trial for authenticity.").

*UL LLC*, 250 F. Supp. 3d at 616 n.2; *see also e.g., Juniper Networks, Inc. v. Shipley*, 394 F. App'x 713, 713 (Fed. Cir. 2010)) (indicating that taking judicial notice of the Internet Archive may be appropriate but declining to do so, because it was not provide to the district court); *Tobinick v. Novella*, Case No. 9:14-cv-80781, 2015 U.S. Dist. LEXIS 43628, 2015 WL 152196, at \*2 (S.D. Fla. Apr. 2, 2015) (taking judicial notice of the Internet Archive's history of page); *Lee v. Michel Habashy, P.A.*, Case No. 6:09-cv-671-Orl-28GJK, 2010 WL 11626745, at \*2 n.1 (M.D. Fla. Aug. 30, 2010) (taking judicial notice of defendant's phone number after performing a cursory search of the Wayback Machine); *Erickson*, 2015 U.S. Dist. LEXIS 87417, 2015 WL 4089849, at \*1 ("Courts have taken judicial notice of the contents of web pages available through the Wayback Machine as facts that can be accurately and readily determined from sources whose accuracy cannot reasonable be questioned, . . . and the Court does so here."); *Pond Guy*, 2014 U.S. Dist. LEXIS 85504, 2014 WL 2863871, at \*4 (taking judicial notice of the parties' historical presence as represented by the Internet Archive because "[a]s a resource the accuracy of which cannot reasonably be questioned, the Internet Archive has been found to be an acceptable source for taking of judicial notice."); *Martins*, 2013 U.S. Dist. LEXIS 45753, 2013 WL 1320454, at \*16 n.8 ("I take judicial notice of various historical versions of the 3PD website available on the Internet Archive . . . as facts readily determinable by resorts to a source whose accuracy cannot reasonably be questioned."); *Walsh v. Teltech Sys., Inc.*, Case No. 13-13064-RWZ, 2015 U.S. Dist. LEXIS 191349, 2015 WL 12856456, at \*1 n.2 (D. Mass. July 30, 2015) (asking the parties to acquaint themselves with the Wayback Machine, and indicating that the court will take judicial notice of the contents of web pages available through Wayback Machine); *Under A Foot Plant, Co. v. Exterior Design, Inc.*, Case No. 6:14-cv-01371-AA, 2015

U.S. Dist. LEXIS 37596, 2015 WL 1401697, at \*2 (D. Or. Mar. 24, 2015) (granting plaintiff's request for judicial notice of an archived printout from defendant's website because "[d]istrict courts have routinely taken judicial notice of content from The Internet Archive pursuant to this rule.").

Second, the Board may take judicial notice of Exhibits 2 and 7, because they are printouts from Homampour's website, who is a party to this matter, and therefore are reliable:

For purposes of a 12(b)(6) motion to dismiss, a court may take judicial notice of information publicly announced on a party's website, as long as the website's authenticity is not in dispute and "it is capable of accurate and ready determination." Fed. R. Evid. 201(b); see *Town of Southold v. Town of E. Hampton*, 406 F. Supp. 2d 227, 232 n.2 (E.D.N.Y. 2005); *Sarl Louis Feraud Int'l v. Viewfinder Inc.*, 406 F. Supp. 2d 274, 277 (S.D.N.Y. 2005).

*Doron Precision Sys. v. FAAC, Inc.*, 423 F. Supp. 2d 173, 193 (S.D.N.Y. 2006); see also e.g., *Jeandron v. Board of Regents of University System of Maryland*, 510 Fed.Appx. 223, 227 (4th Cir. 2013) ("A court may take judicial notice of information publicly announced on a party's web site, so long as the web site's authenticity is not in dispute and 'it is capable of accurate and ready determination,'" citing Fed. R. Evid. 201(b) and *O'Toole v. Northrop Grumman Corp.*, 499 F.3d 1218, 1225 (10th Cir. 2007)); *Matthews v. Nat'l Football League Mgmt. Council*, 688 F.3d 1107, 1117 (9th Cir. 2012) ("We grant the Titans and NFLMC's request for judicial notice of these statistics, which are available on the NFL's website. Matthews did not object to the request for judicial notice or question the accuracy of the statistics."); *In re UBS Auction Rate Securities Litigation*, No. 08 Civ 2967 (LMM), 2010 U.S. Dist. LEXIS 59024, 2010 WL 2541166, \*15 (S.D.N.Y. June 10, 2010) ("[I]t is appropriate to take judicial notice of the contents of a party's website"); *Monsanto Co. v. PacifiCorp*, No. CV 01-607 E LMB, 2006 U.S. Dist. LEXIS 27565, 2006 WL 1128226, \*8 n. 4 (D. Idaho Apr. 24, 2006) ("a court may take judicial notice of information publicly announced on a party's website"); *Barnes v. Marriott Hotel Servs.*, No. 15-cv-01409-HRL, 2017 U.S. Dist. LEXIS 22588, 2017 WL 635474, at \*4 (N.D. Cal. Feb. 16, 2017) (taking judicial notice of a party's website because the party did not dispute the information on it); *Turner v. Samsung Telecoms. Am., LLC*, No. CV 13-00629-MWF (VBKx), 2013 U.S. Dist. LEXIS 198631, 2013 WL 12126749, at \*2 (C.D. Cal. Nov. 4, 2013)

(taking judicial notice of a party's website in part because the party did not dispute its authenticity); *GA Telesis, LLC v. GKN Aerospace, Chem-Tronics, Inc.*, No. 12-CV-1331-IEG (BGS), 2012 U.S. Dist. LEXIS 157737, 2012 WL 5388888, at \*7 n.2 (S.D. Cal. Nov. 2, 2012) (taking judicial notice of a document from a party website when the company party did "not specifically dispute its accuracy"); *Datel Holdings Ltd. v. Microsoft Corp.*, 712 F. Supp. 2d 974, 985 (N.D. Cal. 2010) ("Exhibits E and H are printouts from Defendant's own website, which are judicially noticeable.").

Third, the Board may take judicial notice of Exhibits 2 and 7, because Homampour's website is incorporated-by-reference in—and is an integral part of—Homampour's Petition. Specifically, Homampour alleges:

Since at least as early as 1993, Petitioner has continuously provided legal services in the United States under the marks "ARASH HOMAMPOUR" "ARASH", and "ARASH LAW", and, in addition to various other incarnations incorporating the words "ARASH" or "LAW" (collectively, the "Petitioner's Marks"), has established an award winning and highly respected catastrophic injury and wrongful death law firm. See Exhibit A.

Petition, ¶ 4 & Exh. A.

Yet, Exhibit A is a copy of Homampour's (recent) website:



As discussed, the “incorporation-by-reference is a judicially created doctrine that treats certain documents as though they are part of the complaint itself. The doctrine prevents plaintiffs from selecting only portions of documents that support their claims, while omitting portions of those very documents that weaken — or doom — their claims,” *Khoja*, 899 F.3d at 1002, and “the policy concern underlying the rule” is “[p]reventing plaintiffs from surviving a Rule 12(b)(6) motion by deliberately omitting references to documents upon which their claims are based,” *id.* (citation omitted), as Homampour has done here, by omitting what was on Homampour’s website from 2008-2012, as found on WayBack Machine. *Compare*, Petition, ¶ 4 & Exh. A, with, Kashfian Dec., ¶¶ 4-10 & Exhs. 2-7 (“During his free time, Mr. Homampour is called Arash.”); *see generally*, Concurrently Filed Motion to Dismiss.

Here, Homampour’s website forms the basis of his Petition. Paragraph 4 and Exhibit A form the basis of Homampour’s Amended Petition for Cancellation of Khorsandi’s mark, as they set forth the nature of Homampour’s alleged common law trademarks. Petition, ¶ 4 & Exh. A. Thus, judicial notice is proper. *McFall v. Perrigo Co.*, No. 2:20-cv-07752-FLA (MRWx), 2021 U.S. Dist. LEXIS 109451, at \*6 (C.D. Cal. Apr. 15, 2021) (“A document forms the basis of a claim when it serves as the foundation for an element of the claim.”); *see, e.g., Thomas v. Westchester Cnty. Health Care Corp.*, 232 F. Supp. 2d 273, 276 (S.D.N.Y. 2002) (finding transcript and report from disciplinary hearing integral to plaintiff’s complaint because the plaintiff relied on the documents to form the basis of the complaint and show the harm suffered); *Dipinto v. Westchester County*, No. 19-CV-793, 2019 U.S. Dist. LEXIS 148473, 2019 WL 4142493, at \*9 & n.6. (S.D.N.Y. Aug. 30, 2019) (finding transfer requests explicitly referenced in the plaintiff’s complaint integral because the documents formed the basis for the defendant’s alleged retaliation and without the documents there would be no complaint).

**C. The Board Should Take Judicial Notice Of Exhibit 8—Cambridge Dictionary Definition Of “Free Time.”**

The Board should take judicial notice of the definition of “free time” was taken from the online version of the Cambridge Dictionary. Kashfian Dec., ¶ 11 & Exh. 8. Indeed, dictionaries are generally

considered “sources whose accuracy cannot reasonably be questioned.” *United States v. Mariscal*, 285 F.3d 1127, 1132 (9th Cir. 2002) (including dictionary in a list of potential sources for judicial notice); *Wilshire Westwood Assoc. v. Atlantic Richfield Corp.*, 881 F.2d 801, 803 (9th Cir. 1989) (taking judicial notice of definitions in Webster’s Dictionary). As such, the Board may take judicial notice of dictionary definitions, including online dictionaries that exist in printed format. *In re Cordua Rests. LP*, 110 USPQ2d 1227, 1229 n.4 (TTAB 2014) (taking judicial notice of the definitions of "churrasco" from English language dictionaries), *aff'd*, 823 F.3d 594 (Fed. Cir. 2016); *In re Red Bull GmbH*, 78 USPQ2d 1375, 1377 (TTAB 2006); *In re Jimmy Moore LLC*, 119 USPQ2d 1764, 1767-1768 (TTAB 2016) (noting the Board may take judicial notice of online dictionary definitions also available in printed form); *In re Dietrich*, 91 USPQ2d 1622, 1631 n.15 (TTAB 2009) (judicial notice taken of definition from Merriam-Webster Online Dictionary from [www.merriam-webster.com](http://www.merriam-webster.com)).

#### **IV. CONCLUSION**

The Board is respectfully requested to take judicial notice of the documents identified and attached hereto.

Dated: October 26, 2021

Respectfully submitted,

By: /Ryan D. Kashfian/  
Ryan D. Kashfian, Esq.  
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Los Angeles, CA 90067  
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Email: [acyrlin@kashfianlaw.com](mailto:acyrlin@kashfianlaw.com)

*Attorneys for Registrant/Respondent,*  
ARASH KHORSANDI



## DECLARATION OF RYAN KASHFIAN

I, RYAN D. KASHFIAN, pursuant to 28 U.S.C. § 1746, declare as follows:

(1) I am over the age of twenty-one and have never been convicted of a felony. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently to the matters set forth herein.

(2) I am an attorney at law duly authorized to practice law before all courts in the State of California. I am a Senior Partner at Kashfian & Kashfian, LLP, attorneys of record for Registrant/Respondent Arash Khorsandi ("Khorsandi" or "Registrant"), in the above-captioned cancellation proceeding (No. 92077524).

(3) Attached hereto as **EXHIBIT 1** is a true and accurate copy of Petitioner Arash Homampour's ("Homampour" or "Petitioner") California State Application and Registration for his Trademark HOMAMPOUR (Reg. No. 02005319), filed with the California Secretary of State. I downloaded the same from California Secretary of State's website, which is <https://tmbizfile.sos.ca.gov/Search>. The accuracy of the same cannot reasonably be questioned.

(4) According to the WayBack Machine,

The Internet Archive, a 501(c)(3) non-profit, is building a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, we provide free access to researchers, historians, scholars, the print disabled, and the general public. Our mission is to provide Universal Access to All Knowledge.

We began in 1996 by archiving the Internet itself, a medium that was just beginning to grow in use. Like newspapers, the content published on the web was ephemeral - but unlike newspapers, no one was saving it. Today we have 25+ years of web history accessible through the Wayback Machine and we work with 750+ library and other partners through our Archive-It program to identify important web pages.

See, WayBack Machine, About the Internet Archive, *available at* <https://archive.org/about/>.

(5) Attached hereto as **EXHIBIT 2** is a true and accurate copy of Homampour's website from May 17, 2008, from the WayBack Machine. I downloaded the same from Cali WayBack Machine's website, at the following web address:

[http://web.archive.org/web/20080517074436/http://homampour.com:80/attorney\\_profiles\\_arash.shtml](http://web.archive.org/web/20080517074436/http://homampour.com:80/attorney_profiles_arash.shtml). The accuracy of the same cannot reasonably be questioned.

(6) Attached hereto as **EXHIBIT 3** is a true and accurate copy of Homampour's website from June 25, 2008, from the WayBack Machine. I downloaded the same from Cali WayBack Machine's website, at the following web address:

[http://web.archive.org/web/20080625033726/http://homampour.com:80/attorney\\_profiles\\_arash.shtml](http://web.archive.org/web/20080625033726/http://homampour.com:80/attorney_profiles_arash.shtml). The accuracy of the same cannot reasonably be questioned.

(7) Attached hereto as **EXHIBIT 4** is a true and accurate copy of Homampour's website from September 5, 2009, from the WayBack Machine. I downloaded the same from Cali WayBack Machine's website, at the following web address:

[http://web.archive.org/web/20090905001459/http://www.homampour.com/attorney\\_profiles\\_arash.shtml](http://web.archive.org/web/20090905001459/http://www.homampour.com/attorney_profiles_arash.shtml). The accuracy of the same cannot reasonably be questioned.

(8) Attached hereto as **EXHIBIT 5** is a true and accurate copy of Homampour's website from January 10, 2012, from the WayBack Machine. I downloaded the same from Cali WayBack Machine's website, at the following web address:

[http://web.archive.org/web/20120110101031/http://www.homampour.com:80/attorney\\_profiles\\_arash.shtml](http://web.archive.org/web/20120110101031/http://www.homampour.com:80/attorney_profiles_arash.shtml). The accuracy of the same cannot reasonably be questioned.

(9) Attached hereto as **EXHIBIT 6** is a true and accurate copy of Homampour's website from May 12, 2012, from the WayBack Machine. I downloaded the same from Cali WayBack Machine's website, at the following web address:

[http://web.archive.org/web/20120508011242/http://www.homampour.com:80/attorney\\_profiles\\_arash.shtml](http://web.archive.org/web/20120508011242/http://www.homampour.com:80/attorney_profiles_arash.shtml). The accuracy of the same cannot reasonably be questioned.

(10) Attached hereto as **EXHIBIT 7** is a true and accurate copy of Homampour's website from June 21, 2012, from the WayBack Machine. I downloaded the same from Cali WayBack Machine's

website, at the following web address:

[http://web.archive.org/web/20120621232647/http://www.homampour.com:80/attorney\\_profiles\\_aras\\_h.shtml](http://web.archive.org/web/20120621232647/http://www.homampour.com:80/attorney_profiles_aras_h.shtml). The accuracy of the same cannot reasonably be questioned.

(11) Attached hereto as **EXHIBIT 8** is a true and accurate copy of Cambridge Dictionary Definition of “free time”. I downloaded the same from Cambridge Dictionary’s website, at the following web address: <https://dictionary.cambridge.org/us/dictionary/english/free-time>. The accuracy of the same cannot reasonably be questioned.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 26, 2021, at Century City, California.

/Ryan D. Kashfian/  
Ryan D. Kashfian

## **EXHIBIT 1**

Dr. Shirley N. Weber  
California Secretary of State

## California Trademark Search - Detail


Although the Trademark Search is updated daily, search results do not reflect filings received by the Secretary of State that have not been processed through completion. Therefore, the data provided may not be complete. In order to obtain a complete or certified copy of a record of a Mark, send a written request to our [Trademark Unit](#). More information on records requests, including fees, can be found on the [Trademarks Forms and Fees webpage](#). Please refer to our [current processing dates webpage](#) to see the most up-to-date processing information.

Registration ID: 02005319

**Description of Mark:** HOMAMPOUR  
**Owner (Individual/Entity):** Arash Homampour  
**Registration Date:** 08/03/2020  
**Expiration Date:** 08/02/2025  
**Status:** Active

Show  entries

Narrow search results

Document Type	File Date	PDF/Image
Registration	08/03/2020	

Showing 1 to 1 of 1 entries

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**California Secretary of State**  
**Electronic Filing**

**FILED**

Secretary of State  
State of California

## Trademark/Service Mark - Application for Registration

Type of Mark: Service Mark  
Name of Owner (Registrant): Arash Homampour

Registration Number: 02005319  
Classification Code(s): 41 45  
File Date: 08/03/2020

### Detailed Filing Information

1. Application for Registration of: Service Mark
2. Owner (Registrant) Information:
  - a. Name of Owner (Registrant): Arash Homampour
  - b. Business Address: 15303 Ventura Blvd, #1450, Sherman Oaks, California, 91403, United States
  - c. Declaration of Ownership:

Registrant declares that the Registrant is the owner of the mark, that the mark is in use, and that to the Registrant's knowledge, no other person has registered the mark in this state, or has the right to use the mark, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of the other person, to cause confusion, to cause mistake, or to deceive.
  - d. Business Structure: Sole Proprietor
  - e. Name of General Partner(s): None
3. Description of Mark:  
HOMAMPOUR

See drawing page attached and incorporated by reference.

Use [bizfile.sos.ca.gov](http://bizfile.sos.ca.gov) for online filings, searches, business records, and resources.



# California Secretary of State Electronic Filing

4. Design Code(s):

5. Disclaimer:

6. Date of First Use of Mark

a. Date Mark was First Used Anywhere: 12/31/1995

b. Date Mark was First Used in California: 12/31/1995

7. Identification of Goods or Products/Services:

a. List specific Goods or Products/Services:

Providing on-line videos, not downloadable; Production of podcasts; Electronic newsletters delivered by e-mail in the field of law; Information on education and entertainment; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content; Legal and attorney services; Providing information about legal services

b. Classification Code(s): 41 45

8. U.S. Patent and Trademark Information

a. File Date:

b. Serial/File Number:

c. Status of Application:

d. If Refused, Why?:

9. How is the Mark Used:

On Business Signs, On Advertising Brochures, On Advertising Leaflets, On Business Cards, On Letterhead, Advertisement/Branding On Webpage

10. Type of Specimen:

Website

See Specimen attached and incorporated by reference.

Use [bizfile.sos.ca.gov](http://bizfile.sos.ca.gov) for online filings, searches, business records, and resources.



## California Secretary of State Electronic Filing

11. Authorized Representative: Yes

### Declaration of Accuracy and Signature

I declare that all the foregoing information contained in this Application is accurate, true and correct and that I am authorized to sign this Application. I understand that if I willfully state in the Application any material fact that I know to be false, I will be subject to a civil penalty of not more than ten thousand dollars (\$10,000.00).

Registrant or Authorized Representative: Kia Kamran, Esq.

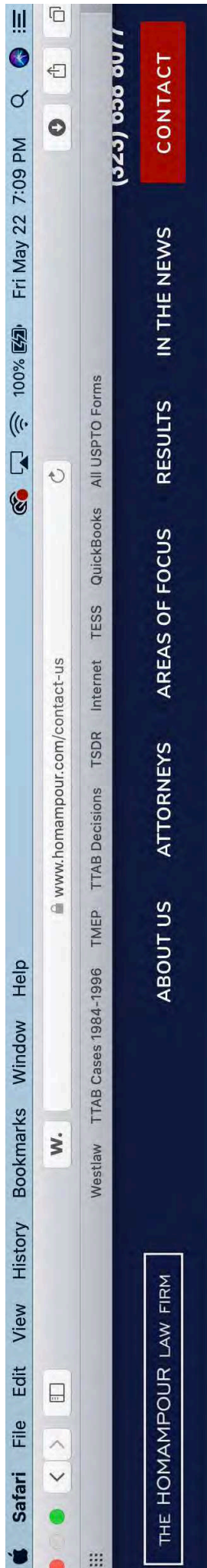
Date Electronically Signed: 08/03/2020

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# HOMAMPOUR



## The Homampour Law Firm

We handle a limited number of cases, all on a contingency fee basis. Our areas of focus include catastrophic personal injury/wrongful death, business litigation, employment law and insurance bad faith. To discuss your legal concerns with one of our experienced lawyers, call us today at **(323) 658 8077** or use the form below.

