



# MEMORANDUM

To	To Whom It May Concern	Business Partners of QX World
Copy	Andreea Kurucz-Taflan	QX World
From	Aron Laszlo	Oppenheim
Date	11 October 2017	

**RE: UNFOUNDED WARNING LETTERS SENT BY MANDELAY KFT.**

Dear Sir or Madam,

We are contacting you on behalf of QX World Kft., our client (**QX World**).

You have recently received a cease and desist letter from Danubia Patent and Law Office LLC (Hungary) on behalf of Mandelay Kft. (**Mandelay**).

In the cease and desist letter Mandelay sets forth that Mandelay has been selling 'SCIO' and 'EDUCTOR' devices since 2002 and 2012, respectively. Mandelay is the owner of the European Union trademarks No. 122250593 'EDUCTOR' and No. 011191194 'SCIO'. Mandelay claims that QX World puts the slavish imitation of Mandelay's 'SCIO' and 'EDUCTOR' devices on the market. Mandelay calls your firm to terminate business relations with QX World.

In reality, 'SCIO' and 'EDUCTOR' devices were developed by 2002 and 2011, respectively, by PentaVox Kft. (**PentaVox**). PentaVox has manufactured the devices and marketed them through various distributors including QX World and Mandelay. PentaVox sold all the rights associated with the 'SCIO' and 'EDUCTOR' devices to QX World on 20 June 2017. PentaVox and QX World agreed that PentaVox will keep on manufacturing the devices upon QX World's orders.

Therefore, QX World has all the rights associated with the 'SCIO' and 'EDUCTOR' devices, and all the 'SCIO' and 'EDUCTOR' devices distributed by QX World are manufactured by PentaVox. Therefore, the 'SCIO' and 'EDUCTOR' devices distributed by QX World are not "fake" and are not the "slavish imitation" of any third party device.

On the contrary, Mandelay has no rights whatsoever associated with the 'SCIO' and 'EDUCTOR' devices except for the trademarks, which Mandelay registered in bad faith. PentaVox has not registered the 'SCIO' and 'EDUCTOR' signs as trademarks, unfortunately. Mandelay misused its position as a trusted distributor, and registered the 'SCIO' and 'EDUCTOR' signs as European Union trademarks in 2012 and 2013 in its own name and without the authorization of PentaVox. Mandelay acted clearly in bad faith. Therefore, PentaVox and QX World is going to take the necessary steps to have Mandelay's trademarks invalidated.

Should you need any further clarification, we are happy to assist you.

Best regards

**Aron Laszlo**  
**ügyvéd (Hungarian attorney-at-law)**  
**Oppenheim**

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