
Subject: Peerless transformers
Posted by [Manualblock](#) on Wed, 14 Sep 2005 00:00:48 GMT
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Say Douglas; what tubes would you use with that trans and what circuit do you plan on using?

Subject: Re: Peerless transformers
Posted by [MQracing](#) on Wed, 14 Sep 2005 01:35:41 GMT
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Hello Manualblock:Just a quick note... so that you are aware. Peerless is a trademark owned by us. We bought all of the engineering, the blueprints, the good will of the company, and it's trademarks in 1989.The products\goods offered by Doug are not genuine Peerless transformers and they should not be represented or sold as Peerless transformers. Bear in mind that this behaviour is no different in kind than putting the telefunken name and labeling on chinese made tubes... just because someone calls them a Tele doesn't make them a telefunken.cheers,msl

Subject: Re: Peerless transformers
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 02:03:55 GMT
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I looked up the trademark and did not find you listed.Please post the link to your trademark registration on the PTO website. You'll find a search tool there where you can locate any trademark registration and then post a link to it here.

Subject: Re: Peerless transformers
Posted by [MQracing](#) on Wed, 14 Sep 2005 02:19:56 GMT
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Hi Wayne:Trademarks are not required to be federally registered. Common law protects the ownership of trademarks. And if you look at the history of this particular federal registration (if those records are on line) you will note that it was assigned to me by Aletc many years ago. And it remains in constant use by us in interstate commerce.I don't want to argue law with you or anyone else. I simply wanted to give you and others a heads up that certain goods being represented as Peerless articles are not, in fact, genuine Peerless articles.I have no problem with Doug or anyone else going into the transformer business but would like it if they used their own name and not tried to ride on our coattails and the good will that we have earned for ourselves over the last 16

years. When John Atwood designed transformers... he picked a name and built up the reputation of his products based on their own merits not on the coattails of another namesake that he had no rights to. This I respect very much. The lazy way of marketing is to apparently misappropriate another company's name and their designs to make money, fame, or glory for yourself. You're free to buy Doug's products and wish you well with them...but PEERLESS they are not. MSL

Subject: Trademarks and intellectual property rights
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 05:11:18 GMT
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This subject is a hot button for me. So if you are correct in your accusations, I'll stand by you 100%. The internet is a mess of intellectual property theft, from search engines selling trademarks as keywords to websites using stolen content all the way down to teenagers downloading games and music. I'm not too upset when a kid downloads a song, but when companies steal from other companies and the dollars get bigger, it starts to get my attention. I've seen it go bad in many different ways. The most common case is of little companies stealing from big companies by riding on their coattails, as you say. They copy their plans, they sell knock off products, whatever. But I've also seen big companies steal little companies rights, by taking their intellectual property and bleeding them through attrition. It makes it hard to obtain justice, because "fairness" costs money and can be prohibitively expensive. Sometimes the larger company doesn't even have to go to much trouble, because they can use public perception and intimidation. The public may assume that a larger established company would not resort to tasteless tactics. But they do. They do all the time. And the internet is like the wild frontier, so lots of big names have been made almost overnight, some of them bending the rules to unimaginable levels yet most people don't even see what ugliness and games hide underneath. So I'm pretty zealous about this particular issue and your charges definitely caught my attention. Still, those are serious charges, and I think you owe it to all of us to provide proof. You owe it to Douglas, because you have impeached him and drawn his reputation into question. You cannot expect to come here with an anonymous username and claim that you own rights to a defunct company's designs and trademarks without providing some proof. I own two federally registered trademarks, one of which I have had to police a few times. So while I'm not a patent & trademark attorney, I have some experience with trademark and other intellectual property issues. As you have rightly said, trademarks in America are determined by first use in business. Registration is not a requirement. But registration is taken as evidence that the mark was used in business to identify a particular brand. One can say that they were using a mark in business at a prior date, but it may be difficult to prove. Registration is very convincing evidence of that fact. Federal registration also supercedes state registrations or unregistered marks. I know that DST (Now Tympany, makers of Scan-Speak, Vifa and Peerless speakers) has been using this brand name in America for their loudspeaker products for decades. According to PTO records, they published it for registration in 1988, declared first use in 1960 and obtained trademark serial number 73725000. It was cancelled in 1995, but I notice they still use the mark in commerce. From this, I'm not sure that an electronics company starting out to do business after the 1960's would be entitled to use "Peerless" as a brand name. There is too much potential for brand confusion. I'm not sure whether Altec would have been able to assign rights to you. There are some pretty strict rules governing the transfer of trademarks. See "Transfers of Intellectual Property" by the Ladas