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First Name

Last Name

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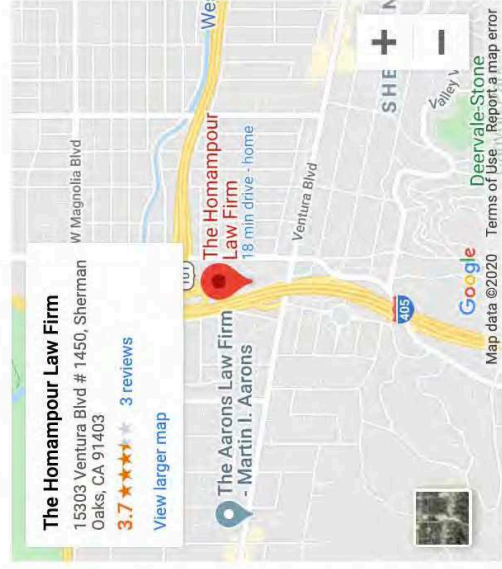
THE HOMAMPOUR LAW FIRM

### Homampour Law Firm

15303 Ventura Boulevard, Suite 1450  
Sherman Oaks, CA 91403

Phone: (323) 658 8077

Fax: (323) 658-8477



Get Directions

## DECLARATION

### **In re Application of**

<b>Applicant</b>	:	Arash Homampour
<b>Mark</b>	:	HOMAMPOUR
<b>Submission ID</b>	:	02005319
<b>Filing Date</b>	:	May 28, 2020
<b>Filing Office</b>	:	California Secretary of State

---

I, Arash Homampour, declare:

I am the applicant for registration of the standard character servicemark “**HOMAMPOUR**” with the California Secretary of State Trademark Unit (the “**Mark**”) in Classification Codes 41 and 45 for:

*“Providing on-line videos, not downloadable; Production of podcasts; Electronic newsletters delivered by e-mail in the field of law; Information on education and entertainment; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content; Legal and attorney services; Providing information about legal services via a website”* (hereafter, “**Legal Services**”).

I respectfully disagree with the Reviewer’s contention that HOMAMPOUR is primarily merely a surname and therefore, not inherently distinctive. Rather, HOMAMPOUR has acquired distinctiveness as established by this declaration and evidenced by the materials accompanying my servicemark application for further review.

HOMAMPOUR has become distinctive as applied to the Legal Services through my substantial, exclusive, and continuous use of the Mark in commerce since 1995, and inarguably for at least the legally-required five (5) years immediately before the date of this statement. I am a licensed attorney in the State of California and was admitted to The State Bar of California and the U.S. District Court Central District of California in 1993. Since commencing my legal practice in 1995, I have continuously provided Legal Services under the Mark in Los Angeles, California and throughout Southern California, which can objectively be verified as being one of the premier consumer protection and complex litigation law firms in the state of California.

I have used HOMAMPOUR in all advertising and promotion of my Legal Services, which has been done primarily online and via modern technological means continuously since 1995 until the present. This includes but is not limited to my website located at [www.homampour.com](http://www.homampour.com) and social media accounts, such as Facebook, Yelp, Twitter, Instagram, YouTube, and LinkedIn. To illustrate, my website shows the Mark as used in rendering Legal Services such as my on-line videos, newsletters, and attorney services to name a few. My website also contains press releases that are publicly available along with other advertisements that promote my Legal

Services under the HOMAMPOUR designation. Third-party websites also advertise and promote HOMAMPOUR in connection to my Legal Services. I have also promoted the HOMAMPOUR designation by renting booths at various legal events and conferences since at least 2016. I have attached a non-exhaustive sampling to establish that my long-term and continuous use of the Mark has acquired distinctiveness as applied to my Legal Services in commerce. See Exhibit A. Furthermore, HOMAMPOUR is used on business signs, advertising brochures, advertising leaflets, and business documents that refer to my Legal Services, such as business cards, letterhead, and invoices.

As a result of my extensive advertising, promotion, and continuous use for nearly 25 years, HOMAMPOUR has acquired distinctiveness in relation to my Legal Services in commerce. I have been successful in educating the public to associate HOMAMPOUR as the source of my Legal Services. This is demonstrated in part by the excellent reputation of the HOMAMPOUR designation in the legal community and unprecedented success in obtaining more than *half a billion dollars* for my clients as detailed below. In fact, the majority of my clients that have Legal Services rendered are referrals from those who recognize the solid reputation and goodwill of HOMAMPOUR. I have daily inquiries from prospective clients due to the extent of my advertising, public exposure, and excellent reputation associated with the name HOMAMPOUR since as early as 1995 until the present. Indeed, the effective use of HOMAMPOUR is also supported by the wide public exposure of my Mark in California and throughout the United States through various awards and recognition. This is actual and direct evidence of the strength of HOMAMPOUR as a servicemark and supports the conclusion that the Mark has inarguably established strong secondary meaning in connection to my Legal Services. See Exhibit B. Some examples of awards and recognition include those from third-parties such as the American Association for Justice Leaders Forum Patron since 2011, Court Victories Member of the Multimillion-Dollar Verdicts & Settlement Club since 2016, and Top Verdict, which recognizes highest jury verdicts in a particular state or nationwide. This includes recognition as one of the “Top 10 Jury Verdicts Motor Vehicle Accidents” in California in 2019, “Top 20 Jury Verdicts All Practice Areas” in California in 2019, and “Top 50 US Verdicts All Practice Areas” in 2015.

It is difficult to estimate “annual sales volume” in connection with my Legal Services under HOMAMPOUR. Some of my Legal Services take *multiple years* to fully resolve, and my firm’s revenues from most others are confidential. When legal cases are offered on a contingency basis, there is no fee if there is no recovery. To ensure the highest level of service and to maintain my firm’s reputation as a champion of consumer and individual rights against powerful multinational companies, I only handle a limited number of cases in California. However, as can be attested via public records, over *half a billion dollars* have been attained for my clients since I began providing Legal Services approximately 25 years ago under the HOMAMPOUR designation. In the last five years alone, trial results have ranged from \$2.5 million to \$60 million against highly publicized defendants such as Sunbeam Products, Costco Stores, Farmers Insurance Exchange, Allstate Insurance, and Louisville Ladder. This includes eight 8 figure verdicts and four 7 figure verdicts. Specifically, in 2014, \$4 million was awarded in a liability and damages case in the San Bernardino Court in California. In 2015, \$60 million was awarded against Sunbeam Products, \$16 million was awarded against a negligent driver, and \$5.6 million was awarded in a wrongful death

case. In 2017, \$14.5 million was awarded against Allstate Insurance, a wrongful death case settled for \$14.25 million, \$8.75 million was settled in total against the City of Los Angeles, \$4.35 million was settled in a premise liability case, an auto versus pedestrian case was settled for \$1.875 million, and a wrongful death case settled for \$2.8 million. In 2018, a wrongful death case was awarded \$10 million and another wrongful death case was awarded \$12.25 million. In 2019, a record setting \$30 million wrongful death verdict was awarded in Ventura County and \$12 million was awarded against Daimler Trucks North America. From this it is clear, HOMAMPOUR has acquired distinctiveness as used in commerce in relation to my Legal Services.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Arash Homampour



Date: August 3, 2020

# EXHIBIT A

## About Us

Firm Overview

Trial Technology

Attorney  
Testimonials

Attorney Referrals

Awards &  
Recognition

Homampour Attorney  
Email

Instructions for Injury  
Clients

CAALA

## Homampour Attorney Email

About once a month we publish articles written by Arash and his team of attorneys that deliver real insight into different areas of the law. We also include updates on recent cases and information on the Homampour firm. Sign up below:

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# The Homampour Law Firm

We handle a limited number of cases, all on a contingency fee basis. Our areas of focus include catastrophic personal injury/wrongful death, business litigation, employment law and insurance bad faith. To discuss your legal concerns with one of our experienced lawyers, call us today at **(323) 658 8077** or use the form below.

Our office is located in the Sherman Oaks area of Los Angeles, California. Initial consultations are free, and our multilingual staff speaks Spanish, Farsi and Armenian.

We also can handle complex cases via **attorney referral**.

Name \*

First Name

Last Name

Email Address \*

Phone

How can we help you?

## Directions

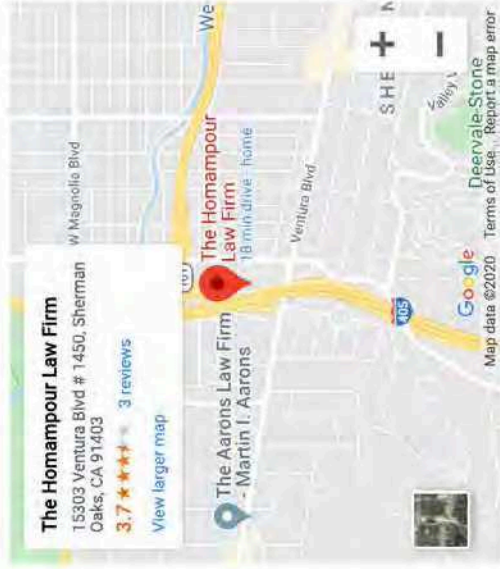
THE HOMAMPOUR LAW FIRM

### Homampour Law Firm

15303 Ventura Boulevard, Suite 1450  
Sherman Oaks, CA 91403

Phone: (323) 658 8077

Fax: (323) 658-8477



Get Directions



Over Half A Billion Dollars Attained For  
Our Clients

We think our results speak for themselves. Click on any of the links in the scroller below or navigate through to the practice area you are interested in.

- \$12 Million

- In 2019, Arash Homampour obtained a \$12 million dollar wrongful death verdict (general damages only) in Long Beach in a very difficult product liability case with the Law Offices of David Greenberg and against Defendant Daimler Trucks North America. [Read More](#)

- \$60 Million

- In 2015, Arash Homampour obtained a record setting \$60 million verdict from an Orange County Federal court jury (nowhere more conservative and requires unanimous verdict with only 20 minutes for jury selection). [Read More](#)

- \$37.5 Million

- In 2004, Arash Honampour obtained a \$37.5 million verdict from a San Bernardino jury in a case against the City of Fontana for the wrongful death of pedestrian Karen Medina (a 14 year old girl) by two divorced parents who testified through a Spanish interpreter at trial.

- \$37 Million

- In 2005, Arash Homampour obtained a \$37 million court judgment from a Los Angeles Superior Court on behalf of a young girl who suffered a frontal lobe brain injury when she fell out of a moving golf cart. [Read More](#)

- \$30 Million

- In 2019, Attorneys Arash Homampour and Scott Boyer obtained a \$30 million court judgment from Ventura County Superior Court for the wrongful death of a teenage pedestrian for her Spanish speaking parents. [Read More](#)

- \$20 Million

- In late 2018, Attorneys Arash Homampour and Danielle Lincors successfully obtained a \$20 million dollar pre-trial settlement for a pedestrian who was hit by a car and developed a rare but real condition called Complex Regional Pain Syndrome. [Read More](#)

- \$16 Million

[illegible]

## Case Results

## Overview

## Amputation

### Bicycle Accident

## Brain and Spinal Cord Injury

## Burn Injury

## Bus Accidents

## Business Litigation

## Chronic Pain

## Construction

Dangerous Roadway

Employment Law

## Insurance Bad Faith

## Motorcycle Accidents

## Pedestrian Accident

## Premises Liability

## Product Liability

## Trucking Accident

## Wrongful Death

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Arash Homampour On Working...x

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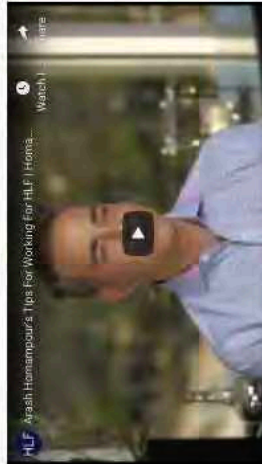
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## ARASH HOMAMPOUR ON WORKING FOR HOMAMPOUR LAW FIRM

January 8, 2019

Homampour Law FirmVideoArash Vidian



Trial Lawyer Arash Homampour has intentionally created his firm at the boutique level and employs those who are the best at what they do.

If you'd like to watch more videos like this, subscribe to the **Homampour YouTube Channel**. We publish videos of Arash that deliver real insight into different areas of the law. [Click here to subscribe.](#)

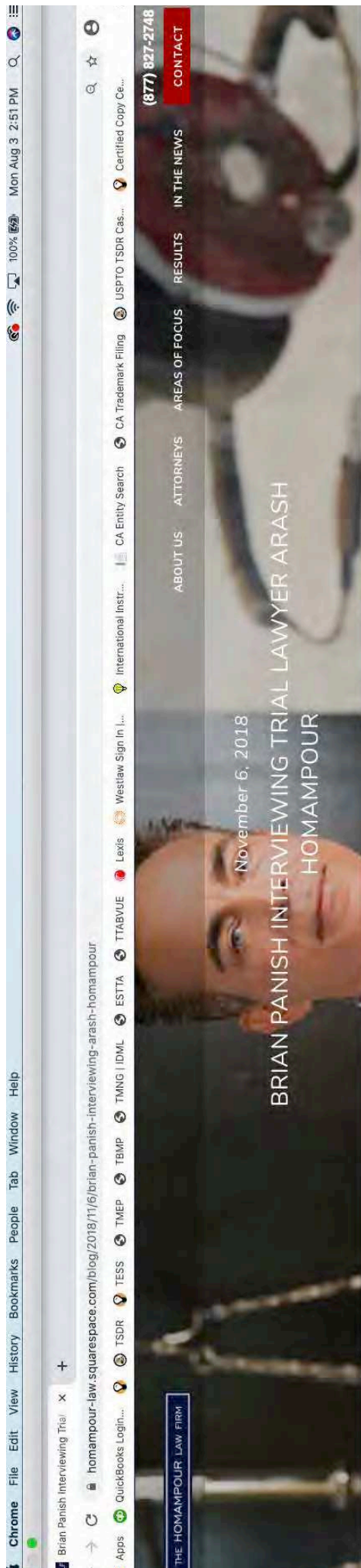
Tagged: Arash Homampour, Trial Attorney, Boutique Law Firm

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- Initial consultations are free and we take cases on a contingency — which means there is no fee if there is no recovery.
- Our multilingual staff speaks Spanish, Farsi and Armenian.
- We also can handle complex cases via attorney referral.

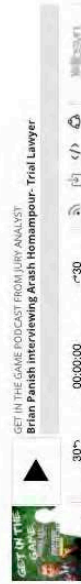


Homampour Law Firm Podcast

## Trial Lawyer Brian Panish's Podcast With Arash Homampour

Arash recently was interviewed by Brian for his Get in the Game Podcast from Jury Analyst. Click the play button below to hear Arash's insights on:

- Using trial technology
- Using animation in trial
- Using focus groups to better understand jurors
- Using questionnaires for jury selection



If you'd like to receive more articles like this, sign up for the Homampour Attorney's Email. We publish articles written by Arash and his team of attorneys that deliver real insight into different areas of the law.

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Arash Homampour - Top 100

homampour.com/blog/arash-homampour-top-100-high-stakes-litigator-2017

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THE HOMAMPOUR LAW FIRM

ARASH HOMAMPOUR, TOP 100 HIGH STAKES LITIGATOR, 2017

September 7, 2017

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Homampour Law FirmArash Homampour

September 7, 2017 - Announcing the selection of **Arash Homampour** among America's Top 100 High Stakes Litigators® for 2017. Selection to America's Top 100 High Stakes Litigators® is by invitation only and is reserved to identify the nation's most exceptional trial attorneys in high value, high stakes legal matters.

To be considered for selection, an attorney must have litigated (for either plaintiff or defendant) a matter (1) with at least \$2,000,000 in alleged damages at stake or (2) with the fate of a business worth at least \$2,000,000 at stake. These minimum qualifications are required for initial consideration. Thereafter, candidates are carefully screened through comprehensive Qualitative Comparative Analysis based on a broad array of criteria, including the candidate's professional experience, litigation experience, significant case results, representative high stakes matters, peer reputation, and community impact in order to rank the candidates throughout the state.

Only the top 100 qualifying attorneys in each state will receive this honor and be selected for membership among America's Top 100 High Stakes Litigators®. With these extremely high standards for selection to America's Top 100 High Stakes Litigators®, less than one-half percent (0.5%) of active attorneys in the United States will receive this honor. — Truly the most exclusive and elite level of attorneys in the community.

If you would like more information about America's Top 100 High Stakes Litigators® or the selection process, please visit our website at [www.Top100HighStakesLitigators.com](http://www.Top100HighStakesLitigators.com) or contact Kevin Wrester - Membership Director at [Memberships@AmericasTop100Attorneys.com](mailto:Memberships@AmericasTop100Attorneys.com).

Target: Arash Homampour, Awards

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- Initial consultations are free and we take cases on a contingency — which means there is no fee if there is no recovery.
- Our multilingual staff speaks Spanish, French and Armenian.

International Law Firm Associates, LLP

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This year, he's back in action with another potential blockbuster suit that accuses Toyota Motor Corp. of selling vehicles with defective braking systems, following a crash that allegedly could not stop in time to avoid striking three minor students in a North Hollywood, Calif., intersection. *S. v. Toyota Motor Corp.*, BC615438 (L.A. Superior Ct. filed March 30, 2016).

Hornamipour said his winning strategy was to show jurors that the defendant's engineer knew of a key fact hidden from consumers: that the switch was defective and was likely incapable of preventing a fire.

Hompour showed what he can do when he persuaded a different federal jury to order Allstate Insurance Co. to pay \$14 million in an underlying catastrophic injury case after finding the company acted unreasonably during

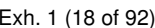
And so it went with Hemampour's other 2015 wins, including \$16 million from CalTrans for the family of a motorcyclist killed in a blind-turn crash on a Ventura

"Now you win a case is by proper framing," Hornamport said. "I weave the story throughout the case. The other side tends to be arrogant and frame it differently, but words can tell the difference."

— John Roemer

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- In a contingency — you measure there is no risk there is no recovery.
- Our multilingual staff speaks Spanish, Farsi and Armenian.
- We also can handle complex cases via attorney.





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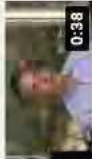
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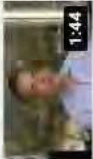
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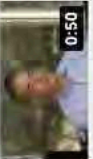
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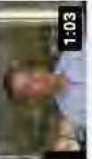
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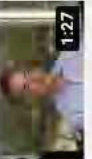
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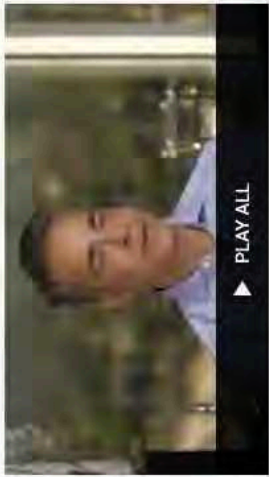
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About The Homampour Law Firm

9 videos • 487 views • Last updated on Jan 23, 2019

Arash Homampour talks about the culture and what it is like to work for one of the most successful law firms in Southern California.

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The Homampour Law Firm

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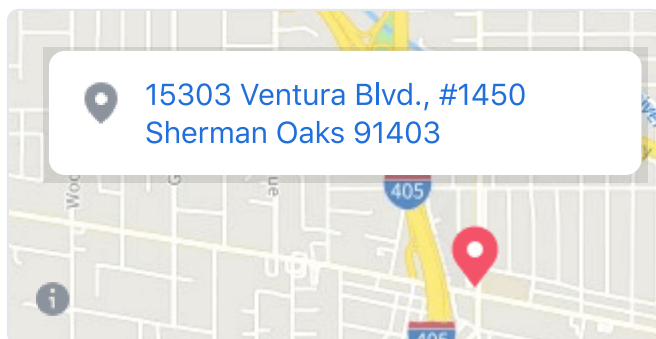
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**The Homampour Law Firm, PLC**

June 24 ·



Come watch Homampour Law Firm Attorney Arash Homampour along with other leading attorneys lead a [TBI Med Legal](#) free webinar titled Spine School on Friday, June 26 at 11am.

