

ESTTA Tracking number: **ESTTA413577**

Filing date: **06/09/2011**

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

Proceeding	92052967
Party	Defendant Wirepath Home Systems, LLC
Correspondence Address	ROBERT H CAMERON ROBINSON BRADSHAW & HINSON PA 101 NORTH TRYON STREET, SUITE 1900 CHARLOTTE, NC 28246-1900 UNITED STATES rcameron@rbh.com
Submission	Answer
Filer's Name	Robert H. Cameron
Filer's e-mail	rcameron@rbh.com
Signature	/robert h cameron/
Date	06/09/2011
Attachments	Answer to EPISODE Amended Petition for Cancellation-120309.pdf (5 pages) (122117 bytes)

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

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

Mark: EPISODE

Registration Date: November 27, 2007

**IRA PAZANDEH
D/B/A EPISODE AUDIO,
Petitioner,

v.

WIREPATH HOME SYSTEMS, LLC,

Respondent.**

**Cancellation Nos.: 92052967
92053960**

ANSWER

Respondent, Wirepath Home Systems, LLC (“Wirepath”), by and through counsel, hereby submits its Answer to the Amended Petition for Cancellation.

Wirepath responds to the enumerated allegations in Petitioner’s Amended Petition for Cancellation as follows:

1. Wirepath is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Amended Petition for Cancellation and therefore denies the same.

2. Denied.

3. Denied.

4. Denied.

5. Denied.

6. Admitted.

7. Wirepath states that the allegations contained in Paragraph 7 of the Amended Petition for Cancellation are conclusions of law as to which no responsive pleading is necessary.

8. Denied.

9. Denied.

10. Admitted except that Petitioner ever made use of or analogous use of a mark EPISODE AUDIO at all times relevant to this proceeding.

11. Wirepath is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Amended Petition for Cancellation and therefore denies the same.

12. Denied.

13. Wirepath is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Amended Petition for Cancellation and therefore denies the same.

14. Wirepath is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Amended Petition for Cancellation and therefore denies the same.

15. Wirepath is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Amended Petition for Cancellation and therefore denies the same.

16. Denied.

17. Denied.

SEPARATE AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Amended Petition for Cancellation fails to state a claim upon which relief can be granted.

SECOND DEFENSE

At all times relevant to this proceeding, Petitioner had not used in commerce the terms EPISODE or EPISODE AUDIO for any of the products pleaded in Paragraph 4 of the Amended Petition for Cancellation.

THIRD DEFENSE

Petitioner had not made any analogous use of the mark EPISODE or EPISODE AUDIO in connection with the promotion or sale of any products sufficiently public to identify source as of August 12, 2005, Wirepath's ITU filing date.

FOURTH DEFENSE

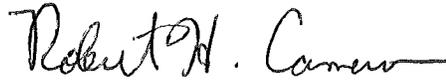
Wirepath's application for registration of the mark EPISODE pre-dates any date of vested rights of Petitioner by virtue of trademark use or use analogous to trademark use of EPISODE or EPISODE AUDIO.

FIFTH DEFENSE

Petitioner's claims are barred by the equitable doctrine of laches, in that Petitioner has unreasonably delayed efforts to enforce its rights, if any, despite its full awareness of Wirepath's use of its trademarks, causing prejudice to Wirepath.

This 9th day of June, 2011.

Respectfully submitted,



Robert H. Cameron

*Attorney for Respondent Wirepath Home Systems,
LLC*

ROBINSON, BRADSHAW & HINSON, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246-1900
Telephone: (704) 377-2536
Facsimile: (704) 378-4000

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer was served on Petitioner by mailing a copy by first class mail, postage prepaid to the following address of record with the Trademark Trial and Appeal Board:

Ira Pazandeh
Episode Audio
18700 Yorba Linda Blvd. #56
Yorba Linda, CA 92886

Dated: June 9, 2011

By: Robert H. Cameron
Robert H. Cameron