& Parry firm. Beyond that, it appears there are several people that are using this name, and I think DST has the longest record of consistent use in commerce. You said that you don't want to get into a legal discussion about your rights to the use of the Peerless brand name, but on the other hand, you seem to want people here to honor your wishes and disregard Douglas's. I'm not sure that is the right thing to do. For all I know, Douglas may have more rights to the name than you do. If you want to go through the records and show us that you have obtained proper transfer of a legitimate Altec trademark that gives you rights, then I think that would set the record straight. But if you cannot provide those records, I think it is inappropriate for you to discredit Douglas or to talk about "riding on coattails." You speak about misappropriation and try to impeach someone else's good name, so I think it is extremely important for us all that you be clear on your own.

Subject: Re: Trademarks and intellectual property rights
Posted by [MQracing](#) on Wed, 14 Sep 2005 06:32:11 GMT
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Hi Wayne: Here is how I would like to address these issues at least in part. at www.ahbbo.com/dbatmcom.html there is a passage regarding trademarks and I quote; "A trademark (or service mark) does not need to be registered to attain status as a mark i.e., unregistered trademarks are recognized by common law. If you have a distinctive trademark (that you own) in commerce, then you probably have a common law trademark already." In our particular case (and this is just some of the details)... we have used the Peerless name and moniker in interstate commerce for approx 16 or more years. Advertisements in Glass Audio magazine dating back to 1989 by our firm advertised the Peerless name and moniker. This would clearly show use of the brand name and moniker back to a very early date. I have copies of the appropriate federal forms which shows an assignment of the subject registered trademark to my wife (Kathryn Petrich-LaFevre) from F. Davis Merry, Jr., President of Altec Lansing Corporation whose principal place of business was 10500 West Reno Avenue, Oklahoma City, Oklahoma 73126. A Certificate Of Renewal of the Peerless trademark WAS issued in my wife's name by the US trademark office whose said renewal term begun on March 6, 1996. Our attorney of record for trademark matters is Charles H. Lindrooth of Synnestvedt & Lechner whose offices are located at 2600 Aramark Tower, 1101 Market Street, Philadelphia, PA. 19107. Our branded Peerless products have been advertised and used in interstate commerce for many years by our distributors and OEM's. They have also been mentioned in magazines as far away as Stereo Sound magazine in Japan and as close as the now defunct Bottlehead newsletters, Sound Practices magazine and others. Friends of the Audioroundtable have been consumers of our transformers and have come directly to us when they needed direct replacements for Altec\Peerless products. Recently we supplied to Charley Kittleson a pair of Peerless 16492 outputs (from an Altec 15870 amp) so that he could restore a pair of these amps for one of his customers. I would have guessed that our ownership of Peerless might have been well known and documented throughout the audio community for a period of many, many years. Out of interest... I followed the url you posted to the patent and trademark office and did several searches of small specialist audio companies... here are some of my findings... I ran a check to see if the following well known audio companies had the protection of a federal trademark or service mark registration. Welborne Labs, Wavelength Audio, Bottlehead, Metasonix, One-electron. None of these firms/individuals have a registered trademark that I could find relating to their audio

business. Are they all, therefore, legitimate targets for other people to use their business names and the goodwill which each of them have nurtured? But, yet, within our community each is fairly well known. If they lack this "name protection" then is anyone free to introduce products and call them ONE-ELECTRON for example? Would John need to come on this board and defend and demonstrate that he "owned" the unregistered namesake? What would count as proof? Interestingly, I also looked up Pi Speakers. Accdg to the trademark office you filed an application for a trademark (serial #75900392) and withdrew the application some 11 months later. So that your firm Pi Speakers also lacks this federal trademark registration. How would you prove that you did not abandon the name and that you still have rights to the name? Would you allow a poster to offer copies of Pi Speakers or cabinets on the Audioroundtable? If someone (anyone) misappropriates the namesakes of Welborne Labs, Wavelength Audio, Pi Speakers, or any of the few other firms I mentioned above... we would all (I hope) condemn this action. And it is important, as you've stated yourself, to keep the playing field level and honest... using the Peerless name in this context is akin to labeling chinese made tubes with the logo of a famous past manufacturer... it will (and may be intended) confuse the consumer or take advantage of the consumer. Just as would be the case if I offered Pi speaker kits (not made by you) on these boards. Again, I have no problem with Doug or anyone else going into the transformer business. But I would hope that they would not misappropriate our namesake and use our goodwill to futher their business or hobby interests. I do have more detailed legal documentation... but posting details of these documents and the business details of... does not seem appropriate to do in a public forum where such information could be misused. I would be happy to provide you with appropriate detailed information in a moreso private setting that would not disclose private business details or personal details of my wife as the trademark owner. MSL