To register, click this link: [bit.ly/2A0Rr41](https://bit.ly/2A0Rr41)

Arash Homampour loves to help and you can always reach him directly at [arash@homampour.com](mailto:arash@homampour.com) or direct line at 323.658.8476





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**Spine School: A Webinar With Arash Homampour**

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## OTHER POSTS

**The Homampour Law Firm, PLC**

June 22 · 🌐

Come watch trial consultant extraordinaire Harry Plotkin and Arash Homampour lead a webinar on voir diring an impossible case, tomorrow June 23 from 10am-11:30am. This is free with a question and answer session at the end. Click here to register:

[https://zoom.us/webinar/register/WN\\_wtwXWF8ITiT1nWv5qA](https://zoom.us/webinar/register/WN_wtwXWF8ITiT1nWv5qA)

**JURY EXPERTS ~~UNCENSORED~~:  
LIVE VOIR DIRE DEMO!**  
VOIR DIRING AN IMPOSSIBLE CASE

Tuesday, June 23 from 10 a.m. to 11:30 a.m.

Visit [www.yournextjury.com/webinars](http://www.yournextjury.com/webinars) to Register



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[HOMAMPOUR LAW FIRM]

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12 8-figure, 15 7-figure verdicts



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[JURY CONSULTANT]

Picked 35 8-figure verdicts since 2014  
Hired by 20 CAALA Award winners





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**The Homampour Law Firm, PLC**

June 18 · 🌐



\$30,000,000 Jury Verdict | Homampour Law Firm Attorneys Arash Homampour and Scott Boyer have been awarded the [Top Verdict](#) Top 10 Jury Verdicts, Motor Vehicle Accidents Award. Click the image below to read more about this prestigious award.



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### Top 10 Motor Vehicle Accidents In California | Homampour

Homampour Law Firm Attorneys were recently recognized for securing one of the top 10 Jury Verdicts Motor Vehicle Accidents in California ...



15

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June 1 · 🌐



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A [TBI Med Legal](#) Production... [See More](#)



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**All Stars Program: A Webinar With Arash Homampour On June 5 — Los Angeles Personal Injury Lawyers |...**



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**The Homampour Law Firm, PLC**

May 7 · 🌐

Come watch Homampour Law Firm Attorney Arash Homampour lead a free webinar titled Making The Case, a [Courtroom Etiquette](#) & [TBI Med Legal](#) Production.

Learn how to take your case from A to Z today, May 7 at 3:00 p.m. Question and answer session at the end. Suit, tie and shower optional.

Click here to register:

[https://us02web.zoom.us/webinar/register/WN\\_xaBkl\\_jRTI6au4UysZoJ8A](https://us02web.zoom.us/webinar/register/WN_xaBkl_jRTI6au4UysZoJ8A)





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**The Homampour Law Firm, PLC**

May 6 · 🌐



Come watch Homampour Law Firm Attorney Arash Homampour lead a free webinar titled Making The Case, a [Courtroom Etiquette](#) & [TBI Med Legal](#) Production.

Learn how to take your case from A to Z on Thursday, May 7 at 3:00 p.m. Question and answer session at the end. Suit, tie and shower optional.

Courtroom Etiquette & TBI MED LEGAL Production... [See More](#)





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**The Homampour Law Firm, PLC**

April 30 · 🌐



Homampour Law Firm Attorneys Arash Homampour and Scott Boyer were recently recognized for securing one of the top 20 Verdicts in California in 2019 in the amount of \$30,000,000. Click the image below to read more about this award.



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**Homampour Law Firm Top 20 Verdicts In California — Los Angeles Personal Injur...**

Top 20 Jury Verdicts Homampour Law Firm Attorneys Arash Homampour and Scott Boyer were recently recognized for securing one of...



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Come watch trial consultant extraordinaire Harry Plotkin and Arash Homampour lead a webinar on Jury Persuasion on Tuesday, April 28 from 10 - 11:30 a.m. Best of all its free! Question and answer session at the end. Suit, tie and shower optional.

Register here:

[https://zoom.us/webinar/register/WN\\_TuSd9D6nTNiWjywmgMeHXQ](https://zoom.us/webinar/register/WN_TuSd9D6nTNiWjywmgMeHXQ)

## JURY EXPERTS **UNCENSORED**: JURY PERSUASION, FRAMING & THEMES

Tuesday, April 28 from 10 a.m. to 11:30 a.m.

Email [\[harry@yournextjury.com\]](mailto:harry@yournextjury.com) to Register



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[HOMAMPOUR LAW FIRM]

2010 CAALA Trial Lawyer of the Year  
12 8-figure, 15 7-figure verdicts



**HARRY PLOTKIN**  
[JURY CONSULTANT]

Picked 35 8-figure verdicts since 2014  
Recipient of "Best Dad" mug by own kids



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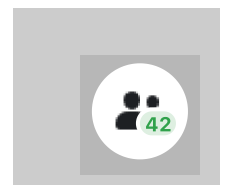
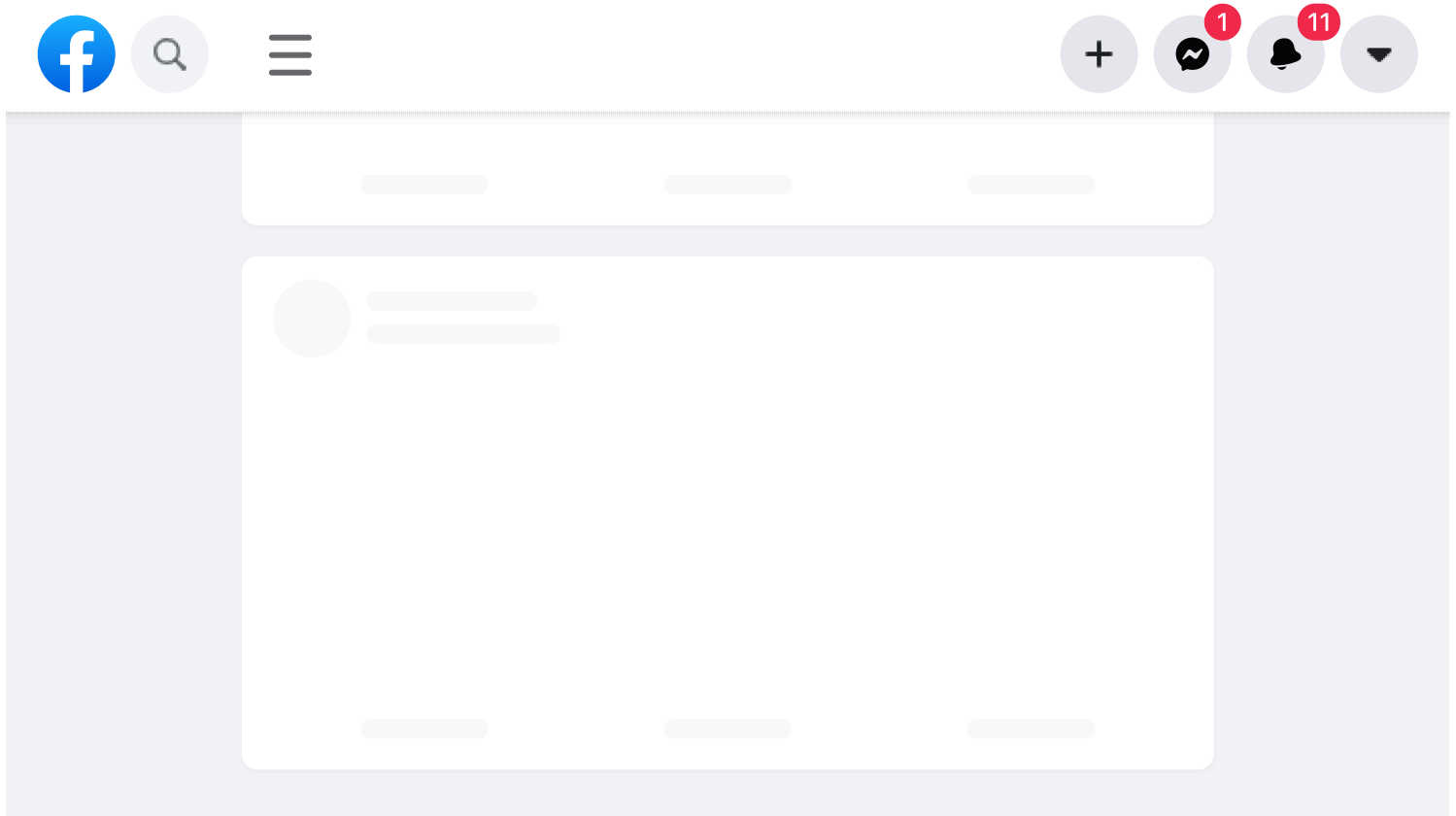
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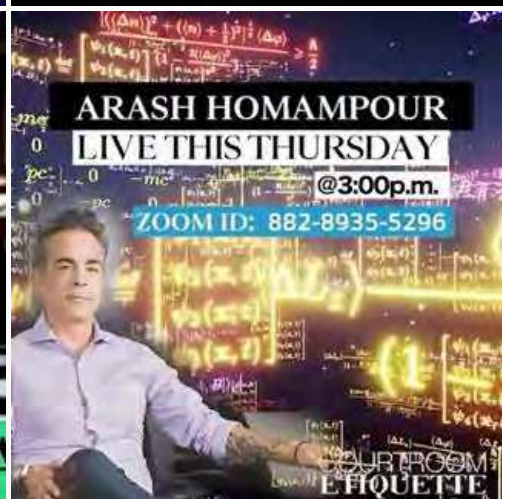
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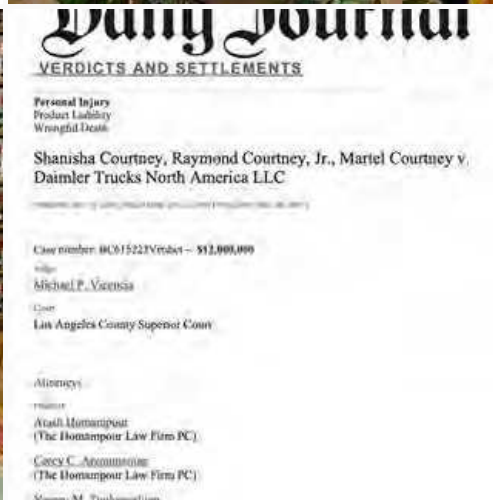
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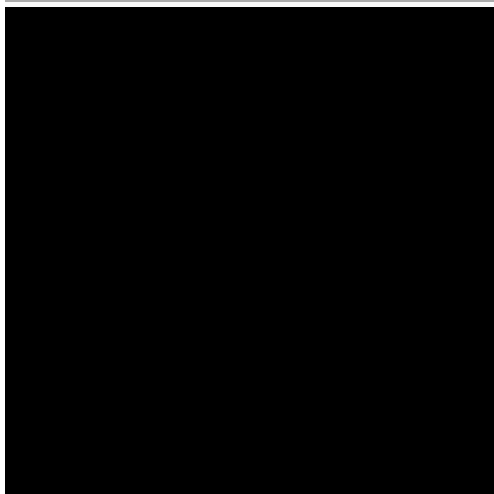
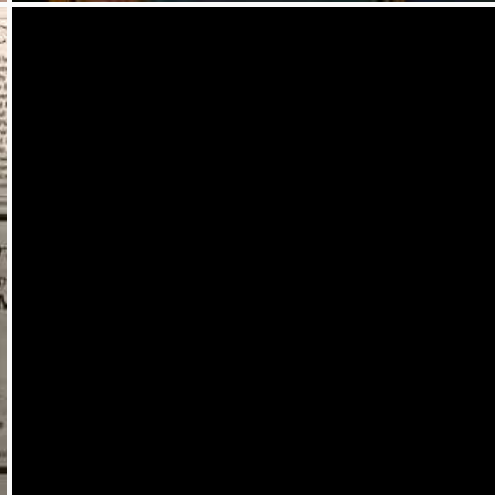
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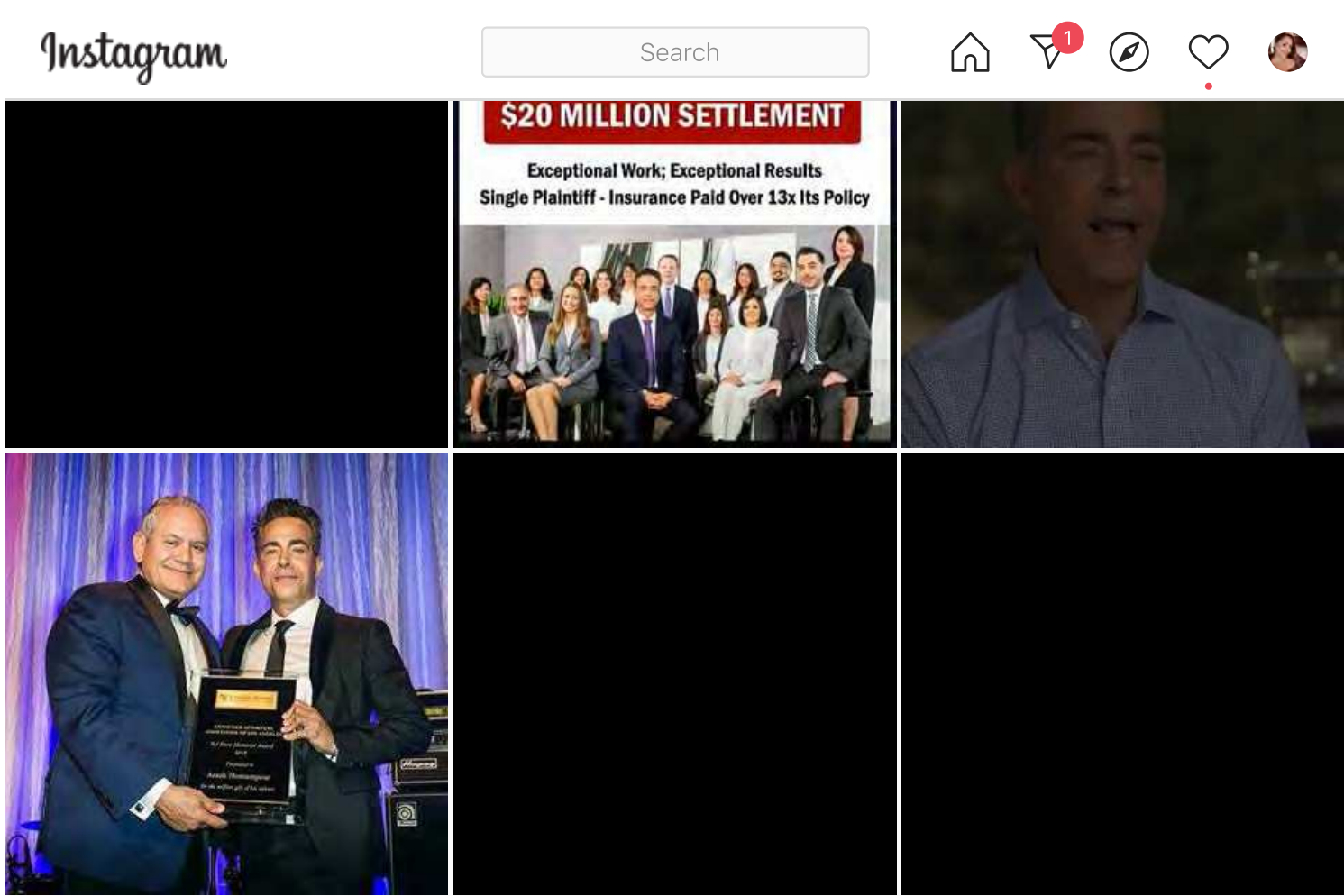




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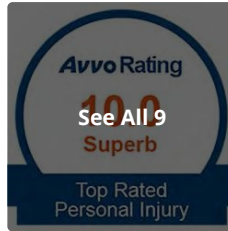
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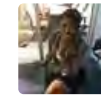
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14.1 miles

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**Courtney W. said** "They have been a blessing in this horrible nightmare i have experienced. From being in a accident that wasn't my fault and my car being totaled, being lied to by the police, the guy having no insurance, to the run around by Uber,..." [read more](#)  
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**Alpine Law Group**

★★★★★ 15

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**Armen M. said** "The best personal injury law firm in Southern California. As an attorney, I've had the pleasure of working with Arin Khodaverdian on a number of cases. He is a mastermind who operates at light speed. Not only does Mr. Khodaverdian..." [read more](#)  
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**Freeman & Freeman, LLP**

★★★★★ 17

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**Anna C. said** "My grandmother was taking a walk when she was struck by a hit and run vehicle. She consulted with two attorneys who told her that she did not have a claim because the person at fault was never identified. I was then referred by a..." [read more](#)  
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## About the Business

### Specialties

The Homampour Law Firm is considered one of the premiere law firms in the state that exclusively represents plaintiffs in catastrophic injury/wrongful death, business litigation, employment law and insurance bad faith claims. Our firm only handles a limited number of cases, all on a contingency fee basis, which allows us to provide the highest level of service.

### History

Established in 1993.

The Homampour Law Firm has been an innovator in the use of Trial Technology to win trials. As one of the first trial attorneys to successfully use technology at trial, Arash Homampour regularly lectures other attorneys on how to use (and not to use) it at trial.

### Meet the Business Owner

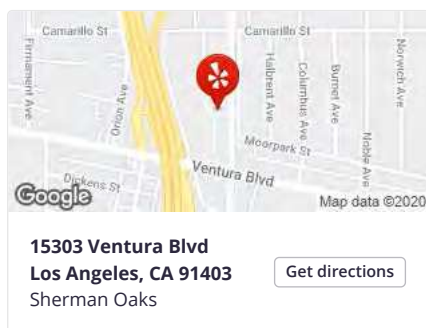


**Arash H.**  
Business Owner

Meet Arash Homampour

- In 2016, he was named one of the Top 30 Plaintiff's attorneys in the State by the Daily Journal.
- In 2016, he was also named by the Ventura County Trial Lawyers Association as their Trial Lawyer of the year.
- In 2007, he was named one of the Top 20 Attorneys Under the Age of 40 by the Los Angeles Daily Journal.
- Every year from 2004 through 2015, he has received nominations for Trial Attorney of the Year
- In 2015, the firm was named to National Law Journal's List of "America's Elite Trial Lawyers 50" as one on the cutting edge of plaintiffs-side work in the United States and that has achieved exemplary results for its clients.
- He was awarded CAALA's Trial Attorney of the year award for 2009 - 2010.
- He also received recognition by the Los Angeles Daily Journal for obtaining one of the top 10 Verdicts in California in 2004.
- He has been identified as a Super Lawyer since 2005 and one of the Top 100 Super Lawyers in Southern California since 2010

## Location & Hours



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**Vanessa T. said** "Last year I was rear ended pretty badly. The other party did not have any ins on hand at the time. I was recommended by a friend to seek out help with Priority Law Group. The team is super nice and knowledgeable. He guided me step..." [read more](#)

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37

0.9 miles away from The Homampour Law Firm

**Sabrina R. said** "Got referred by a family member to this firm. let me start off by saying Maria is awesome she answers all questions even after hours. My case did take a minute to get resolved only due to the fact the other partied insurance company..." [read more](#)

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Personal Injury Law



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## About us

The Homampour Law Firm is considered one of the premiere law firms in the state that exclusively represents plaintiffs in catastrophic injury/wrongful death, business litigation and insurance bad faith claims. Our firm only handles a limited number of cases, all on a contingency fee basis, which allows us to provide the highest quality representation.

Arash Homampour is considered and has been recognized as one of the top trial lawyers in the state and he has obtained over half a century of experience. We are also a true litigation firm, skillfully navigating cases through the courts, handling appeals when necessary and successfully arguing cases before the Supreme Court and in the Court of Appeals.

Meet Arash Homampour

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- In 2018 he was named OCTLA trial lawyer of the year in product liability
- In 2018, he was again named one of the Top 30 Plaintiff's attorneys in the State by the Daily Journal.
- In 2016, he was named one of the Top 30 Plaintiff's attorneys in the State by the Daily Journal.
- In 2016, he was also named by the Ventura County Trial Lawyers Association as their Trial Lawyer of the year.
- In 2007, he was named one of the Top 20 Attorneys Under the Age of 40 by the Los Angeles Daily Journal.
- Every year from 2004 through 2015, he has received nominations for Trial Attorney of the Year
- In 2015, the firm was named to National Law Journal's List of "America's Elite Trial Lawyers 50" as one on the cutting edge of plaintiffs-side work in the United States and that has achieved exemplary results for its clients.
- He was awarded CAALA's Trial Attorney of the year award for 2009 – 2010.
- He also received recognition by the Los Angeles Daily Journal for obtaining one of the top 10 Verdicts in California in 2004.
- He has been identified as a Super Lawyer since 2005 and one of the Top 100 Super Lawyers in Southern California since 2010

**Website** <http://www.homampour.com/>

**Industries** Law Practice

**Company size** 11-50 employees

**Headquarters** Sherman Oaks, CA

**Type** Privately Held

**Founded** 1993

**Specialties** Catastrophic Personal Injury,  
Litigation, Insurance Bad Faith

## Locations

### Primary

15303 Ventura Boulevard, Suite 1450  
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## Employees at The Homampour Law Firm

**Armine Safarian Khatchaturian**

Attorney at The Homampour Law  
Firm

**Marie Antoinette Sharp**

Litigation Paralegal

**Nareen M. Touloumdjian, Esq.**

Attorney At Law at The  
Homampour Law Firm

**Yesenia Mendoza**

Clerk at The Homampour Law Firm

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## Updates

**The Homampour Law Firm**

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Come watch Homampour Law Firm Attorney Arash Homampour along with other leading attorneys lead a TBI Med Legal free webinar titled Spine School on Friday, June 26 at 11am.

To register, click this link: [bit.ly/2A0Rr41](https://bit.ly/2A0Rr41)

Arash Homampour loves to help and you can always reach him at [arash@homampour.com](mailto:arash@homampour.com) or direct line at 323.658.8476

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Come watch trial consultant extraordinaire [Harry Plotkin](#) and Arash Homampour lead a webinar on voir direing an impossible case, tomorrow June 23 from 10am-11:30am. This is free with a question and answer session at the end. Click here to register: <https://lnkd.in/gWeAfcY>

#HLF #ArashHomampour #HarryPlotkin #webinar #juryexperts #voirdire #trialattorney #personalinjurylawyer

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Call/contact us at any time for a free consultation. (323) 658 8077 or [arash@homampour.com](mailto:arash@homampour.com)

Our employees speak Spanish, French, Farsi and Armenian.

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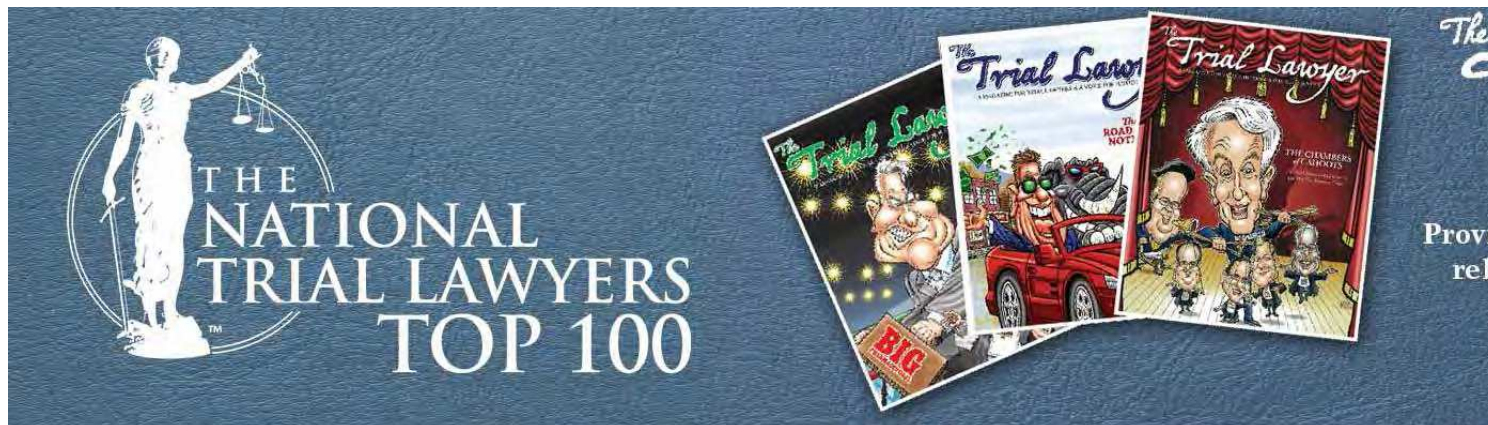
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## Arash Homampour

The Homampour Law Firm  
 15303 Ventura Blvd, Ste 1450  
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 (323) 658-8077  
[www.homampour.com](http://www.homampour.com)

Arash Homampour Has Obtained Over Half A Billion Dollars In Settlements, Verdicts And Judgments For His Clients.

He is a trial attorney who in the last five years alone has obtained many successful trial results (ranging from \$2.5 million to \$60 million) against Sunbeam Products, the State of California, Costco Stores, Farmers Insurance Exchange, Allstate Insurance, and Louisville Ladder in a wide array of cases involving dangerous roads, dangerous ladders, dangerous premises, and unlawful employment practices.

In 2016, 2018 and 2019, he has been named one of the Top 30 Plaintiff's attorneys in the State by the Daily Journal.

In 2019, he has so far recovered a verdict of \$30 million (wrongful death of driver that hit improperly parked truck).

In 2018, he recovered verdicts of \$12.25 million (wrongful death of man at swap meet) and \$10 million (fatal vehicle versus motorcycle) and was named in the Top 100 Southern California Super Lawyers for the 7th year in a row.

In 2017, he recovered settlements & verdicts of \$14.5 million (insurance bad faith), \$14.25 million (wrongful death of a motorcyclist) \$4.5 million (auto vs. truck).

In 2015, he recovered verdicts of \$16.2 million (motorcycle rider suffered a head injury), \$5.6 million (wrongful death of 83 year old), \$60 million (wrongful death of mother in fire started by a defective space heater), \$14.2 million (dangerous condition wrongful death case for lack of warning signs against Caltrans) and \$14 million (bad faith claim against Allstate Insurance Co.).

In 2010, he was named by the Consumer Attorneys Association of Los Angeles (CAALA) as its Trial Attorney of the Year. CAALA is the largest plaintiff attorney group in the country.

In 2007, he was named one of the Top 20 Attorneys Under the Age of 40 in the State of California by the Los Angeles Daily Journal. Every year since 2004, he has received nominations for Trial Attorney of the Year by the Consumer Attorneys of California and/or CAALA.



Since 2005, he has been designated a Super Lawyer by Los Angeles Magazine and Law & Politics.

Since 2010, he has been recognized as one of the Top 100 Southern California Super Lawyers which is based on the lawyers who received the highest point totals in the Southern California nomination, research and blue ribbon review process.

He has also successfully briefed and argued many appeals, including a recent California Supreme Court victory in *Cortez v. Abich* (2011) 51 Cal. 4th 285.

Arash frequently lectures throughout the state on all matters related to trial practice and has published many articles. You can find copies of those articles or videos of his presentations at [www.caala.org](http://www.caala.org) or [www.caoc.org](http://www.caoc.org)

#### Areas Of Practice

Litigation  
Insurance Bad Faith  
Personal Injury  
Employment  
Business

#### Litigation Percentage

100% of Practice Devoted to Litigation

#### Bar Admissions

California, 1993  
U.S. District Court Central District of California, 1993

#### Education

Southwestern University School of Law, Los Angeles, California  
University of Southern California, Los Angeles, California  
B.S., Bachelor of Science – June, 1989  
Major: Economics/Finance

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# ARASH HOMAMPOUR



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## Attorney Profile

*Top Rated Personal Injury Attorney in Sherman Oaks, CA*

### The Homampour Law Firm

15303 Ventura Boulevard, Suite 1450

Sherman Oaks, CA 91403

**Visit:** <http://www.homampour.com>

**Phone:** 323-658-8077

**Fax:** 323-658-8477

323-658-8077

EMAIL

**Selected To Super Lawyers:** 2005 - 2021

**Selected To Rising Stars:** 2004

**Licensed Since:** 1993

**Education:** [Southwestern Law School](#)

**Practice Areas:** Personal Injury - General: Plaintiff (60%),  
Personal Injury - Products: Plaintiff (30%), Employment & Labor:  
Employee (10%)



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## ATTORNEY PROFILE

Arash Homampour is a trial attorney. He started his firm with no money, no cases and no mentor. Today, he is considered to be one of the preeminent trial lawyers in the State who is sought out by other attorneys and clients to take on the most challenging, but righteous cases. His firm exclusively

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In the last five years alone, Arash has obtained Eight 6 figure verdicts and Four 7 figure verdicts in a wide array of trials and cases involving dangerous products, roads, driving, and premises (including a record setting \$60 million wrongful death/product liability verdict in Orange County Federal Court and a \$30 million wrongful death verdict in Ventura County.)

His firm specializes in what they call “Underdog” or “David v. Goliath” litigation where they represent one individual client that is taking on a public entity, large employer, industry or manufacturer in an effort to change and/or stop unlawful or unsafe conduct for the good of others and the community. They are frequently involved in litigation that involves multiple defendants and multiple law firms with unlimited resources. While also a last-minute trial firm, they also handle cases from intake to trial and through appeals (including the California Supreme Court.)

Arash is frequently sought out by other attorneys to handle cases that involve highly specialized, technical and complicated issues like design of products (trucks, industrial equipment, dust collectors, heaters, ladders, etc.); manufacturing/design/crash worthiness of cars (tires, air bags, side structures, roll over protection and seatbelts); building and home fires (including cause and origin issues); design, maintenance and operation of roadways (including lack of median barriers, guardrails, warning signs, traffic signals, improperly designed crosswalks, etc.); traffic control during construction; injuries at multi-employer construction sites; disputed brain injuries; chronic pain; and insurance coverage and bad faith issues.

Arash loves what he does, and his firm literally spares no expense in its pursuit of justice for their clients. His firm has taken on the biggest and most formidable of Defendants, including Volkswagen, Lamborghini, Toyota, Nissan, Sunbeam Products, the State of California, Costco Stores, Farmers Insurance Exchange, Allstate Insurance, Daimler Trucks of North America, and Louisville Ladder.

Since 2016, he has been named one of the top 30 Plaintiff attorneys in the State by the Los Angeles Daily Journal. He was named CAALA 2010 trial attorney of the year and has been nominated as trial attorney of the year every year since 2004. In 2017, he was named the Ventura County Trial Lawyer Association Trial Attorney of the Year. In 2018, he was named the Orange County Trial Lawyer Association as its product liability Trial Attorney of the Year. In 2007, he was named one of the Top 20 Attorneys Under the Age of 40 by the Los Angeles Daily Journal. From 2005 through the

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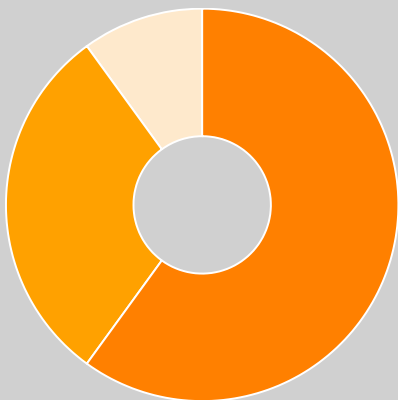
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successfully briefing and arguing before the California Supreme Court. He also appears as a legal analyst on television.

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To: Arash Homampour

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Top 100: 2011 Southern California Super Lawyers

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## ABOUT ARASH HOMAMPOUR

**Admitted:** 1993, California

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- Top 100 Super Lawyer in Southern California, January 1, 2010 - December 31, 2013, 2019
- Trial Lawyer of the Year (Consumer Attorneys Association of Los Angeles), January 1, 2010 - December 31, 2010, 2010
- Named one of the Top 30 Plaintiff lawyers in Southern California, Top 30 Plaintiff Lawyer in Southern California, *Los Angeles Daily Journal*, 2019
- Top 20 under 40 (Los Angeles Daily Journal), January 1, 2007 - December 31, 2007

<http://www.homampour.com>

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[@ArashHomampour](https://twitter.com/ArashHomampour)

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## Bar/Professional Activity:

- California, 1993
- Consumer Attorneys of California
- Consumer Attorneys Association of Los Angeles, Board of Governor
- American Association for Justice
- U.S. District Court Central District of California, 1993
- Trial Lawyer Charities, Board of Director

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The definitive guide for the #deposition and #crossexam of #defenseexperts by Arash Homampour....

## Office Location for Arash Homampour

15303 Ventura  
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Suite 1450  
Sherman Oaks, CA  
91403  
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Arash Homampour

**The Homampour Law Firm**  
**Arash Homampour Esq.**  
 15303 Ventura Blvd. Ste. 1000  
 Sherman Oaks, CA 91403  
 P: (323)658-8077 • F: (323)658-8477  
 W: <http://www.homampour.com>


**Member Since:** 2011

**Areas of Practice:**

Business Litigation; Catastrophic Injury;  
 Employment Law; Insurance Bad Faith and  
 Wrongful Death

**Firm Background:**

Arash Homampour, our firm's founder, has obtained many large-dollar settlements, verdicts, and judgments for his clients. He is a trial attorney who in the last four years alone has obtained many successful trial results against the state of California, Costco Stores, Farmers Insurance Exchange, Allstate Insurance, and Louisville Ladder in a wide array of cases involving dangerous roads, dangerous ladders, dangerous premises, and unlawful employment practices. In 2009, he was named by the Consumer Attorneys Association of Los Angeles (CAALA) as its Trial Attorney of the Year. CAALA is the largest plaintiff attorney group in the country. In 2007, he was named one of the Top 20 Attorneys Under the Age of 40 in the State of California by the "Los Angeles Daily Journal." Every year since 2004, he has

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received nominations for Trial Attorney of the Year by the Consumer Attorneys of California and/or CAALA. Since 2005, he has been designated a "Super Lawyer" by "Los Angeles Magazine" and "Law & Politics." Since 2010, he has been recognized as one of the Top 100 Southern California Super Lawyers, which is based on the lawyers who received the highest point totals in the Southern California nomination, research, and blue ribbon review process. He has also successfully briefed and argued many appeals, including a California Supreme Court victory in "Cortez v. Abich" (2011) 51 Cal. 4th 285.

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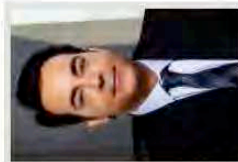
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## Arash Homampour



Arash Homampour is a trial attorney who in the last five years alone has obtained multiple successful trial results (ranging from \$2.5 million to \$60 million) against Sunbeam Products, the State of California, Costco Stores, Farmers Insurance Exchange, Allstate Insurance, and Louisville Ladder in a wide array of cases involving dangerous roads, dangerous ladders, dangerous premises, and unlawful employment practices.

### Practice Areas

- Personal Injury;
- Business Litigation;
- Employment Law;
- Insurance Bad Faith.

### Notable Court Victories

Amount	Case	Case Type	Victory Type
\$58,650,000	Shinedling v. Sunbeam Products Inc.	Premises Liability	Verdict

### Membership in Court Victories Clubs

**Multimillion-Dollar Verdicts & Settlements Club** - member since 2016.

### Contact Info

The Homampour Law Firm, APC  
15303 Ventura Boulevard, Suite 1000  
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Phone: (323) 658-8077  
URL: <http://www.homampour.com>



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- **Multibillion-Dollar Verdicts & Settlements Club™** - if your highest victory was equal to or greater than \$5 Billion.

If, however, your highest legal victory was equal to or greater than \$5 Million but less than \$1 Billion you can apply for a membership to this club to receive the following:

- A **personalized electronic badge** (corresponding to your victory amount) to use on your website and other marketing materials. "Personalized" means, your name – and optionally your firm's name – will be engraved to the badge. The badge is delivered to you as a large, high-resolution PNG file with a transparent background.
- An **attorney profile** in our **legal directory** including your professional bio, photo portrait, contact info, list of legal victories, and Court Victories club badge(s).
- A **premium listing** for the attorney profile in our legal directory. A premium listing contains the member's photo, specialties, and full contact information, and appears above standard listings, which are listings of non-members.

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\$50M+	\$300
\$100M+	\$500
\$500M+	\$600

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Victory amount \*

Victory type \*

 ▼

Case type \*

Below, please provide a full citation of the case that concluded with the multimillion-dollar victory in which you acted as lead or co-lead counsel. In case of a confidential settlement, please provide sufficient details – permissible by the confidentiality agreement – to describe the case.

Case info \*

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## Top 10 Motor Vehicle Accident Verdicts in Californ



We are pleased to present to you the list of the top 10 motor vehicle ac list is comprised of various case types that were tried either in state or f

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Note: If you have made this list (Top 10 Motor Vehicle Accident Verdicts in California in 2019) you hav [Verdicts in California in 2019](#).

Important: While we strive to achieve maximum accuracy and completeness of our lists, we cannot gu be on this list, please [submit it to us](#) today.

1

Amount: **\$70,578,289.00**

Attorneys: Joseph H. Low IV of The Law Firm of Joseph H. Low IV; Daniel Rodriguez, Chantal A. Tr

Case: Cuevas v. Rai Transport Inc.

Type: Car Accident, Motor Vehicle Accident, Personal Injury, Truck Accident, Brain Injury, Negli

2

Amount: **\$60,000,000.00**

Attorneys: Evan L. Ginsburg of Law Offices of Evan L. Ginsburg; William M. Paoli, Court B. Purdy o

Case: Summer Johnson and Steven De La Cruz v. Town of Apple Valley

Type: Car Accident, Dangerous Condition, Failure to Warn, Government Negligence, Motor Vel Wrongful Death, Negligent Maintenance, Negligent Tort, Single-Vehicle Accident

3

Amount: **\$30,000,000.00**

Attorneys: Scott E. Boyer, Arash Homampour of The Homampour Law Firm, APLC; Hamed L. Yazd

Case: Estate of Plascencia, et al. v. Deese, et al.

Type: Car Accident, Motor Vehicle Accident, Truck Accident, Wrongful Death, Negligent Tort

4

Amount: **\$21,496,420.00**

Attorneys: Andrew P. Owen, Brian J. Panish, Matthew J. Stumpf of Panish Shea &amp; Boyle LLP

Case: Rada v. Hardin Irvine Automotive Inc.

Type: Car Accident, Motor Vehicle Accident, Motorcycle Accident, Personal Injury, Truck Accident, Liability, Respondeat Superior, Catastrophic Injury

5

Amount: **\$20,000,000.00**

Attorneys: Alethia S. Gooden, Trevor M. Quirk of Quirk Law Firm, LLP

Case: Estate of Prewitt v. Chappell

Type: Car Accident, Motor Vehicle Accident, Pedestrian Accident, Wrongful Death, Gross Negli

6

Amount: **\$17,270,000.00**

Attorneys: Patrick M. Ardis, Kip E. Whittemore of Wolff Ardis, P.C.; Todd F. Nevell, Daniel G. Sheldo

Case: Romo v. Hyundai Motor America, et al.

Type: Car Accident, Motor Vehicle Accident, Personal Injury, Negligent Tort

7

Amount: **\$12,000,000.00**

Attorneys: Corey Arzoumanian, Arash Homampour, Nareen M. Touloumdjian of The Homampour Law Office of David H. Greenberg

Case: Courtney v. Daimler Trucks North America LLC

Type: Motor Vehicle Accident, Product Liability, Truck Accident, Work Accident, Wrongful Death

8

Amount: **\$11,061,472.00**

Attorneys: Joseph H. Low IV of The Law Firm of Joseph H. Low IV; Simon P. Etehad of Etehad Law Corporation

Case: McPhoy v. Mendez Ramirez

Type: Car Accident, Motor Vehicle Accident, Personal Injury, Brain Injury, Negligent Tort

9

Amount: **\$11,050,000.00**

Attorneys: Steven R. Vartazarian, Matthew J. Whibley of The Vartazarian Law Firm, APC; Navid A. I Natanian, APLC

Case: Estate of Garcia v. TRI-Modal Distribution Services Inc.

Type: Car Accident, Motor Vehicle Accident, Truck Accident, Wrongful Death, Negligent Tort

10

Amount: **\$11,041,719.00**

Attorneys: Olivier A. Taillieu, Maura Taillieu of The Dominguez Firm

Case: Esparza, et al., v. Win Distribution, Inc., et al.

Type: Car Accident, Motor Vehicle Accident, Personal Injury, Truck Accident, Brain Injury, Negli

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TopVerdict.com » Lists » 2019 » California » Top 20

## Top 20 Verdicts in California in 2019



We are pleased to present to you the list of the top 20 plaintiff jury verdicts comprised of various case types that were tried either in state or federal court.

For firms that have made the list and would like to signify their achievement, TopVerdict.com has issued a special electronic badge that is available for download.

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Note: If you have made this list (Top 20 Verdicts in California in 2019) you have also made the list of Top 100 Verdicts in California in 2019.

Important: While we strive to achieve maximum accuracy and completeness of our lists, we cannot guarantee that all verdicts are included. If you believe a verdict should be on this list, please [submit it to us](#) today.