Subject: Re: Trademarks and intellectual property rights
Posted by [MQracing](#) on Wed, 14 Sep 2005 06:57:57 GMT
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Hi Wayne: just to amplify one addtl point; you wrote; ::: I'm not sure whether Altec would have been able to assign rights to you. There are some pretty strict rules governing the transfer of trademarks. See "Transfers of Intellectual Property" by the Ladas & Parry firm. Beyond that, it appears there are several people that are using this name, and I think DST has the longest record of consistent use in commerce. ::: Bear in mind that Mr. Merry (president of Altec) had legal counsel representing the Altec firm and that my wife had legal counsel representing her interests in the trademark. Bear in mind further that the transfer was filed with and accepted by the US patent and trademark office. that the US Patent and Trademark Office issued subsequent to the transfer of the trademark a renewal in my wife's name of the said subject trade mark. As I understand it... anyone who might have thought that the transfer was not legal or appropriate would have had notice printed in the federal registry and could have challenged the assignment before it was granted. No one contested the assignment of the trademark from the Altec Lansing Corporation to my wife. That the government accepted the transfer of ownership of the said trademark and subsequently issued a renewal (upon proper applicaton for such) of the same trademark to my wife is pretty strong evidence that the subject Peerless trademark is in fact owned by my wife. msl

Subject: Re: Trademarks and intellectual property rights
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 07:05:59 GMT
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I found a registration owned by Kathryn Petrich-LaFevre of Pennsylvania and it is for transformers, serial number 74492177. Maybe that is what you are talking about. But the trademark registered is for Acrosound, and does not cover Peerless. Regarding the Peerless brand name, if there was registration made by Altec, then there would be a record of it in the PTO database. I could not find it. I searched for trademarks registered by Altec and found several, Altec, Altec Lansing, Iconic, Mantaray, Tangerine, etc. But I did not find a registration for Peerless. Surely you must know a registration serial number for something so important to you. As for a transfer, if you have made some sort of legal agreement that gave you intellectual property rights, you should have no trouble putting your hands on it. I mean, if you or your attorney were going to write someone a cease and desist letter, you'd want to include these documents as proof of your claims. If you have other documentation I haven't found, I'd be interested to see it.

Subject: Re: Trademarks and intellectual property rights
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 08:24:47 GMT
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As I said earlier, I'm not an IP attorney but I have some intellectual property and have had several IP issues to deal with. I've spent thousands of dollars obtaining and policing my IP and have had several occasions to discuss legal details. So I know some of the issues, enough to talk about intellectual property rights with a little bit of understanding. I also have a great respect for IP and owners of IP, so if it becomes clear to me that you have trademark on the Peerless name, I'll help you make sure it is respected here. I can understand your zeal about the Peerless name, but I am concerned that you may not have a valid claim to the trademark. I know for sure that DST has been using the name prior to you, and so I don't think you can actually claim it. As frustrating as this may be, it appears you may have been violating a registered trademark held by Peerless Fabrikkerne all this time. Maybe you were "under the radar," and they simply didn't notice you. If you would like to send me copies of your documentation, I'll have it checked out. If it's valid, I'll ensure it is respected here. But if your claim isn't valid, my suggestion is to get with an IP attorney as soon as possible and see what your options are. I'll help any way I can because I know how frustrating this can be. As an aside, remember the Svetlana controversy? The real company is

Sensor effectively stole the name, by registering it in America under the table. If true, that's dirty, and even if done without legal opposition, it isn't right because it is taking advantage of people that didn't know better. They weren't in this country and didn't know the rules, or even have

not very familiar with your particular situation but I'm certainly interested and concerned. I think it would be best for everyone involved to come to the table and make things right. But please

remember, Douglas isn't just some kind of pawn. He is pretty good with tube circuits and his wishes should be respected too. If you have legal claim to the name that's one thing, but if it has been eroded or whatever, then you and he should probably make some kind of agreement. I would think if you've been using the name for 16 years that would count for something, but then again, DST has you beat by almost 30 years. This is kind of a tough situation.