1

Amount: **\$2,055,000,000.00**

Attorneys: Michael J. Miller, Curtis G. Hoke, David J. Dickens, Jeffrey Travers, Nancy Guy Armstrong, Michael Baum, Pedram Esfandiary of Baum, Hedlund, Aristei & Goldman, PC; Mark Burton of Armstrong & Burton LLP

Case: Pilliod v. Monsanto Co.

Type: Failure to Warn, Personal Injury, Product Liability, Toxic Exposure, Defective Product, Negligence

2

Amount: **\$222,216,159.00**

Attorneys: Lewis E. Hudnell, III of Hudnell Law Group P.C.; Jonathan T. Suder, Corby R. Vowell, David J. Dickens, Jeffrey Travers, Nancy Guy Armstrong, Michael Baum, Pedram Esfandiary of Baum, Hedlund, Aristei & Goldman, PC; Mark Burton of Armstrong & Burton LLP

Case: Opticurrent L.L.C. v. Power Integrations Inc.

Type: Intellectual Property Infringement, Patent Infringement, Intentional Tort, Commercial Litigation



3

Amount: **\$113,402,626.00**

Attorneys: Steven R. Vartazarian, Matthew J. Whibley of The Vartazarian Law Firm, APC

Case: N.R., Pro Ami v. County of San Bernardino Children and Family Services

Type: Assault &amp; Battery, Government Negligence, Personal Injury, Brain Injury, Intentional Tort, Negligent Tort, Child Protection

4

Amount: **\$80,267,634.00**

Attorneys: Aimee H. Wagstaff, David J. Wool, Kathryn M. Forgie of Andrus Wagstaff PC; Lori E. Andrus

Case: Hardeman v. Monsanto Company

Type: Dangerous Condition, Failure to Warn, Personal Injury, Product Liability, Toxic Exposure,

5

Amount: **\$70,578,289.00**

Attorneys: Joseph H. Low IV of The Law Firm of Joseph H. Low IV; Daniel Rodriguez of Rodriguez &amp; Associates

Case: Cuevas v. Rai Transport Inc.

Type: Car Accident, Motor Vehicle Accident, Personal Injury, Truck Accident, Brain Injury, Negligence

6

Amount: **\$63,419,988.00**

Attorneys: Duane C. Miller of Miller, Axline &amp; Sawyer

Case: City of Atwater v. Shell Oil Co., et al.

Type: Failure to Warn, Pollution, Product Liability, Nuisance, Defective Product, Environmental Liability, Strict Liability

7

Amount: **\$62,448,750.00**

Attorneys: Glenn D. Pomerantz, Kelly M. Klaus, Rose L. Ehler, Juliana M. Yee, Stephanie Goldfarb of Pomerantz LLP

Case: Disney Enterprises Inc. v. VidAngel Inc.

Type: Intellectual Property Infringement, Misappropriation of Trade Secrets, Intentional Tort, Copyright Infringement

8

Amount: **\$60,000,000.00**

Attorneys: William M. Paoli, Court B. Purdy of Paoli Purdy, LLP; Evan L. Ginsburg of Law Offices of

Case: De La Cruz, et al. v. Town of Apple Valley

Type: Car Accident, Dangerous Condition, Failure to Warn, Government Negligence, Motor Vehicle  
Wrongful Death, Negligent Maintenance, Negligent Tort, Single-Vehicle Accident

9

Amount: **\$58,250,000.00**

Attorneys: Nathan Goldberg, Dolores Y. Leal of Allred, Maroko & Goldberg

Case: Kahn v. Hologram USA, Inc., et al.

Type: Civil Rights Violation, Sexual Harassment, Constructive Discharge, Labor & Employment

10

Amount: **\$51,000,000.00**

Attorneys: Christopher Lilly, Pooja S. Nair, Jennifer C. Wang of TroyGould

Case: Greenfield LLC v. Kandeel

Type: Breach of Fiduciary Duty, Fraud, Conversion, Intentional Tort, Intentional Misrepresentation

11

Amount: **\$49,303,982.00**

Attorneys: Kenneth M. Fitzgerald, Keith M. Cochran, Joseph L. McGeady of Fitzgerald Knaier LLP;  
Bailey of Warren Lex LLP

Case: ViaSat Inc. v. Acacia Communications Inc.

Type: Breach of Contract, Intellectual Property Infringement, Patent Infringement, Misappropriation

12

Amount: **\$42,500,000.00**

Attorneys: Edward P. Dudensing of The Office of Ed Dudensing; Thomas G.C. McLaughlin of Law Center  
Nursing Home & Elder Abuse Law Center

Case: Lovenstein, et al. v. Eskaton Fountainwood Lodge, et al.

Type: Fraud, Nursing Home Malpractice, Professional Malpractice, Wrongful Death, Overmedication  
Failure to Train, Lack of Informed Consent, Negligent Tort

13

Amount: **\$40,631,250.00**

Attorneys: Thomas A. Vogeles, Timothy M. Kowal, Teddy T. Davis, Brendan M. Loper of Thomas Vog

Case: C&amp;C Properties, et al. v. Shell Pipeline, LLP, et al.

Type: Easement Abuse, Property Rights, Intentional Tort, Trespass

14

Amount: **\$40,137,769.00**

Attorneys: David C. Greenstone, Stuart J. Purdy, Marissa Langhoff, Lisa M. Barley of Simon Greens

Case: Cabibi v. Johnson &amp; Johnson, et al.

Type: Asbestos Exposure, Failure to Warn, Personal Injury, Product Liability, Toxic Exposure, D  
Tort, Strict Liability

15

Amount: **\$36,670,356.00**

Attorneys: Daniel S. Schechter, Nima H. Mohebbi, Miri E. Gold, John J. Pyun, Elizabeth A. Greenma

Case: Gavrieli v. Gavrieli

Type: Breach of Contract, Breach of Fiduciary Duty, Fraud, Conversion, Intentional Misrepresent

16

Amount: **\$34,000,000.00**

Attorneys: Jennifer L. Alesio, Daniel P. Blouin, John Richardson, Paul C. Cook, Deborah R. Rosentf

Case: Putt v. Ford Motor Company

Type: Asbestos Exposure, Failure to Warn, Personal Injury, Product Liability, Toxic Exposure, D  
Liability

17

Amount: **\$30,000,000.00**

Attorneys: Scott E. Boyer, Arash Homampour of The Homampour Law Firm, APLC; Hamed L. Yazd

Case: Estate of Plascencia, et al. v. Deese, et al.

Type: Car Accident, Motor Vehicle Accident, Truck Accident, Wrongful Death, Negligent Tort

18

Amount: **\$29,400,000.00**

Attorneys: Denyse F. Clancy, Joseph D. Satterley, Ted W. Pelletier, Mark A. Swanson of Kazan, McC

Case: Leavitt v. Johnson & Johnson, et al.

Type: Asbestos Exposure, Failure to Warn, Fraudulent Concealment, Personal Injury, Product Liability, Mesothelioma, Negligent Tort, Strict Liability

**19**

Amount: **\$28,435,964.00**

Attorneys: Peter C. Beirne, Nectaria Belantis, Bryon P. Josselyn, Joshua S. Paul of The Paul Law F

Case: Webb v. General Cable Corp.

Type: Asbestos Exposure, Failure to Warn, Personal Injury, Product Liability, Toxic Exposure, D  
Liability

**20**

Amount: **\$26,619,000.00**

Attorneys: Peter C. Beirne, Nectaria Belantis, Bryon P. Josselyn, Joshua S. Paul of The Paul Law F

Case: Phipps v. Copeland Corp. LLC

Type: Asbestos Exposure, Failure to Warn, Personal Injury, Product Liability, Toxic Exposure, D  
Liability

\* This and other lists of plaintiff jury verdicts, in our publication, may occasionally include a small number of counter- and/or cross-plaintiff verdicts.

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## Top 50 Verdicts in California in 2015



We are pleased to present to you the list of top 50 plaintiff verdicts obtained from various case types that were tried either in state or federal courts.

For firms that have made it to the list and would like to signify their achievement, TopVerdict.com has issued a special electronic badge that is available for download [here](#).

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1

Amount: **\$234,932,782**

Attorneys: Audrey Hadlock, Dan Jackson, Daniel Purcell, John W. Keker, Nicholas Goldberg, Warren Brownstein Hyatt Farber Schreck LLP

Case: San Diego County Water Authority v. Metropolitan Water District

Type: Breach of Contract

2

Amount: **\$139,800,000**

Attorneys: Frank Scherkenbach, Michael R. Headley of Fish & Richardson

Case: Power Integrations, Inc. v. Fairchild Semiconductor International, Inc.

Type: Intellectual Property Infringement

3

Amount: **\$79,823,557**

Attorneys: Nina Shapirshteyn, Richard Alexander of Alexander Law Group, LLP

Case: Kuhlmann v. Johnson & Johnson

Type: Personal Injury; Product Liability

4

Amount: **\$58,650,000**

Attorneys: Arash Homampour, Corey Arzoumanian of The Homampour Law Firm, APLC

Case: Shinedling v. Sunbeam Products Inc.

Type: Personal Injury; Premises Liability

5

Amount: **\$55,333,581**

Attorneys: Colin T. Kemp, Joseph D. Jean of Pillsbury Winthrop Shaw Pittman LLP

Case: Victaulic Co. v. American Home Assurance Co.

Type: Breach of Contract

6

Amount: **\$42,500,000**

Attorneys: Ian C. Eisner, Neal R. Marder of Winston & Strawn, LLP

Case: MJC America Ltd. v. Gree Electric Appliances Inc.

Type: Tortious Interference

7

Amount: **\$40,000,000**

Attorneys: Keith J. Bruno of Bruno | Nalu; Nicholas C. Rowley of Carpenter, Zuckerman & Rowley, L

Case: Jordan v. T.G.I. Friday's

Type: Personal Injury; Dram Shop Liability

8

Amount: **\$39,528,487**

Attorneys: Benu M. Wells, Cristina L. Martinez, Hannah Lee, James Hannah, Kristopher B. Kastens  
Levin Naftalis & Frankel LLP



Case: Finjan Inc. v. Blue Coat Systems Inc.

Type: Intellectual Property Infringement

9

Amount: **\$34,555,220**

Attorneys: Brian J. Panish, Thomas A. Schultz of Panish Shea & Boyle LLP; Sean Banafsheh, Kevin Javid, PC

Case: Casillas v. Landstar Ranger Inc.

Type: Personal Injury; Car Accident

10

Amount: **\$26,604,014**

Attorneys: Daniel Dell'Osso, Thomas J. Brandi of The Brandi Law Firm

Case: Clarke v. City of Santa Clara

Type: Personal Injury; Car Accident

11

Amount: **\$22,991,985**

Attorneys: Eric H. Chadwick of Patterson Thuen Pedersen,

Case: Cardiac Science Corp. v. LifeCor Inc.

Type: Breach of Contract

12

Amount: **\$20,968,903**

Attorneys: Alexander R. Wheeler, Jason P. Fowler of R. Rex Parris Law Firm

Case: Cardona v. Cortes

Type: Personal Injury; Car Accident

13

Amount: **\$20,500,000**

Attorneys: Deborah S. Chang, Rahul Ravipudi of Panish Shea & Boyle LLP

Case: Jun v. Chaffey Joint Union High School District

Type: Personal Injury; Premises Liability

**14**

Amount: **\$17,393,480**

Attorneys: Brian J. Panish, Deborah S. Chang of Panish Shea & Boyle LLP; Carla DeDominicis of T

Case: Sheaffer v. NuCO2

Type: Personal Injury; Car Accident

**15**

Amount: **\$16,162,429**

Attorneys: Christopher E. Russell, Marc Lazarus of Russell & Lazarus; Arash Homampour of The H

Case: Evans v. Regan

Type: Personal Injury; Car Accident

**16**

Amount: **\$15,771,234**

Attorneys: Craig R. McClellan, Robert J. Chambers, II, of The McClellan Law Firm

Case: Ringdahl v. Alvarado Hospital Medical Center Inc.

Type: Personal Injury; Car Accident

**17**

Amount: **\$13,488,765**

Attorneys: Anthony J. Dain of Procopio, Cory, Hargreaves & Savitch LLP

Case: Kaneka Corp. v. SKC Kolon PI Inc.

Type: Intellectual Property Infringement

**18**

Amount: **\$13,360,000**

Attorneys: Michael S. Danko of Danko Meredith

Case: Gottlieb v. Khalaf

Type: Wrongful Death; Aviation Accident

**19**

Amount: **\$13,033,000**

Attorneys: Christopher J. Panatier, David C. Greenstone, Kyle Tracy of Simon Greenstone Panatier

Case: Winkel v. Calaveras Asbestos Ltd.

Type: Personal Injury; Product Liability

**20**

Amount: **\$11,300,000**

Attorneys: Benjamin Nisenbaum, John L. Burris of Law Offices of John L. Burris

Case: Lam v. City of San Jose

Type: Personal Injury; Excessive Force

**21**

Amount: **\$10,791,332**

Attorneys: Bryan D. Lamb, Richard L. Frischer of Lamb and Frischer, LLP

Case: Leierer v. Harris Salinas Rebar Inc

Type: Personal Injury; Construction Accident

**22**

Amount: **\$10,290,623**

Attorneys: Jeffrey C. Bogert of The Sizemore Law Firm; Shawn G. Foster of Davis Bethune & Jones Vaughan, P.C

Case: Jacques v. Morningside Recovery LLC

Type: Personal Injury; Medical Malpractice

**23**

Amount: **\$10,217,000**

Attorneys: Robert Tauler of Tauler Smith LLP; Daniel Forouzan of Forouzan Law

Case: Alkayali v. Boukhari

Type: Breach of Fiduciary Duty

**24**

Amount: **\$10,200,000**

Attorneys: Jessica Cha of J. Cha & Associates; Eric J. Dubin of Dubin Law Firm; Steven A. Fink of Law Offices of Janice M. Vinci

Case: Barr v. Lonika's Home Inc.

Type: Personal Injury; Nursing Home Malpractice

**25**

Amount: **\$10,200,000**

Attorneys: Michael F. Carr of Morgan, Lewis & Bockius

Case: Fujifilm Corp. v. Motorola Mobility Holdings Inc

Type: Intellectual Property Infringement

**26**

Amount: **\$9,923,388**

Attorneys: Austin G. Ward, Deborah S. Chang, Thomas A. Schultz of Panish Shea & Boyle LLP

Case: Jerry Rabb and Rosa Rabb v. Tony Lee Royer and The State of California

Type: Personal Injury; Motorcycle Accident

**27**

Amount: **\$9,609,305**

Attorneys: Bruce G. Fagel of Law Offices of Dr. Bruce G. Fagel & Associates

Case: I.P. v. United States of America

Type: Personal Injury; Medical Malpractice

**28**

Amount: **\$9,153,318**

Attorneys: David Bricker, Erin M. Wood, Gibbs C. Henderson of Waters, Kraus & Paul

Case: Kline v. Zimmer Holdings Inc.

Type: Personal Injury; Product Liability

**29**

Amount: **\$8,769,128**

Attorneys: Carney R. Shegerian of Shegerian & Associates, Inc.

Case: Leggins v. Rite Aid Corp.

Type: Negligence in Employment

**30**

Amount: **\$7,151,181**

Attorneys: Michael J. Bidart of Shernoff Bidart Echeverria Bentley LLP

Case: Rahm v. Southern California Permanente Medical Group

Type: Personal Injury; Medical Malpractice

**31**

Amount: **\$7,130,000**

Attorneys: Carney R. Shegerian of Shegerian & Associates, Inc.

Case: Simers v. Tribune Co.

Type: Negligence in Employment

**32**

Amount: **\$6,951,265**

Attorneys: Denise Abrams, Joseph Satterley, Ryan A. Harris of Kazan, McClain, Satterly & Greenw

Case: Emerson v. Allied Packing & Supply Inc.

Type: Personal Injury; Workplace Negligence

**33**

Amount: **\$6,522,478**

Attorneys: K. L. Myles of Knapp Petersen & Clarke

Case: Hills v. Todd & Katie Inc

Type: Negligence in Employment

**34**

Amount: **\$6,185,700**

Attorneys: Alexander E. Cunny, John C. Manly, Vince W. Finaldi of Manly, Stewart & Finaldi; Tommy

Case: John TDC Doe and John JG Doe v. Los Angeles Unified School District, et al.

Type: Sexual Abuse

35

Amount: **\$5,700,000**

Attorneys: Thomas P. Cartmell of Wagstaff &amp; Cartmell; Peter de la Cerda of Edwards &amp; de la Cerda

Case: Perry v. Luu

Type: Personal Injury; Premises Liability

36

Amount: **\$5,550,000**

Attorneys: S. Edmond El Dabe of El Dabe Law Firm; Arash Homampour of The Homampour Law Fi

Case: Clark v. Castillo

Type: Personal Injury; Car Accident

37

Amount: **\$5,260,000**

Attorneys: Jennifer C. Price, John B. Marcin of Marcin Lambirth, LLP

Case: Camacho v. Pacifica of the Valley Corp

Type: Wrongful Death; Medical Malpractice

38

Amount: **\$5,138,360**

Attorneys: Brian J. Panish, Spencer R. Lucas, Thomas A. Schultz of Panish Shea &amp; Boyle LLP

Case: Gonzalez v. Joe Heger Farms LLC

Type: Personal Injury; Car Accident

39

Amount: **\$4,918,661**

Attorneys: Frank Pietrantonio, Sarah J. Guske, Thomas J. Friel, Jr., Wayne O. Stacy of Cooley LLP

Case: Open Text S.A. v. Box Inc.

Type: Intellectual Property Infringement

40

Amount: **\$4,750,000**

Attorneys: Kelsey A. Webber, Mark P. Velez of Velez Law Firm

Case: Anderton v. Bass Underwriters Inc.

Type: Negligence in Employment

**41**

Amount: **\$4,745,000**

Attorneys: Molly McKibben, Robert Jarchi of Greene Broillet & Wheeler; Sandra Romero of Law Office of Sandra Romero

Case: Estate of Pablo Padilla Ayala v. Southern California Edison Company

Type: Wrongful Death

**42**

Amount: **\$4,500,000**

Attorneys: George E. McLaughlin of Warshauer-McLaughlin Law Group, P.C.; Steven R. Vartazarian of Vartazarian Law Firm

Case: Warner v. Wright Medical Technology Inc

Type: Personal Injury; Premises Liability

**43**

Amount: **\$4,000,000**

Attorneys: Anthony L. Label, Jeremy D. Cloyd, William L. Veen of The Veen Firm, P.C.; Micha S. Liberman of Liberman Law Firm

Case: Le Moullac v. Daylight Foods Inc.

Type: Personal Injury; Car Accident

**44**

Amount: **\$3,807,200**

Attorneys: Brandon J. Simon, Robert T. Simon of The Simon Law Group, LLP; Benjamin D. Swanson of Swanson Law Firm

Case: Rodriguez v. Parada

Type: Personal Injury; Car Accident

**45**

Amount: **\$3,516,000**

Attorneys: Brian S. Kabateck, Shant A. Karnikian, Terry R. Bailey of Kabateck Brown Kellner LLP

Case: Guerra v. Starline Tours of Hollywood Inc.



Type: Personal Injury; Car Accident

**46**

Amount: **\$3,050,000**

Attorneys: Darci E. Burrell, Katherine L. Smith, Leslie F. Levy of Levy Vinick Burrell Hyams LLP

Case: Metzner v. Permanente Medical Group

Type: Negligence in Employment

**47**

Amount: **\$3,000,000**

Attorneys: Alan L. Van Gelder, Bruce A. Broillet of Greene Broillet & Wheeler

Case: Hernandez v. Los Angeles County Sheriff's Department

Type: Personal Injury; Car Accident

**48**

Amount: **\$2,995,887**

Attorneys: David M. Ring, Robert Clayton of Taylor & Ring LLP

Case: Fabio Hornischer v. East Bay Regional Park District, et al.

Type: Personal Injury; Premises Liability

**49**

Amount: **\$2,965,770**

Attorneys: Anthony S. Petru of Hildebrand, McLeod & Nelson, LLP

Case: Oliver v. BNSF Railway Co.

Type: Personal Injury; Railroad Accident

**50**

Amount: **\$2,962,903**

Attorneys: Glenn S. Guenard of Guenard & Bozarth LLP

Case: Schoonover v. Elford

Type: Personal Injury; Car Accident

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# Daily Journal

JUNE 19, 2019

## TOP PLAINTIFF LAWYERS 2019

**Arash  
Homampour**

**The Homampour  
Law Firm**

Sherman Oaks

Personal Injury/Wrongful  
Death, Employment, and  
Insurance Bad Faith



**A**rash Homampour, two and a half decades into his career, says he's obtained more than half a billion dollars in settlements and verdicts for clients.

The key to his success? Don't act too much like an attorney.

"My approach is to not be a lawyer first," he said during a recent interview. "I'm foremost a human being."

In courtrooms across California, Homampour says he tries to focus on the human connection in personal injury cases: the relationships between lost family members that resonate with jurors no matter their backgrounds.

"What I do is kind of specialize in getting jurors to understand that everyone on earth has value," he said.

It works.

Just last fall he secured a multi-million dollar verdict in Fresno County for the family of a vendor who was killed during a swap meet while raising his tent. The deceased was a minimally educated laborer who was killed when a flag he was setting up near his tent at

the sale hit an overhead power line, which electrocuted him.

"The defendants thought a conservative Fresno jury wouldn't give a lot of money to a seasonal worker," Homampour commented.

They were wrong. In September, jurors awarded \$12,250,000 to Homampour's client. *Castellano Zuniga v. Cherry Avenue Auction Inc. et al.*, 15CECG02779 (Fresno Super. Ct., filed Aug. 26, 2014)

"It's a typical case where the defendant doesn't see me coming," the lawyer said, describing his efforts to woo the jury by telling a love story between the deceased husband and his plaintiff wife.

Homampour secured another significant verdict in March, when he won \$30 million from a Ventura County jury in a wrongful death case involving a driver who died when she swerved to avoid an erratic driver and crashed into a semi-trailer truck parked improperly on the side of the highway. *Plascencia et al. v. Deese et al.*, 56-2015-00475756-CU-PO-VTA (Ventura Super. Ct., filed May 5, 2015)

"I pointed out to the jury was that there's no

worse loss to a parent than the death of child," Homampour said.

The Sherman Oaks-based attorney presents his career as a Horatio Alger story: graduating from Southwestern Law School in the middle of his class with no mentor and no money.

"My moot court teacher said I shouldn't go into litigation and that I wasn't very good, but I had a very healthy ego and wouldn't listen to what people said," Homampour recounted.

So he hung out his shingle and took any case that would come through the door. As the years passed, the cases became bigger. So too did the verdicts.

"It was basically being Kobe Bryant, but nobody knowing you were Kobe and no one giving you the ball," Homampour said.

But with a seven-attorney firm, the plaintiff's lawyer says he's hit his stride and is at the top of his game.

"I'm in the best physical and mental condition I've ever been," he said. "Super loving, super open."

— Nicolas Sonnenburg



# Daily Journal

AUGUST 22, 2018

## TOP PLAINTIFF LAWYERS

2018

### Arash Homampour

The Homampour Law Firm  
Los Angeles

Personal injury, wrongful death,  
insurance bad faith



**H**omampour won jury verdicts of \$59.3 million in a wrongful death case and \$14 million for catastrophic injuries and insurance bad faith. Both results occurred in 2015 — but he and his clients had to endure lengthy appellate maneuvering before they finally saw the money in 2017.

The survivors of Amy Shinedling, killed by a malfunctioning Sunbeam space heater, were awarded \$59.3 million by a federal jury. *Shinedling v. Sunbeam Products Inc.*, 12-cv-438 (C.D. Cal., filed March 27, 2012).

Allstate Insurance Co. offered \$34,000 to a motorcyclist rendered paraplegic when struck by an Allstate-insured driver, but breached the implied covenant of good faith and fair dealing during settlement talks and ended up owing \$14 million, a different federal jury concluded. *Madrigal v. Allstate Insurance Co.*, 14-cv-04242 (C.D. Cal., filed June 2, 2014).

"Both cases illustrate the life of a trial lawyer," Homampour said. "They show how patient you have to be. Sunbeam and Allstate have unlimited resources to delay and stall and try to wear you

down. They can hire the very best appellate lawyers to try to justify a retrial. Defendants will offer your client a fraction of an award to avoid an appeal. It takes courage to keep pursuing a case when you can't know how receptive an appellate court will be to the defendant's arguments."

There's also the issue of client loyalty. "Our clients get into it with us," Homampour said. "They take to heart our David versus Goliath attitude, and they see the wisdom of refusing lowball settlement offers and hanging tough during these frustrating delays."

Following the Sunbeam jury verdict, the defense went to the trial judge with a 100-page motion alleging misconduct and errors. "They offered us substantially less than 50 percent of the award to forego their motions and an appeal," Homampour said. "We had to do in effect a second trial to fight them off. Then there was an extended period during which they threatened an appeal. Saying no to an offer of millions of dollars is a surreal experience, but we had confidence the jury got it right." The 9th U.S. Circuit Court of Appeals affirmed the verdict on June 30, 2017. "Sunbeam finally paid in full on

Oct. 10, 2017," Homampour said.

Motorcyclist Carlos Madrigal at first couldn't find a lawyer to represent him because the first police report of the accident that crippled him was unfavorable and Allstate's policyholder, the driver who hit Madrigal, had only a \$100,000 policy limit. Allstate's claims adjuster found a previously unidentified witness who placed responsibility for the accident on Allstate's insured driver. "It was such a beautiful experience to watch Allstate refuse to pay even the policy limit, and then get called to account for it," Homampour said. "I was determined to show that you are not in good hands with Allstate." The 9th Circuit affirmed the bad faith judgment on June 15, 2017 and Allstate paid up on August 10, 2017.

Homampour brought on prominent appellate attorney Jeffrey I. Ehrlich of The Ehrlich Law Firm in Claremont to handle both appeals. "We fought hard," Homampour said. "He is amazing to work with, and I'm not a hands-off kind of guy. You have to be meticulous in your trial work and then aggressive in following through."

— John Roemer



TUESDAY, JUNE 23, 2015

COVER STORY

## \$60M verdict in defective heater death

*Won by Homampour Law Firm, award is one of largest for single plaintiff in Central District*

By Deirdre Newman  
Daily Journal Staff Writer

SANTA ANA — A federal jury in Orange County has awarded close to \$60 million to the family of a woman who died due to a defective heater. The result is believed to be one of the largest single-plaintiff tort verdicts handed down in the Central District so far this year.

After eight days of deliberation, the jury awarded \$59.3 million to Kenneth Shinedling, husband of Amy Shinedling, who died in a house fire started by an apparently defective radiant quartz heater manufactured by Sunbeam Products Inc. Judge Cormac J. Carney presided. *Shinedling v. Sunbeam Products Inc.*, CV12-438 (C.D. Cal., filed March 27, 2012).

Shinedling's attorney, Arash Homampour of the Homampour Law Firm in Sherman Oaks, said he told the jury that he was "the voice for Amy."

"I cried when the verdict was read because I knew they heard her," he said. "The

size of the award reflects the profound loss this family suffered and will suffer for the rest of their lives."

Homampour said his winning strategy was to show Sunbeam's engineers knew something consumers would not know — that this particular product's automatic shut-off was defective and was likely not capable of preventing a fire.

"Using the heater and the heater's box, I cross-examined Sunbeam's head of safety engineering and project engineer and got them both to admit that they knew the safety feature may not stop a fire, but never told consumers, who would expect that it would," Homampour said.

Sunbeam's lead counsel, Gary A. Wolensky, a partner with Arent Fox LLP, could not be reached for comment Monday.

The fire took place in January 2011 in Pinon Hills. Kenneth and Amy Shinedling were sleeping in the master bedroom with two space heaters running, one of which was a Sunbeam-made radiant quartz heater. Their 3-year-old toddler was in bed with them. Their other two children were in a

separate bedroom. The Sunbeam heater's auto shut-off did not trigger when, in the middle of the night, some clothes got in front of the appliance, causing the fire. Kenneth Shinedling was able to save himself and all three children, but his wife perished in the blaze.

The case was originally filed in state court, because the fire occurred in San Bernardino County, but was moved to federal court because Sunbeam's headquarters are located in Delaware.

The court has yet to provide a breakdown of the verdict, according to Homampour.

Michael H. Artinian, name partner at Bridgford, Gleason & Artinian, said generally, consumers purchase products with the expectation that they will not be harmed by them.

"This tragic case drives home the tremendous responsibility product manufacturers have in ensuring products they place in the stream of commerce are designed safely, and that adequate preventative warnings are provided," he said.

## **EXHIBIT 2**

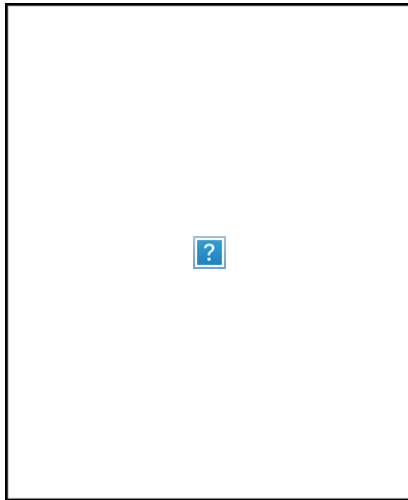
The Wayback Machine - <http://web.archive.org/web/20080517074436/http://homampour.com:80/attorney...>



## ARASH HOMAMPOUR

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Committed to making a difference, [Arash](#) Homampour is a creative, aggressive and successful advocate for his clients. He has recently been named one of the Top 20 Attorneys Under the Age of 40 by the Los Angeles Daily Journal. He was nominated by his peers in 2004, 2005, 2006 and 2007 as Trial Attorney of the Year by both the Consumer Attorneys of California and the Consumer Attorneys Association of Los Angeles. He also received recognition by the Los Angeles Daily Journal for obtaining one of the top 10 Verdicts in California in 2004. In 2005, 2006, and 2007, he earned the distinction of being a "Super Lawyer" by Los Angeles Magazine which identifies the top five-percent of lawyers practicing in Los Angeles and Orange Counties as nominated and voted upon by their peers.

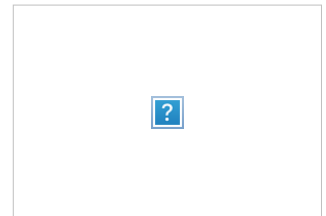
During the last six years, he has obtained over \$120 million in settlements, verdicts, judgments and awards for his clients. He represents individuals in insurance bad faith, employment, and catastrophic injury/wrongful death matters (including product liability, dangerous condition of public property, premise liability,

auto, and construction site litigation). He also represents Plaintiff businesses in business litigation matters. He handles his cases from the start to finish, including trips to the Court of Appeal and California Supreme Court.

In September 2007 and shortly before trial, we (including attorney Derryl Halpern who brought us in to work up the case) settled another very tough liability case against the State of California for \$3 million for the lack of median barriers on Route 126 in between the towns of Fillmore and Santa Paula. Plaintiff was a 43 year old migrant worker and a passenger in a Van that for reasons unknown crossed over the median into the opposing lane and resulting in a head on collision with another vehicle. Plaintiff was rendered effectively blind and suffered a mild traumatic brain injury. Through aggressive discovery we determined that the State of California had been on notice for the need to install median barriers in this location but failed to do so because they "lost" a memo directing them to monitor the roadway after an interim measure of rumble strips were installed. Defendant argued that Plaintiff's future medical expenses would not exceed a few hundred thousand dollars, all of which would have been covered by Medi-Cal and that the bulk of liability would be assessed against the driver of the Van. We defeated Defendant's motion for summary judgment. We are very proud of this result because Plaintiff (who had a wife and 5 children back in Mexico) was despondent over his blindness and inability to work. Now, he has the resources to provide for his family, get the medical care he needs and to set up an environment where he can thrive despite his blindness. However, even more gratifying is the fact that the State of California has now announced that it will install mediation barriers on Route 126 in between the towns of Fillmore and Santa Paula. Outstanding results for our clients and making the world a safer place.

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In July 2007 and shortly before trial, we settled a very tough liability case for \$5.75 million providing enough resources for Plaintiff, a 53 year old mother, to move out of the nursing home she had been in for the last 3 years and in with her daughter where she could get the loving, care and attention she desperately wanted and needed. Plaintiff, a pedestrian, had no recollection of the event. Witnesses confirmed that she attempted to cross Whittier Blvd in the City of Los Angeles against two red lights - a traffic signal and pedestrian signal. As she was in the cross-walk, she was struck by a Defendant LACMTA bus. The investigating officers cited Plaintiff as the primary collision factor. Obviously, this was a tough case. Plaintiff recovered physically but was left with a traumatic brain injury that requires 24 hour supervision. We determined that there were actually three signals facing Plaintiff at the North West corner of Whittier and Spence. The third signal was a Tri-light signal that was intended to direct West bound traffic on Whittier. However, at the time of the incident, it was rotated 90 degrees, facing Plaintiff or Northbound pedestrian traffic. It is believed that Plaintiff walked against the pedestrian red because she saw the green Northbound Tri-light signal. While the LACMTA bus had the right of way, we established that the bus driver had enough time to avoid hitting Plaintiff. The rotated traffic signal was manufactured by Defendant Econolite and we alleged that it was defective because it rotated. We also alleged a dangerous condition of public property in that the City knew that at certain corners the turning radii was too narrow, the traffic poles were mounted too close to the curb and the signals were improperly mounted to the pole allowing turning trucks to strike and rotate the signals. We literally took over 15 depositions and established that the City knew about the problem for years and could have fixed it in 30 minutes by remounting the signals. We established that a resident had repeatedly complained about the rotated signal. We defeated Defendants' motions for summary judgment. As to damages, Defendants argued that Plaintiff's future life care costs were less than \$1 million, that she had a shortened life expectancy and that she did not need 24 hour supervision. We are especially proud of this result because Plaintiff was so depressed when we would see her at the nursing home, asking when she could go "home" and with the settlement she now can be with her loved ones.

On April 20, 2007, Mr. Homampour obtained a \$7 million verdict from a Simi Valley jury for a widow whose husband was killed when the vehicle he was a passenger in collided with an illegally parked truck on the shoulder of the freeway.

On October 20, 2006, Mr. Homampour obtained a \$2.8 million settlement in an employment matter. Plaintiff worked for Defendant Company for 16 years in various positions. His last position was a Senior Field Engineer and he was making \$55,000 per year. On September 16, 2003, Plaintiff, then 52 years old, sustained a back injury (compression fracture of the spine) at work. He attempted to return to work on June 1, 2004, but was terminated on September 3, 2004. He alleged that Defendant Company failed to reasonably accommodate his disability, failed to engage in the interactive process required by law and unlawfully terminated him in violation of public policy. Defendant denied Plaintiff's contentions and claimed that Plaintiff had released all of his claims in a workers compensation Compromise & Release. Defendant also made an unconditional offer of reinstatement on October 2006 with a position that would have paid Plaintiff the same wages he would have earned had he not been terminated. Defendant also claimed that Plaintiff was not entitled to any future wage loss from the date of their offer. Plaintiff sought damages for back pay, front pay, emotional distress, punitive damages and attorneys fees. The case settled the day before trial with Defendant paying \$2,800,000.

On January 27, 2006, Mr. Homampour obtained a \$2 million verdict from a Burbank jury in a case against a 17 year old driver of an SUV that cut off a motorcycle, causing the death of its rider, Michael Turner. The defense argued that the decedent Michael Turner, age 29, was speeding and ran a red light, relying on three eyewitnesses. Not only was Mr. Homampour successful in convincing the jury that Mr. Turner was not speeding and did not run a red light, but he was able to get beyond the prejudice towards motorcycle riders and vindicate Mr. Turner. This was an especially important win for Mr. Turner's mother, who had to endure two and one half years of frivolous defenses and attacks on her son. It was a tough and hard fought liability and damage case where Allstate refused to pay a \$100,000 policy limits demand. Defendants' motion for new trial was denied. Defendants and their insurance company Allstate then appealed the case. Just recently, the Court of Appeal rejected Defendants' arguments and upheld the verdict - which with interest and cost is \$2.8 million (or 28 times the policy limits.)

On November 18, 2005, Mr. Homampour obtained a \$37 million judgment from a Los Angeles Superior Court judge on behalf of a young girl who suffered a frontal lobe brain injury.

On August 2, 2005, Mr. Homampour obtained a \$12 million verdict from a Norwalk jury in a case against the LACMTA when its speeding bus crashed into a pick up truck being driven by Plaintiff Ramon Melendez (a 63 year old construction worker from El Salvador).

On September 20, 2004, Mr. Homampour obtained a \$37.5 million verdict from a San Bernardino jury in a case against the City of Fontana for the wrongful death of Karen Medina (a 14 year old girl). The young girl died because the City did not do its job to install sidewalks so that students could walk home safely from

school.

In 2003, Mr. Homampour won one for the underdog and obtained a [Binding Arbitration Award](#) in favor of a small corporation, Plaintiff InternetFuel, and against a billion dollar corporate behemoth, Defendant Overture, for \$4,840,598.07 on a breach of contract case. With the help of InternetFuel's Sanger Robinson, we were able to prevail against a formidable opponent in Overture and its cavalcade of attorneys. This case involved cutting edge internet issues, complex facts, and thousands of pages of exhibits. Defendant had no less than 3 attorneys representing it at the arbitration. The majority of Defendant's witnesses (including Defendant's experts) could not be deposed prior to the Arbitration and Plaintiff had no idea what they would say. Nonetheless, Mr. Homampour, acting alone, used graphics, PowerPoint, [Sanction](#) (a document presentation program) and [CaseMap](#) (a case management program) to effectively cross-examine and impeach the witnesses on the fly at the arbitration and to simplify and, ultimately, win the case. Also, Plaintiff turned a \$20,000 defense offer into a \$5,000,000 judgment (the trial court entered judgment on the binding arbitration award.)

Previously, Mr. Homampour obtained another critical ruling for his minor client and all California tenants when the California Court of Appeal reversed summary judgment for a defendant landlord holding that landlords that agree, but fail, to install screens on windows may be liable to a child tenant that falls from the unscreened window. *White v. Contreras* (2001) 2002 Cal.App. LEXIS 157. Click [here](#) to obtain copies of the Court of Appeal Opinion reversing summary judgment for the defendant, Appellant's opening brief, Defendant's brief, and Appellant's reply brief.

Previously, Mr. Homampour handled a mold/bad faith insurance case against State Farm. He was successful in convincing a Federal Court that his clients' tort claims against State Farm were not preempted under the Federal National Flood Insurance Act. *Cohen v. State Farm Fire & Cas.*, 68 F.Supp. 2d 1151 (C.D. 1999). Click [here](#) to obtain copies of the Complaint, Defendant's Answer, the Order Remanding the Action and our detailed Mediation Brief. While the trial judge changed his ruling in a subsequent opinion, Mr. Homampour was able to settle the case for a confidential sum before the ruling was made.

Among his earlier accomplishments, Mr. Homampour obtained a landmark ruling for his disabled client and the entire disability insurance industry on May 15, 1998 when Chief United States District Court Judge Terry J. Hatter found that, as a matter of law, Defendant New York Life Insurance Company (an \$84 billion insurance goliath) committed bad faith and breached its disabled insured's two disability policies by unreasonably refusing to pay to its insured his total disability benefits, residual disability benefits and income purchase option benefits. In a true "David v. Goliath" showdown, we defeated the insurance giant and successfully obtained partial summary judgment in Plaintiff's favor in this ground breaking bad faith action against New York Life.

Born in 1967 in Chicago, Illinois, Mr. Homampour obtained a B.S. in Finance from the University of Southern California and his law degree from Southwestern University School of Law. Prior to forming the firm, Mr. Homampour served as in-house corporate and litigation counsel to several Southern California health care concerns. Mr. Homampour is admitted to practice in California and before the United States District Courts for the Central and Eastern Districts of California. Mr. Homampour also acts as a Judge Pro Tem, Mediator and Arbitrator for the Los Angeles Superior Courts.

During his free time, Mr. Homampour is called [Arash](#). He spends time with his wife, plays with his children and pretends he is a rock star playing loud distorted guitar noise until reality sets in or other people complain (whichever is first).