Subject: Re: Peerless transformers

Posted by [PakProtector](#) on Wed, 14 Sep 2005 09:33:25 GMT

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I am building Merlin(again), with 4E27's. I have not decided on exactly which valves I will use for the front, it will be a differential amp cascode.I'm going to put the winding cards and information up in Projects soon. Probably right after Wayne discovers Mike is full of hot air and bile.So, Mike about this PP load thing.....cheers,Douglas

Subject: Now, Mike...

Posted by [PakProtector](#) on Wed, 14 Sep 2005 10:02:39 GMT

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now that you are where I can respond to your rantings, when are you going to cease publishing my private correspondence on your MQ website. You have additionally misrepresented them(it is easy to prove something with the copy and paste button, isn't it?).what was it?
magnequest.com/sector7gyour claim of not having a problem with me going into the TX business is a Lie. You have a problem with *EVERYTHING* about me which pertains to TX's. But I should figure a way for you to excuse yourself gracefully. I will devote as much time to that topic as you devote to persecuting me.cheers,Douglas

Subject: Re: Trademarks and intellectual property rights

Posted by [MQracing](#) on Wed, 14 Sep 2005 10:03:34 GMT

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Hi Wayne:Several of the small specialty firms I looked up lacked this federal registration of a trademark or service mark. These companies include One-Electron, Wavelength Audio, Welborne Labs, and Bottlehead just for starters.So I assume that any of the names of the above companies could be pirated by a poster on the audioroundtable... so any or all of these companies are "fair game" for pirates in your view?MSL

Subject: Re: Trademarks and intellectual property rights
Posted by [MQracing](#) on Wed, 14 Sep 2005 10:40:19 GMT
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Hi Wayne:just to give you a moreso complete historical picture;you wrote;:::I know for sure that DST has been using the name prior to you, and so I don't think you can actually claim it:::Peerless...which was organized as Peerless Elecrical Products Company (Pepco for short) was organized in 1934 in the state of Michigan and has continuously used the Peerless name in association with transformer production since that time.The trademark as originally sought out by Peerless doesn't come much before 1956. Perhaps because they did not in the first 22 years have any issues with pirates on bulletin boards misappropriating their namesake.The other firm you mention has a trademark on the name Peerless for speakers and in fact this company (and it's earlier business organizations) used the namesake in conjunction with the sale and marketing of speakers and speaker related parts and etc.Their was never (to my knowledge) any difficulty with Peerless the transformer maker and Peerless the speaker maker co-existing peacefully together. And since, apparently, now that Peerless the speaker maker does not have the namesake Peerless federally registered as a trademark... that, again, it would be fine for anyone to appropriate that namesake and start calling some speakers or speaker drivers "Peerless"?Can we apply the rule evenly... no federal registration of a trademark or namesake... then no protection from audioroundtable...metasonix, Welborne Labs, and the list I gave earlier plus I have two more business candidates who appear to lack federal registration of a trademark.... Lundahl and Electra-Print. Actually the Lundahl name has quite a few listings... including firms who make and sell circuit boards (located in Utah) and another Lundahl registration for a company who makes\sells farm equipment.again... it's a common sense standard... everyone would know (or should know) that using the name Metasonix to represent or sell certain electronic gear steps on Eric's toes.... whether he has a federal registration for Metasonix or not....best I can see is that the standard that you propose would be enforced wholly arbitrarily.msl

Subject: Re: Trademarks and intellectual property rights
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 10:54:12 GMT
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that, unregistered for many years before I registered it. So I'm sympathetic to owners of unregistered trademarks.I run into situations like yours from time to time. Sometimes DIY'ers will substantially and then their speaker may or may not perform the same. That's the biggest concern of the trademark holder, that there might be public confusion. So I understand your concern.

Subject: Re: Trademarks and intellectual property rights
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 11:06:21 GMT
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See, but the problem is that both transformers and loudspeakers are in Class 9. That makes it a sticky situation. Don't misunderstand, these aren't my standards or whatever. I've just been having a discussion with you about IP, and what I've said to you simply reflects my understanding of the PTO. You have asked AudioRoundTable.com to assist you in protecting your intellectual property. You don't have to ask, by the way, if something is in violation of IP law here, it gets deleted. We're pretty good about uniformity of enforcement of the rules here.

Subject: Dungeon
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 11:20:11 GMT
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Tell you what guys, let's take this to the Dungeon.
Peerless transformers, trademarks and intellectual property rights

Subject: Re: Trademarks and intellectual property rights
Posted by [MQracing](#) on Wed, 14 Sep 2005 11:27:01 GMT
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Hi Wayne: just a quick note... and then I have to finish moving our storage facilities from point A to point B. Don't ever move... I don't want to discuss the fine points of law... and I assume you're not an attorney with expertise in patents and trademarks and I certainly am not. But I have had an attorney represent us in all matters relating to the assignment and the subsequent reissue of the said trademark and will be contacting him soon for his guidance. Again, this is on a common sense level, very clear... we have used the name in interstate commerce with reference to audio transformers for a number of years and the Peerless mark itself had been in force as early as 1956. And the founders of the company began use of the name Peerless as a mark of a specific brand of transformers as early as 1934. Again, what I find unsettling is the prospect that any number of small specialty audio related businesses would appear to not be afforded any protection of their namesake on the AudioRoundTable unless they can prove to you that they have a federal registration. And as I have shown many of these small firms lack such federal registration. I thought that given our long usage of the subject trademark and a clear understanding of what it stands for... would have been enough "proof" for you... I can only imagine how other small companies would make out under the same tests. Mike

Subject: Re: Trademarks and intellectual property rights
Posted by [MQracing](#) on Wed, 14 Sep 2005 11:27:01 GMT
[View Forum Message](#) <> [Reply to Message](#)

Hi Wayne:just a quick note... and then I have to finish moving our storage facilities from point A to point B. Don't ever move... I don't want to discuss the fine points of law... and I assume your not an attorney with expertise in patents and trademarks and I certainly am not. But I have had an attorney represent us in all matters relating to the assignment and the subsequent reissue of the said trademark and will be contacting him soon for his guidance.again, this is on a common sense level, very clear... we have used the name in interstate commerce with reference to audio transformers for a number of years and the Peerless mark itself had been in force as early as 1956. And the founders of the company began use of the name Peerless as a mark of a specific brand of transformers as early as 1934.again, what I find unsettling is the prospect that any number of small specialty audio related business's would appear to not be afforded any protection of their namesake on the audioroundtable unless they can prove to you that they have a federal registration. And as I have shown many of these small firms lack such federal registration. I thought that given our long usage of the subject trademark and a clear understanding of what it stands for... would have been enough "proof" for you...I can only imagine how other small companies would make out under the same tests. Mike

Subject: Re: Trademarks and intellectual property rights
Posted by [MQracing](#) on Wed, 14 Sep 2005 11:40:49 GMT
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Hello Wayne:you wrote::::See, but the problem is that both transformers and loudspeakers are in Class 9. That makes it a sticky situation::::for the sake of debate... suppose that the Peerless speaker people have constructive sole property of the namesake Peerless. Even if your hypothesis would be correct... and that both transformers and loudspeakers fall into class 9... then...Douglas' use of the namesake Peerless would still be in violation of someone else's ownership rights to the namesake. Namely, that any finding that would deprive us of use and ownership of the Peerless name in reference to transformers because of any alleged rights of ownership accruing to Peerless the speaker company would also apply equally across the board to Douglas' use of the namesake.Of course, I am not acceding this point except to argue that a consistent argument would still find Douglas' use of the Peerless namesake illicit if in fact that name is owned solely by Peerless the speaker people.msl

Subject: Re: Trademarks and intellectual property rights
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 11:56:55 GMT
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You're preaching to he converted here. I have respect for the holders of IP, registered or not.

First use is first use, and the better you can demonstrate it, the better your chances of making a case. Having a federally registered copyright titled "Pi Speakers" in the Library of Congress in 1979 makes my case pretty solid for first use in 1979. But I haven't been challenged either. You've asked for protection on ART. What exactly do you want done? I can assure you that there won't be a Peerless Transformers forum started here. We won't be setting up a Magnequest forum either. What more would you like to see done that hasn't been done? AudioRoundTable.com respects intellectual property, and that should not be called into question. So I guess I'm not understanding why you bring ART into the equation at this point.