## **EXHIBIT 3**

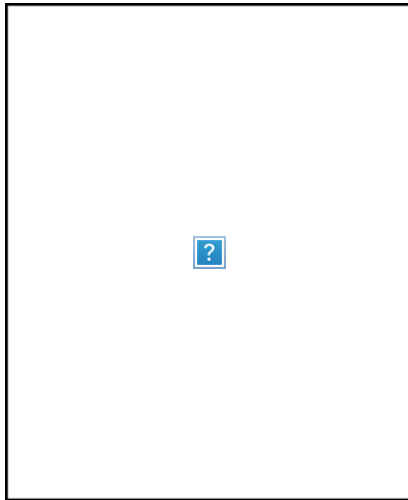
The Wayback Machine - <http://web.archive.org/web/20080625033726/http://homampour.com:80/attorney...>



## ARASH HOMAMPOUR

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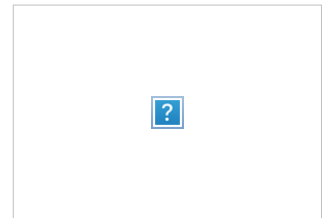
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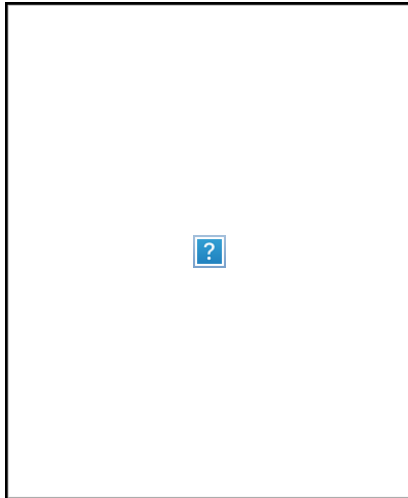
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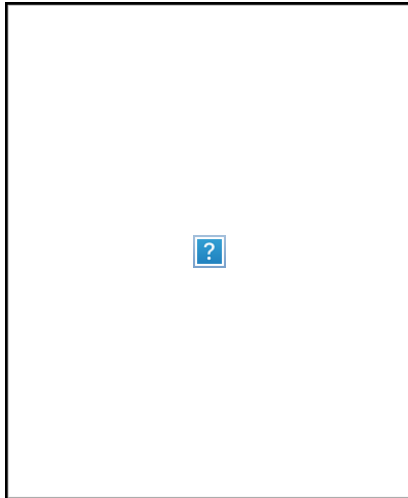
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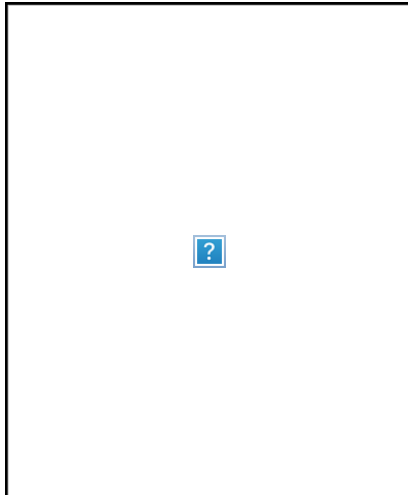
The Wayback Machine - <http://web.archive.org/web/20120508011242/http://www.homampour.com:80/att...>



## ARASH HOMAMPOUR

Phone: (323) 658-8077

Email: [Arash@Homampour.com](mailto:Arash@Homampour.com)



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News You Can Use  
Legal Dictionary  
Instructions for  
Injury Clients  
Home Safety Tips

15303 Ventura Blvd,  
Suite 1000  
Sherman Oaks, CA 91403  
Phone (323) 658 8077  
Fax (323) 658 8477  
[arash@homampour.com](mailto:arash@homampour.com)



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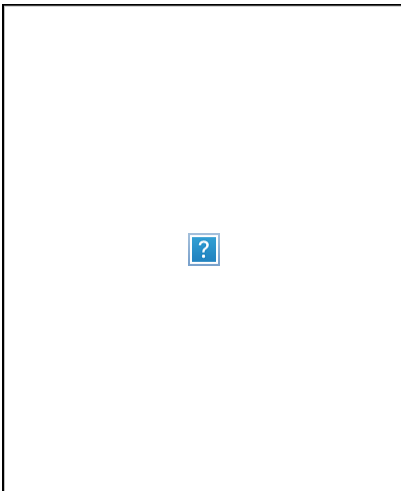
The Wayback Machine - [http://web.archive.org/web/20120621232647/http://www.homampour.com:80/attorney\\_p...](http://web.archive.org/web/20120621232647/http://www.homampour.com:80/attorney_p...)

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## **EXHIBIT 8**



Meaning of **free time** in English



# free time

**noun** [ U ]

US /,fri: 'taɪm/ UK /,fri: 'taɪm/



**time when you do not have to work, study, etc. and can do what you want:**

- *He is a young man who spends his free time playing on his computer.*

## — More examples

- *"Who wants to clean every day?" says the 27-year-old. "I'd rather spend my free time going out to hear music."*
- *No matter what you do in your free time, from golf to cooking to writing to art, you'll find an internet community for it.*
- *Most of his free time is spent coaching his daughter's softball team.*
- *Press trips can be exhausting, with no free time.*

## + SMART Vocabulary: related words and phrases

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Learn the words you need to communicate with confidence.

(Definition of **free time** from the [Cambridge Advanced Learner's Dictionary & Thesaurus](#) © Cambridge University Press)

## EXAMPLES of **free time**

# free time

When he was home, he spent most of his *free time* sleeping.

From [Huffington Post](#)



Where are your kids while your spending all your *free time* working on you?

From [Huffington Post](#)



## More examples

These examples are from corpora and from sources on the web. Any opinions in the examples do not represent the opinion of the Cambridge Dictionary editors or of Cambridge University Press or its licensors.

What is the pronunciation of *free time*?



## Browse

[free soloist](#)

[free speech](#)

[free spirit](#)

[free throw](#)

**free time**

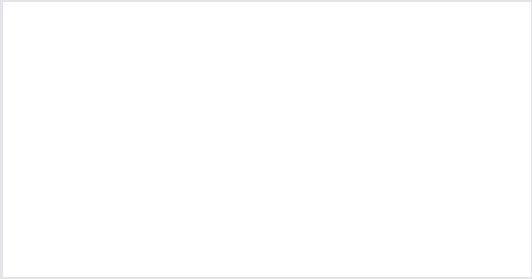
[free trade](#)

[free trade area](#)

[free trade zone](#)

[free trader](#)

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WORD OF THE DAY

bestie

someone's best friend

About this

BLOG

## Worth its weight in gold: phrases with ‘gold’

July 28, 2021

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**CERTIFICATE OF TRANSMITTAL**

I certify that a copy of the REGISTRANT ARASH KHORSANDI'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF REGISTRANT ARASH KHORSANDI'S MOTION TO DISMISS, DECLARATION OF RYAN KASHFIAN IN SUPPORT THEREOF, AND EXHIBITS 1-8 is being filed electronically with the Trademark Trial and Appeal Board via ESTTA on October 26, 2021.

KASHFIAN & KASHFIAN LLP

/Robert A. Kashfian/

Robert A. Kashfian, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 27, 2021, a true and correct copy of the foregoing REGISTRANT ARASH KHORSANDI'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF REGISTRANT ARASH KHORSANDI'S MOTION TO DISMISS, DECLARATION OF RYAN KASHFIAN IN SUPPORT THEREOF, AND EXHIBITS 1-8 was served on Petitioner's Attorney of Record by electronic mail as follows:

Milord A. Keshishian milord@milordlaw.com;  
uspto@milordlaw.com  
Stephanie V. Trice stephanie@milordlaw.com  
Jordan M. Zim jordan@milordlaw.com  
Milord & Associates, P.C.  
10517 W. Pico Boulevard  
Los Angeles, CA 90064  
T: 310-226-7878

KASHFIAN & KASHFIAN LLP

/Robert A. Kashfian/

Robert A. Kashfian, Esq.

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

ARASH HOMAMPOUR,

Petitioner,

v.

ARASH KHORSANDI,

Registrant/Respondent.

Cancellation No. 92077524

Registration No. 6/407,070

Mark: ARASH LAW

Registration Date: July 6, 2021

Registration No. 6/407,071



Mark: (AK ARASH LAW stylized wording and design)  
Registration Date: July 6, 2021

REGISTRANT ARASH KHORSANDI'S NOTICE OF RELIANCE ON TRADEMARK REGISTRATION

IN SUPPORT OF REGISTRANT ARASH KHORSANDI'S MOTION TO DISMISS

PETITIONER ARASH HOMAMPOUR'S AMENDED PETITION FOR CANCELLATION

Pursuant to 37 C.F.R. § 2.122(d) and 37 C.F.R. § 2.122(g), Respondent Arash Khorsandi (“Registrant” or “Khorsandi”) hereby submits this Notice of Reliance on Trademark Registration to give notice that he will rely upon the following trademark registrations, attached hereto, as evidence in support of Khorsandi’s Motion to Dismiss Petitioner Arash Homampour’s (“Homampour” or “Petitioner”) Amended Petition for Cancellation (the “Petition”):

<u>Trademark Registration</u>	<u>Exhibit No.</u>
Homampour’s trademark for HOMAMPOUR (Reg. No. 6/423,099)	A
Homampour’s March 1, 2021 Response to Office Action for HOMAMPOUR (Reg. No. 6/423,099)	B

The above-identified trademark registration is relevant to this proceeding and, therefore, constitutes competent evidence. Specifically, the attached exhibits are relevant to one or more issues in this case, as set forth below:

<u>Exhibit No.</u>	<u>Relevant Issue(s)</u>
A	However, instead of trademarks for “Arash”, Petitioner applied for a federal trademark for “HOMAMPOUR” (his last name) for legal services as well as other areas, and the USPTO (Reg. No. 6/423,099) registered them for him. See Motion to Dismiss, at 4.

B	The phrase “HOMAMPOUR” is the most dominate aspect of Homampour’s mark, supporting the notion that Homampour’s mark is dissimilar from the “ARASH LAW” and “AK ARASH LAW” marks at issue, as part of the likelihood of confusion analysis. See Moton to Dismiss, at 5, 17.
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Dated: October 26, 2021

Respectfully submitted,

By: /Ryan D. Kashfian/  
 Ryan D. Kashfian, Esq.  
 KASHFIAN & KASHFIAN LLP  
 1875 Century Park East Suite 1340  
 Los Angeles, CA 90067  
 Phone: (310) 751-7578  
 Email: [robert@kashfianlaw.com](mailto:robert@kashfianlaw.com)  
 Email: [ryan@kashfianlaw.com](mailto:ryan@kashfianlaw.com)  
 Email: [acyrlin@kashfianlaw.com](mailto:acyrlin@kashfianlaw.com)

*Attorneys for Registrant/Respondent,*  
 ARASH KHORSANDI

## EXHIBIT A





# HOMAMPOUR

**Reg. No. 6,423,099**

**Registered Jul. 20, 2021**

**Int. Cl.: 41, 45**

**Service Mark**

**Principal Register**

Homampour, Arash (UNITED STATES INDIVIDUAL)

C/o Kia Kamran P.c.

1900 Avenue Of The Stars, 25th Floor

Los Angeles, CALIFORNIA 90067

CLASS 41: Providing on-line videos featuring current events, politics, social justice, law, education, news, talk commentary, and entertainment, not downloadable; Production of podcasts; Entertainment services, namely, providing podcasts in the field of current events, politics, social justice, and law; Education services, namely, providing non-downloadable webinars in the field of current events, politics, social justice, and law; On-line electronic newsletters delivered by e-mail in the field of law not downloadable; Information relating to entertainment and education provided on-line from a computer database or the internet; Information on education; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content

FIRST USE 00-00-2004; IN COMMERCE 00-00-2004

CLASS 45: Legal services; Legal advice; Attorney services; Legal information services; Providing information about legal services via a website; Legal consultation services; News reporting and expert legal commentary services in the field of legal news

FIRST USE 00-00-1995; IN COMMERCE 00-00-1995

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

SEC.2(F)

SER. NO. 88-930,586, FILED 05-23-2020



*Donna H. Hunt*

Performing the Functions and Duties of the  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office



## REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

### **Requirements in the First Ten Years\***

#### **What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

### **Requirements in Successive Ten-Year Periods\***

#### **What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

## EXHIBIT B

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	88930586
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 122
<b>MARK SECTION</b>	
<b>MARK</b>	<a href="#">mark</a>
<b>LITERAL ELEMENT</b>	HOMAMPOUR
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_26001700ddb0420091785_4f76d0fe47-20210301202702031909_-_HOMAMPOUR_-_Resp onse_to_Office_Action_v.1.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (9 pages)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ROA0002.JPG</a>
	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ROA0003.JPG</a>
	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ROA0004.JPG</a>
	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ROA0005.JPG</a>
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	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ROA0007.JPG</a>
	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ROA0008.JPG</a>
	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ROA0009.JPG</a>
	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ROA0010.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	Response to Office Action refusal.
<b>GOODS AND/OR SERVICES SECTION (041) (current)</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>DESCRIPTION</b>	
Providing on-line videos, not downloadable; Production of podcasts; Entertainment services, namely, providing podcasts in the field of current events, politics, social justice, and law; Education services, namely, providing non-downloadable webinars in the field of current events, politics, social justice, and law; On-line electronic newsletters delivered by e-mail in the field of law not downloadable; Information relating to entertainment and education provided on-line from a computer database or the internet; Information on education; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content	
<b>FILING BASIS</b>	Section 1(a)

FIRST USE ANYWHERE DATE	At least as early as 00/00/2004
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2004
<b>GOODS AND/OR SERVICES SECTION (041) (proposed)</b>	
INTERNATIONAL CLASS	041
<b>TRACKED TEXT DESCRIPTION</b>	
<p><del>Providing on-line videos, not downloadable;</del> <u>Providing on-line videos featuring current events, politics, social justice, law, education, news, talk, commentary, and entertainment, not downloadable;</u> Production of podcasts; Entertainment services, namely, providing podcasts in the field of current events, politics, social justice, and law; Education services, namely, providing non-downloadable webinars in the field of current events, politics, social justice, and law; On-line electronic newsletters delivered by e-mail in the field of law not downloadable; Information relating to entertainment and education provided on-line from a computer database or the internet; Information on education; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content</p>	
<b>FINAL DESCRIPTION</b>	
<p>Providing on-line videos featuring current events, politics, social justice, law, education, news, talk, commentary, and entertainment, not downloadable; Production of podcasts; Entertainment services, namely, providing podcasts in the field of current events, politics, social justice, and law; Education services, namely, providing non-downloadable webinars in the field of current events, politics, social justice, and law; On-line electronic newsletters delivered by e-mail in the field of law not downloadable; Information relating to entertainment and education provided on-line from a computer database or the internet; Information on education; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content</p>	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/2004
FIRST USE IN COMMERCE DATE	At least as early as 00/00/2004
STATEMENT TYPE	<p>"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"[for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].</p>
<b>SPECIMEN FILE NAME(S)</b>	
ORIGINAL PDF FILE	<a href="#">SPU0-26001700ddb042008438_3901aa5a4428-20210224131954287396_._HOMAMPOUR.pdf</a>
CONVERTED PDF FILE(S) (1 page)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ ROA0011.JPG</a>
SPECIMEN DESCRIPTION	A screenshot of the Applicant's mark as used in connection with its services.
WEBPAGE URL	<a href="https://www.homampour.com/homampour-attorney-email">https://www.homampour.com/homampour-attorney-email</a>
WEBPAGE DATE OF ACCESS	05/06/2020
<b>GOODS AND/OR SERVICES SECTION (045) (current)</b>	
INTERNATIONAL CLASS	045
<b>DESCRIPTION</b>	
<p>Legal services; Legal advice; Attorney services; Legal information services; Providing information about legal services via a website; Legal consultation services; News reporting and expert legal commentary services in the field of legal news</p>	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1995

FIRST USE IN COMMERCE DATE	At least as early as 00/00/1995
<b>GOODS AND/OR SERVICES SECTION (045) (proposed)</b>	
INTERNATIONAL CLASS	045
<b>DESCRIPTION</b>	
Legal services; Legal advice; Attorney services; Legal information services; Providing information about legal services via a website; Legal consultation services; News reporting and expert legal commentary services in the field of legal news	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1995
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1995
STATEMENT TYPE	"The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use]. OR "The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use" [for an illegible specimen].
<b>SPECIMEN FILE NAME(S)</b>	
ORIGINAL PDF FILE	<a href="#">SPU1-26001700ddb042008438_3901aa5a4428-20210224131954287396_.HOMAMPOUR.pdf</a>
CONVERTED PDF FILE(S) (1 page)	<a href="#">\\TICRS\EXPORT18\IMAGEOUT_18\889\305\88930586\xml4\ROA0012.JPG</a>
SPECIMEN DESCRIPTION	A screenshot of the Applicant's mark as used in connection with its services.
WEBPAGE URL	<a href="https://www.homampour.com/homampour-attorney-email">https://www.homampour.com/homampour-attorney-email</a>
WEBPAGE DATE OF ACCESS	05/06/2020
<b>ADDITIONAL STATEMENTS SECTION</b>	
SECTION 2(f) Claim of Acquired Distinctiveness, based on Five or More Years' Use	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.
<b>CORRESPONDENCE INFORMATION (current)</b>	
NAME	KIA KAMRAN
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	kia@tunelaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	desiree@tunelaw.com
<b>CORRESPONDENCE INFORMATION (proposed)</b>	
NAME	Kia Kamran
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	kia@tunelaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	desiree@tunelaw.com
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/Kia Kamran/
SIGNATORY'S NAME	Kia Kamran, Esq.
SIGNATORY'S POSITION	Attorney of Record, California State Bar Member

SIGNATORY'S PHONE NUMBER	310-284-8600
DATE SIGNED	03/01/2021
SIGNATURE METHOD	Sent to third party for signature
RESPONSE SIGNATURE	/Kia Kamran/
SIGNATORY'S NAME	Kia Kamran, Esq.
SIGNATORY'S POSITION	Attorney of record, California Bar Member
SIGNATORY'S PHONE NUMBER	310-284-8600
DATE SIGNED	03/01/2021
ROLE OF AUTHORIZED SIGNATORY	Authorized U.S.-Licensed Attorney
SIGNATURE METHOD	Sent to third party for signature
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Mon Mar 01 20:46:32 ET 2021
TEAS STAMP	USPTO/ROA-XXX.XX.XX.XX-20 210301204632289402-889305 86-770c5e55622af69736c26f 3918ef5b1de9ae9dc5545ef48 77ed177d4eb2ef2874-N/A-N/ A-20210301202702031909

PTO- 1957

Approved for use through 11/30/2023. OMB 0651-0050

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **88930586** HOMAMPOUR(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/88930586/large>) has been amended as follows:

#### EVIDENCE

Evidence has been attached: Response to Office Action refusal.

#### Original PDF file:

[evi\\_26001700ddb0420091785\\_4f76d0fe47-20210301202702\\_031909\\_.HOMAMPOUR - Resp onse to Office Action v.1.pdf](#)

Converted PDF file(s) ( 9 pages) [Evidence-1Evidence-2Evidence-3Evidence-4Evidence-5Evidence-6Evidence-7Evidence-8Evidence-9](#)

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

#### Applicant proposes to amend the following:

##### Current:

Class 041 for Providing on-line videos, not downloadable; Production of podcasts; Entertainment services, namely, providing podcasts in the field of current events, politics, social justice, and law; Education services, namely, providing non-downloadable webinars in the field of current events, politics, social justice, and law; On-line electronic newsletters delivered by e-mail in the field of law not downloadable; Information relating to entertainment and education provided on-line from a computer database or the internet; Information on education; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2004 and first used in commerce at least as early as 00/00/2004 , and is now in use in such commerce.



**Proposed:**

**Tracked Text Description:** ~~Providing on-line videos, not downloadable; Providing on-line videos featuring current events, politics, social justice, law, education, news, talk, commentary, and entertainment, not downloadable;~~ Production of podcasts; Entertainment services, namely, providing podcasts in the field of current events, politics, social justice, and law; Education services, namely, providing non-downloadable webinars in the field of current events, politics, social justice, and law; On-line electronic newsletters delivered by e-mail in the field of law not downloadable; Information relating to entertainment and education provided on-line from a computer database or the internet; Information on education; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content

Class 041 for Providing on-line videos featuring current events, politics, social justice, law, education, news, talk, commentary, and entertainment, not downloadable; Production of podcasts; Entertainment services, namely, providing podcasts in the field of current events, politics, social justice, and law; Education services, namely, providing non-downloadable webinars in the field of current events, politics, social justice, and law; On-line electronic newsletters delivered by e-mail in the field of law not downloadable; Information relating to entertainment and education provided on-line from a computer database or the internet; Information on education; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/2004 and first used in commerce at least as early as 00/00/2004 , and is now in use in such commerce. Applicant hereby submits one(or more) specimen(s) for Class 041. The specimen(s) submitted consists of A screenshot of the Applicant's mark as used in connection with its services..

"**The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application**"[for an application based on Section 1(a), Use in Commerce] OR "**The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use**" [for an application based on Section 1(b) Intent-to-Use]. OR "**The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use**" [for an illegible specimen].

**Original PDF file:**

[SPU0-26001700ddb042008438 3901aa5a4428-202102241319 54287396\\_.. HOMAMPOUR.pdf](#)

**Converted PDF file(s) ( 1 page)** [Specimen File1](#)

Webpage URL: <https://www.homampour.com/homampour-attorney-email>

Webpage Date of Access: 05/06/2020

**Applicant proposes to amend the following:**

**Current:**

Class 045 for Legal services; Legal advice; Attorney services; Legal information services; Providing information about legal services via a website; Legal consultation services; News reporting and expert legal commentary services in the field of legal news

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1995 and first used in commerce at least as early as 00/00/1995 , and is now in use in such commerce.

**Proposed:**

Class 045 for Legal services; Legal advice; Attorney services; Legal information services; Providing information about legal services via a website; Legal consultation services; News reporting and expert legal commentary services in the field of legal news

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 00/00/1995 and first used in commerce at least as early as 00/00/1995 , and is now in use in such commerce. Applicant hereby submits one(or more) specimen(s) for Class 045. The specimen(s) submitted consists of A screenshot of the Applicant's mark as used in connection with its services..

"**The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application**"[for an application based on Section 1(a), Use in Commerce] OR "**The substitute (or new, or originally submitted, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use**" [for an application based on Section 1(b) Intent-to-Use]. OR "**The attached specimen is a true copy of the specimen that was originally submitted with the application, amendment to allege use, or statement of use**" [for an illegible specimen].

**Original PDF file:**

[SPU1-26001700ddb042008438 3901aa5a4428-202102241319 54287396 \\_ \\_HOMAMPOUR.pdf](#)

**Converted PDF file(s)** ( 1 page) [Specimen File1](#)

Webpage URL: <https://www.homampour.com/homampour-attorney-email>

Webpage Date of Access: 05/06/2020

**ADDITIONAL STATEMENTS**

**SECTION 2(f) Claim of Acquired Distinctiveness, based on Five or More Years' Use**

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

**Correspondence Information (current):**

KIA KAMRAN

PRIMARY EMAIL FOR CORRESPONDENCE: [kia@tunelaw.com](mailto:kia@tunelaw.com)

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): [desiree@tunelaw.com](mailto:desiree@tunelaw.com)

**Correspondence Information (proposed):**

Kia Kamran

PRIMARY EMAIL FOR CORRESPONDENCE: [kia@tunelaw.com](mailto:kia@tunelaw.com)

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): [desiree@tunelaw.com](mailto:desiree@tunelaw.com)

**Requirement for Email and Electronic Filing:** I understand that a valid email address must be maintained by the owner/holder and the owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

**SIGNATURE(S)**

**Declaration Signature**

**DECLARATION:** The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

**STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU:** If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application**, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

**STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)**

**COLLECTIVE/CERTIFICATION MARK APPLICATION:** If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: **for a trademark or service mark application**, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; **for a collective trademark, collective service mark, collective membership mark, or certification mark application**, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; **for a certification mark application**, the applicant will

not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Kia Kamran/ Date: 03/01/2021

Signatory's Name: Kia Kamran, Esq.

Signatory's Position: Attorney of Record, California State Bar Member

Signatory's Phone Number: 310-284-8600

Signature method: Sent to third party for signature

#### **Response Signature**

Signature: /Kia Kamran/ Date: 03/01/2021

Signatory's Name: Kia Kamran, Esq.

Signatory's Position: Attorney of record, California Bar Member

Signatory's Phone Number: 310-284-8600 Signature method: Sent to third party for signature

The signatory has confirmed that he/she is a U.S.-licensed attorney who is an active member in good standing of the bar of the highest court of a U.S. state (including the District of Columbia and any U.S. Commonwealth or territory); and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S.-licensed attorney not currently associated with his/her company/firm previously represented the owner/holder in this matter: the owner/holder has revoked their power of attorney by a signed revocation or substitute power of attorney with the USPTO; the USPTO has granted that attorney's withdrawal request; the owner/holder has filed a power of attorney appointing him/her in this matter; or the owner's/holder's appointed U.S.-licensed attorney has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: KIA KAMRAN  
KIA KAMRAN, P.C.

1900 AVENUE OF THE STARS, 25TH FLOOR  
LOS ANGELES, California 90067

Mailing Address: Kia Kamran  
KIA KAMRAN, P.C.

1900 AVENUE OF THE STARS, 25TH FLOOR  
LOS ANGELES, California 90067

Serial Number: 88930586

Internet Transmission Date: Mon Mar 01 20:46:32 ET 2021

TEAS Stamp: USPTO/ROA-XXX.XX.XX.XX-20210301204632289

402-88930586-770c5e55622af69736c26f3918e

f5b1de9ae9dc5545ef4877ed177d4eb2ef2874-N

/A-N/A-20210301202702031909

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Registrant: Homampour, Arash	)	
	)	
U.S. Application No. 88/930,586	)	
	)	
Filing Date: May 23, 2020	)	Examiner: Christina Calloway, Esq.
	)	
Mark: HOMAMPOUR	)	Law Office: 122
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**RESPONSE TO OFFICE ACTION DATED AUGUST 27, 2020**

Applicant Arash Homampour ("**Applicant**"), filed a 1(a) use based application for registration of the standard character mark **HOMAMPOUR** (the "**Applicant's Mark**" or "**HOMAMPOUR**") in U.S. Serial No. 88/930,586 in International Class 41 for *"Providing on-line videos, not downloadable; Production of podcasts; Entertainment services, namely, providing podcasts in the field of current events, politics, social justice, and law; Education services, namely, providing non-downloadable webinars in the field of current events, politics, social justice, and law; On-line electronic newsletters delivered by e-mail in the field of law not downloadable; Information relating to entertainment and education provided on-line from a computer database or the internet; Information on education; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content"* and International Class 45 for *"Legal services; Legal advice; Attorney services; Legal information services; Providing information about legal services via a website; Legal consultation services; News reporting and expert legal commentary services in the field of legal news."* On August 27, 2020, the United States Patent and Trademark Office ("**USPTO**") issued a non-final office action refusing registration of Applicant's Mark on the grounds that it is allegedly primarily merely a surname under Trademark Act Section 2(e)(4), 15 U.S.C. §1052(e)(4) and that the drawing for the Applicant's Mark supposedly differs on the specimen of use. The Examiner also requires amendment to Applicant's services in International Class 41. Applicant addresses each issue below.

**I. APPLICANT'S MARK HAS ACQUIRED DISTINCTIVENESS**

The Examiner has rejected registration of Applicant's Mark under Trademark Act Section 2(e)(4), 15 U.S.C. §1052(e)(4), and alleges that the applied-for mark is primarily merely a surname. Though Applicant disagrees with the Examiner's conclusion, a mark deemed primarily merely a surname may be registered on the Principal Register under Trademark Act Section 2(f) based on a claim of acquired distinctiveness. See 15 U.S.C. §1052(f); 37 C.F.R. §2.41(a); TMEP §1211, 1212. "For *most* surnames, the statement of five years' use will be sufficient to establish acquired distinctiveness." TMEP §1212.05(a) (emphasis added). Here, Applicant's Mark has been in substantially exclusive and continuous use in commerce since 2004 with respect to Applicant's International Class 41 services and since 1995 with respect to Applicant's International Class 45 services – this is well beyond five years. Therefore, Applicant asserts a claim of acquired distinctiveness in whole to its identified services in International Classes 41 and 45 and declares under 37 C.F.R. §2.41 that: **"The mark has become distinctive of the goods and/or services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement."**

Based on the foregoing, Applicant respectfully requests that the Examiner withdraw the primarily merely a surname refusal.

**II. THE DRAWING OF THE APPLICANT'S MARK IS A SUBSTANTIALLY EXACT REPRESENTATION AS DEPICTED ON THE SPECIMEN OF USE**

The Examiner has refused registration of Applicant's Mark on the ground that the specimens of record allegedly do not show the Applicant's Mark as displayed in the drawing of the application. The Examiner further asserts that the specimen for International Class 41 fails to show Applicant's Mark in use in commerce with the identified services. With respect to International Class 41, Applicant submits as a substitute specimen the same screenshot specimen that was provided in the initial trademark application for International Class 45. As elucidated below, this single specimen demonstrates acceptable evidence of use in commerce of Applicant's

Mark in connection to the identified services in International Classes 41 and 45 and should therefore, be accepted.

In determining the acceptability of a specimen, “the drawing of the mark must be a substantially exact representation of the mark as used on or in connection with the goods/services, as shown by the specimen.” TMEP §807.12(a); *see* 37 C.F.R. §2.51(a)-(b). It is the Examiner’s position that the mark on the drawing disagrees with the mark on the specimen because the drawing displays the mark as HOMAMPOUR while the specimen displays the mark as THE HOMAMPOUR LAW FIRM. The Examiner reasons that the specimen does not match the drawing because the specimen includes additional wording. Applicant respectfully disagrees. “[A]pplicant has some latitude in selecting the mark it seeks to register.” TMEP §807.12(d). It is well settled that the “[A]pplicant may apply to register any element of a composite mark if that element presents, or will present, a separate and distinct commercial impression apart from any other matter with which the mark is or will be used on the specimen. . .” *Id.*; *see, e.g., In re Univ. of Miami*, 123 USPQ2d 1075, 1079 (TTAB 2017) (finding that the depiction of the mark in the drawing as a personified ibis wearing a hat and sweater created a separate and distinct commercial impression from literal elements that appeared on the hat and sweater in the specimens of use, and thus, the mark drawing was a substantially exact representation of the mark as used); *Institut National des Appellations D’Origine v. Vintners Int’l. Co., Inc.*, 954 F.2d 1574, 22 USPQ2d 1190, 1197 (Fed. Cir. 1992) (determining “what exactly is the ‘trademark’?” “all boils down to a judgment as to whether the designation for which registration is sought comprises a separate and distinct ‘trademark’ in and of itself.”). Therefore, the determinative factor is whether the Applicant’s Mark, creates a separate and distinct commercial impression apart from the other elements, *not* whether the mark appearing on the specimen includes additional wording as erroneously applied in this instant case. *See In re Raychem Corp.*, 12 USPQ2d 1399 (TTAB 1989) (refusal to register TINEL-LOCK based on specimen showing “TRO6AI-TINEL-LOCK-RING” reversed).

Here, the Applicant’s Mark, HOMAMPOUR, as it appears on the specimen of record engenders a separate and distinct commercial impression for numerous reasons. As discussed in more detail below, the additional wording “THE” and “LAW FIRM” have no source indicating

capability. “Ordinarily, even if it is used with a trademark, the generic name of a product need not be included as part of the words applicant seeks to register unless it forms a part of a unitary mark.” *Id.* (emphasis added). Furthermore, THE HOMAMPOUR LAW FIRM is *not* a single unitary phrase whereby the Applicant’s Mark is an interrelated element. Weighing against the finding of unitariness is the fact that THE HOMAMPOUR LAW FIRM does not contain common characteristics found in unitary marks such as a verb, preposition, or punctuation. See TMEP §1213.05. Notably, the Applicant’s Mark appears in multiple instances with additional elements or as a stand-alone mark within the specimen of record. This in and of itself shows that THE HOMAMPOUR LAW FIRM is *not* a single unitary phrase. Specifically, the specimen of record as depicted below, shows in blue text “Homampour Attorney” followed by the word “Email” on a different line positioned in the center of the specimen next to the Applicant’s advertised services. To contrast, THE HOMAMPOUR LAW FIRM appears much smaller, in white lettering, with a different style and font near the address bar. To further distinguish the Applicant’s Mark, the wording “Homampour Attorney” followed by “Email” on a different line also appears in red text below the “About Us” section. The specimen also shows in gray text and relevant part, “[w]e also include updates on recent cases and information on the Homampour firm.”

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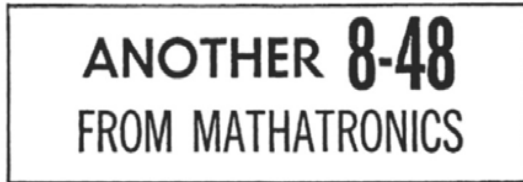
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Another reason HOMAMPOUR stands out as a distinguishable element separate and apart from the phrase THE HOMAMPOUR LAW FIRM is that it is much larger in size, utilizes a different style, and is physically set off from the wording "THE" and "LAW FIRM." These differences serve to diminish the appearance of the wording "THE" and "LAW FIRM" and visually emphasize and distinguish HOMAMPOUR as a separate and distinct commercial impression apart from the other elements. *See, e.g., In re Big Pig, Inc.*, 81 USPQ2d 1436 (TTAB 2006) (PSYCHO creates a separate commercial impression apart from additional wording and background design that appears on the specimen, where the word "PSYCHO" is displayed in a different color, type style and size, such that it stands out); *In re 1175856 Ontario Ltd.*, 81 USPQ2d 1446 (TTAB 2006) (refusal to register WSI and globe design reversed, since the letters "WSI" and globe design create a separate commercial impression apart from a curved design element that appears on the specimen); *In re Servel, Inc.*, 181 F.2d 192, 85 USPQ 257 (C.C.P.A. 1950) (reversing a refusal to register the mark SERVEL as a mutilation of "SERVEL INKLINGS" where the specimen displayed an insignia between the words "SERVEL" and "INKLINGS," and "INKLINGS" is printed in a large and different kind of type); *In re Nat'l Inst. for Auto. Serv. Excellence*, 218 USPQ 744, 745 (TTAB 1983) (design of meshed gears "is distinctive in nature" and "creates a commercial impression separate and apart from the words superimposed thereon"). Though the additional wording in the specimen is positioned near the Applicant's Mark, this does not prevent the Applicant's Mark from creating a distinct commercial impression. *See In re Royal BodyCare Inc.*, 83 USPQ2d 1564, 1567 (TTAB 2007) (reversing refusal to register NANOCEUTICAL when it was embedded in the phrase RBC'S NANOCEUTICAL, finding that although the specimen shows that they are relatively close to each other "the terms RBC's and NANOCEUTICAL are separate, not connected. They do create two separate impressions."). In fact, even if the specimen showed HOMAMPOUR physically connected in some way to THE HOMAMPOUR LAW FIRM, this would still be insufficient to conclude that the mark on the drawing disagrees with the mark on the specimen. *See In re Dempster Brothers, Inc.*, 132 USPQ 300 (TTAB 1961) (despite specimens showing the terms DEMPSTER DUMPMASER sharing the same first and last letters, DUMPMASER separately registrable). It can hardly be said that the Applicant's Mark blends so well within THE HOMAMPOUR LAW FIRM that it is difficult or impossible to discern the Applicant's Mark.

Ample case law supports the conclusion that the drawing in the application is a substantially exact representation of the Applicant's Mark as used in the specimen of record. For example, *In re Barry Wright Corp.*, 155 USPQ 671, 672 (TTAB 1967), the Board found that the mark 8-48 stands out as a distinguishable element separate and apart from the phrase "ANOTHER 8-48 FROM MATHATRONICS," as shown below:



The Board stated "it is clear that the notation '8-48' stands out as a distinguishable element separate and apart from the statement 'ANOTHER 8-48 FROM MATHATRONICS.'" 155 USPQ at 672. Here, it is also clear that HOMAMPOUR stands out as a distinguishable element separate and apart from THE HOMAMPOUR LAW FIRM because the Applicant's Mark is much larger in size, depicted in a different stylization, and is *not* physically connected in any way to the any additional elements.

*In re Raychem Corp.*, 12 USPQ2d 1399 (TTAB 1989), the mark TINEL-LOCK on the drawing was held to agree with the wording TR06AI-TINEL-LOCK-RING appearing on the specimen. Specifically, the Board found that the term "RING" is generic as applied to "metal rings for attaching a cable shield to an adapter" and that the alpha-numeric designation "TR06AI" is a model number, and that such an element "does not usually function as a source identifier." *Id.* at 1400. "Applicant therefore need not include either the part number or the generic term in the drawing, because neither is essential to the commercial impression created by the mark as shown in the specimens." *Id.* Relying on *In re Raychem Corp.*, the Board found *In re Hudson Fairfax Group LLC*, U.S. Serial No. 76662560 (TTAB 2008), that the drawing for the mark CONTINUUM a substantially exact representation of the mark INDIA CONTINUUM FUND depicted on the specimens below because "FUND" is a generic term for Applicant's services and INDIA is a geographically descriptive term:

Specimen 1:



Specimen 2:



The Board reasoned neither INDIA nor FUND have source-identifying significance in Applicant's mark because

"... although the words INDIA and FUND appear in applicant's specimens in the same size and type style as the word CONTINUUM, because INDIA and FUND do not have trademark significance, the word CONTINUUM for which applicant seeks registration and which appears in the drawing of the application is not a mutilation of applicant's mark, and applicant's specimens are acceptable to show use of the applied-for mark." *Id.*

Similarly, here, the wording "THE" and "LAW FIRM" in THE HOMAMPOUR LAW FIRM have no trademark significance. The word "THE" is non-distinctive and does not usually function as a source identifier. The wording "LAW FIRM" is generic or at best descriptive as applied to the Applicant's services in International Classes 41 in relevant part for on-line electronic newsletters delivered by e-mail in the field of law not downloadable and 45 in relevant part for legal services. Even assuming that the additional wording is capable of indicating source, descriptive terms may be omitted from a drawing without causing a mutilation of the mark. *See Institut National des Appellations D'Origin v. Vintners International Co., Inc.*, 958 F2d 1574, 22 USPQ2d 1190 (Fed. Circ. 1992) (holding CHABLIS WITH A TWIST was not a mutilation of the mark as used, which depicted CALIFORNIA immediately before CHABLIS). This instant case distinguishes from *In re Raychem*

*Corp.* because the Applicant's Mark is set physically apart the additional elements. Moreover, unlike *In re Hudson Fairfax Group LLC* where the applied-for mark and additional elements appearing in the specimens use the same size and type style, the Applicant's Mark is much larger and utilizes a different style than the additional wording "THE" and "LAW FIRM" in THE HOMAMPOUR LAW FIRM. Therefore, there are more compelling reasons in this instant case to conclude that the additional wording is not essential nor integral elements missing from the Applicant's Mark. Accordingly, the Applicant's Mark makes a commercial impression separate and apart from the other elements upon which it is used on the specimen of record.

Based on the foregoing, the drawing in the application for HOMAMPOUR is a substantially exact representation of the Applicant's Mark as used in the specimen of record for International Classes 41 and 45. Applicant respectfully requests that the Examiner accept the specimen as evidence of use and withdraw the specimen refusal.

### III. IDENTIFICATION OF SERVICES IN INTERNATIONAL CLASS 041

Applicant requests the following amended identification to clarify the wording of its International Class 041 services (additions in **bold**):

Providing on-line videos **featuring current events, politics, social justice, law, education, news, talk, commentary, and entertainment**, not downloadable; Production of podcasts; Entertainment services, namely, providing podcasts in the field of current events, politics, social justice, and law; Education services, namely, providing non-downloadable webinars in the field of current events, politics, social justice, and law; On-line electronic newsletters delivered by e-mail in the field of law not downloadable; Information relating to entertainment and education provided on-line from a computer database or the internet; Information on education; Providing information, news, and commentary in the field of current events via the Internet; Entertainment services in the nature of development, creation, production, distribution, and post-production of multimedia entertainment content

### IV. CONCLUSION

Having addressed all of the issues raised by the Examiner, Applicant respectfully requests that the objections raised in the non-final office action be withdrawn and that the Applicant's Mark proceed to publication in due course.

Dated: March 1, 2021

Respectfully submitted,

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**CERTIFICATE OF TRANSMITTAL**

I certify that a copy of the REGISTRANT ARASH KHORSANDI'S NOTICE OF RELIANCE ON TRADEMARK REGISTRATION IN SUPPORT OF REGISTRANT ARASH KHORSANDI'S MOTION TO DISMISS PETITIONER ARASH HOMAMPOUR'S AMENDED PETITION FOR CANCELLATION is being filed electronically with the Trademark Trial and Appeal Board via ESTTA on October 26, 2021.

KASHFIAN & KASHFIAN LLP

/Robert A. Kashfian/

Robert A. Kashfian, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2021, a true and correct copy of the foregoing REGISTRANT  
ARASH KHORSANDI'S NOTICE OF RELIANCE ON TRADEMARK REGISTRATION IN SUPPORT OF REGISTRANT  
ARASH KHORSANDI'S MOTION TO DISMISS PETITIONER ARASH HOMAMPOUR'S AMENDED PETITION  
FOR CANCELLATION was served on Petitioner's Attorney of Record by electronic mail as follows:

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