Subject: please see registration number 622,592 <nt>
Posted by [MQracing](#) on Wed, 14 Sep 2005 11:59:48 GMT
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Subject: Re: Trademarks and intellectual property rights
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 12:00:41 GMT
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Yes, I agree. If DST wants to sue someone for using the Peerless name to sell Class 9 products, they would probably have a good case. If they issue a cease and desist letter, it would probably be wise to heed it. They have the resources to litigate, and a pretty good claim to the name. Listen, let's take this to the Dungeon. This would be better to discuss there. Pretty soon the moderator will probably start deleting posts because they don't have anything to do with a group build. Here's the link to a thread where we can discuss IP issues further:
Peerless transformers, trademarks and intellectual property rights

Subject: There is no record of that number in the PTO database
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 12:04:01 GMT
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Subject: Re: Trademarks and intellectual property rights
Posted by [Manualblock](#) on Wed, 14 Sep 2005 12:04:38 GMT

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This is a fascinating discussion that pretty much sums up the the state of the use of trademark on the net. I am not an attorney but in my reading I see two issues here. One is the cross-posting; ie answering a question that wasn't asked and asking a question that doesn't apply to the situation. Two; what I get from this debate is what I got from a casual question I posed to an attorney acquaintance which resulted in the response that a trademark is only worth what you are willing to pay to have it enforced. I realise that a transformer has many proprietary issues in it's manufacture. The final consensus up to this point is that anyone can build a trans just don't name it Peerless. But the name peerless also has a meaning indigenous to a part of the circuit parameters of a transformer used in many amplifiers. If one were to need to replicate one transformer that held all of the specs and techniques of the Peerless Trans; but that particular unit was not manufactured and required sourceing; how would you describe the unit in question? You would need to name it and at that point where does the status of the peerless name stand? That's my question.

Subject: then there must be an error in the database
Posted by [MQracing](#) on Wed, 14 Sep 2005 12:11:55 GMT
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I'm looking at the certificate of renewal issued by the US Patent and Trademark Office on March 6, 1996 issued in my wife's name.msl

Subject: Re: then there must be an error in the database
Posted by [colinhester](#) on Wed, 14 Sep 2005 12:17:21 GMT
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Is this the link you are searching?
<http://tess2.uspto.gov/bin/gate.exe?f=searchss&state=2kg3hj.1.1>

Subject: Re: then there must be an error in the database
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 12:20:13 GMT
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That's the link to the website, yes. Are you sure you've typed the right number?

Subject: Re: Trademarks and intellectual property rights
Posted by [MQracing](#) on Wed, 14 Sep 2005 12:24:05 GMT
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Hi Manualblock:hey...nice post and some good questions for lay people... and interesting fodder intellectually.you wrote;:::The final consensus up to this point is that anyone can build a trans just don't name it Peerless.:::again, I have no problem with Dougie or anyone else who wants to go into the transformer business... but use John Atwood's model... design and build or have built your products identify them with your own name or brand name... and build up your reputation the ole fashion way... by building one quality product after another...taking or misappropriating the namesake of a company who common sense you know that your mis-using... is the lazy, shyster way of doing business...just as would be the case if I copied Wayne's designs and called them Pi Dynamics or Pi Sound... it would be an attempt to cash in on Wayne's hard work and good will...I'm not sure if I follow the "indigenous" part... there has not been to my knowledge confusion such as perhaps clouds the Kleenex trademark... where a registered mark becomes known as designating a generic class or type of goods.Peerless transformers made a wide range of transformers.... from entry level to reasonably sophisticated. They also made transformers for differing industries (they were not solely an audio transformer manufacturer)...I've never seen anyone use the phrase "I need a Peerless for my EL84 amp's output stage" as a generic calling that they need an "output transformer" and perhaps they would prefer a Peerless branded output.msl

Subject: Re: Trademarks and intellectual property rights
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 12:24:11 GMT
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Your attorney friend is right on target here. Policing IP is very expensive, litigation is almost prohibitively so for small companies.If Mike has a lot invested in this, he should definuitely get an IP attorney to make sure his claim to the name is valid.

Subject: to the dungeon we go.... <nt>
Posted by [MQracing](#) on Wed, 14 Sep 2005 12:25:12 GMT
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Subject: Re: then there must be an error in the database
Posted by [colinhester](#) on Wed, 14 Sep 2005 12:25:40 GMT

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Hi Wayne, Colin here. I cut-and-paste from Mike's original post, with and w/o comma, and there is nothing in the database. It could, however, be down. In case you did not notice, I'm the one that posted the USPTO link.No problems here keeing the discussion in the Group Build. It's Doug's home.....Colin

Subject: Re: Trademarks and intellectual property rights
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 12:31:28 GMT
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Please see my post in the Dungeon (link below), regarding your John Atwood reference.
Peerless transformers, trademarks and intellectual property rights

Subject: Re: then there must be an error in the database
Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 12:34:00 GMT
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Yeah, I typed that number in the system too, both with and without the comma. The database is running normally, because I've been using it all morning. That number must be a mistake.

Subject: You're welcome to keep it here
Posted by [colinhester](#) on Wed, 14 Sep 2005 12:51:17 GMT
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Hi Mike, Glad to have you here, even if it is under less than ideal circumstances. I am the mod of the Group Build forum, and I have no problems with keeping the thread alive in this forum. I think it would confuse the "train of thought" if the discussion were moved.....Warmest regards, Colin Hester

Subject: Re: then there must be an error in the database
Posted by [MQracing](#) on Wed, 14 Sep 2005 13:02:20 GMT
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Hi Wayne:Just got off the phone with my trademark attorney and he informs me that our trademark is still in force. And we discussed several other relevant issues.I mentioned to him that the 622,592 comes up zip on the US Patent and Trademark Search engine... and he agreed that indeed that is odd.But he has copies of and I have the original certificate issued under the aforementioned registration number which was renewed on March 6, 1996.It's actually a pretty document... it has a gold embossed seal of the US Patent and Trademark office affixed to it. For the doubting Thomas' I can also tell you (as I hold the document in hand) that it is designated as form # PTO-134 (Rev. 8-89) and is signed by a Bruce Tehman (can't actually decipher the guys last name with certainty)...After talking to my attorney I am much relieved and reassured that we are indeed in fine shape as regards our ownership of the Peerless trademark as registered in the trademark office.wooo-wee!!!!msl

Subject: thanks Colin...

Posted by [MQracing](#) on Wed, 14 Sep 2005 13:13:48 GMT

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and so far I must say that the discussions have been quite civil overall and a tad bit interesting.... though I wish my company's brand name were not the guinea pig or subject of our inquiries.On the other hand.... it did put me in touch with my trademark attorney pronto tonto... and good things will further come of this. I just hate to see the audioroundtable accord anyone the right to misappropriate a recognized brand name and/or a trademark. it hurts the very same small businesses who makes up much of what we might call our vacuum tube little corner of the world.msl

Subject: Messageboards and intellectual property

Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 13:44:08 GMT

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I enjoy conversations about intellectual property too.But you keep talking like AudioRoundTable.com is somehow advocating intellectual property theft. You've questioned whether ART should "accord anyone the right to misappropriate a recognized brand name or trademark." You've made several statements like this, inferring AudioRoundTable.com is somehow responsible for misusing your trademarks.I think what you want is for ART to banish Douglas or something. I don't know what you think ART should do. As I said earlier, there will not be a Magnequest forum and there won't be a Peerless transformers forum. No one is going to copy your forums or website and place them here. ART won't load up the search engines with Peerless references. There is absolutely nothing that ART will do that harms you. So what exactly do you expect from ART that you're not getting?

Subject: My pleasure

Posted by [colinhester](#) on Wed, 14 Sep 2005 13:45:53 GMT

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Mike, I am the VP of a business (real estate holding), so I can understand and appreciate your concerns. I do/did have some interest in patent law. I hold three US patents (6,080,530; 6,042,990; and 5,935,760.) and one world patent. I have also set up patent databases to track competitor's art. It's been sometime since I've been involved with this type of law, but I would strongly advise you to contact your attorney and see why the number you reference is not valid. I would make sure the maintainance fees have been paid.....Colin

Subject: Re: My pleasure

Posted by [MQracing](#) on Wed, 14 Sep 2005 14:05:43 GMT

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Hi Colin:I'll have to look up your patents... would be neat to have a patent. But like others have pointed out patents are only as good as your ability to protect them. My brother had sought and gained a patent of a racing car transmission...which was subsequently widely violated... but my brother did not have the funds to go after the alleged infringers.Re: our Peerless registration. Like I said I have a hard copy with the official embossing\seal of the trademark office. And the renewal was good for 10 years.... so it's not up until March of 2006. You can be CERTAIN that it will be renewed. At one point I was going to let it lapse.... being a small business trademark attorneys are expensive... but this woke me up in a hurry. and again I can't believe (overall) how nice people have been and how civil the conversation has been.perhaps I should visit more often :=)msl

Subject: A few things to remember...

Posted by [PakProtector](#) on Wed, 14 Sep 2005 14:32:52 GMT

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Hey-Hey!!!,First, this transformer is not a Peerless. That would require a Peerless/Altec blueprint. Clearly no such thing exists for a design to take advantage of the E-Linear circuit I named and invented.This TX is based on the Peerless S-265 and has all of the very critical coil winding details copied from an original, and includes the modifications required to take advantage of teh E-Linear circuit design.Remember also that no protection exists to cover the coil winding details of the transformer. One cannot steal something which is public property. Fortunately, the secrets of TX design are just an unwind away from who ever is in possession of the to-be-copied item. Someone spoke of common sense, it was fairly plain to me that I am not selling Peerless transformers. I am offering a modification, which never had a Peerless name on it. So it cannot be a Peerless transformer.I take it as admission from Mike by his involvement that I have actually managed to discover how to duplicate his cash cow designs. Mike, you have alternated by accusing me of being a hack, and that I have stolen something from you. I am not a hack, and I

have stolen *NOTHING* of yours. A little while ago somebody on AA suggested that you could have tied my hands very thoroughly with a non-competition/non-disclosure agreement and then turned me loose through all your archived designs. I would have been quite happy to do exactly that. This way has been a bit more illuminating though. There are some questions put to Mike I would also like to see an answer to: From manual block: If one were to need to replicate one transformer that held all of the specs and techniques of the Peerless Trans; but that particular unit was not manufactured and required sourcing; how would you describe the unit in question? From Wayne: all of his IP questions regarding MQ, and most importantly for me the one requesting 'what do you want ART to do?' Mike, you appear to seek a very selective enforcement of the rules, and specifically only your interpretation of said rules. I don't think you're going to get anywhere with that sort of behaviour. Looking forward to discussing this further with you. Douglas

Subject: Re: My pleasure

Posted by [Wayne Parham](#) on Wed, 14 Sep 2005 14:34:49 GMT

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Trademark renewals aren't due for 10 years, but you are required to provide proof of use 5 years after registration.

Subject: Re: My pleasure

Posted by [colinhester](#) on Wed, 14 Sep 2005 14:41:33 GMT

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Yeap, You are dead-on about patents. They only give you the right to sue (and they look cool hangin' on the wall.) As I'm sure you know, patent/TM attorneys are EXPENSIVE (\$500/hour easily) My patents are in the chemistry of semiconductor lithography. It's amazing to see how far the industry has come in just a few years. The speeds are starting to deviate from Moore's Law (chip speed doubles every 18 months,) but the memory sector is just mind numbing. Memory chips are now based on 50 nanometer technology!! When I left the industry, they were at 193nm in some fabs, and sub-100nm was not even on the drawing board. Mike, again, I'm sorry your introduction to ART could not have been on more positive terms. I do not know the full story behind the relationship you and Doug (nor do I care to know.) Doug has been very helpful for us newbs and always willing to help. He really is a good guy that cares about the preservation of vacuum tube technology. I wish you two the best of luck in sorting out your differences.....Colin

Subject: Re: My pleasure

Posted by [MQracing](#) on Wed, 14 Sep 2005 14:52:51 GMT

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Hi Wayne:I asked my trademark attorney that question this morning and he assures me that the renewal issued in 1996 was good for 10 years due to the age of the original registration. In any case this is why I retain a trademark attorney... a senior level managing partner in his law firm... he tracks and looks after all of these issues\requirements on our behalf.It's not my job to try to do his job.mike

Subject: That'll learn ya
Posted by [colinhester](#) on Wed, 14 Sep 2005 16:02:03 GMT
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Wow, that thread sure made for some good reading this morning. Did you ever get your question answered? I think I'm going to sit out this one. Got a new baby coming any day (or hour).....Colin

Subject: Re: That'll learn ya
Posted by [Manualblock](#) on Wed, 14 Sep 2005 18:21:32 GMT
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That transformer could be a future project for the little tyke.Good Luck there bud.

Subject: Here 'tis
Posted by [Wayne Parham](#) on Fri, 16 Sep 2005 07:38:38 GMT
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This is not a trademark for "Peerless", but rather a graphic logo of a stylized "P".
Trademark 0622592
