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

Proceeding	92053599
Party	Defendant Cause TV, Inc.
Correspondence Address	CAUSE TV INC 13312 BEALL CREEK COURT POTOMAC, MD 20854 UNITED STATES
Submission	Answer
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Date	03/21/2011
Attachments	Answer to Petition to Cancel.pdf (4 pages)(77881 bytes)

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

In the Matter of U.S. Registration No. 3,807,463
Trademark: CAUSETV

Philotic, Inc., Petitioner, v. Cause TV, Inc., Registrant.	
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REGISTRANT’S ANSWER TO PETITION TO CANCEL

Cause TV, Inc. (“Registrant”), by and through its undersigned counsel, submits its Answer to Philotic, Inc.’s (“Petitioner”) Petition to Cancel (the “Petition”) the registered service mark CAUSETV (Registration No. 3,807,463) as follows:

I.

ANSWER TO PETITIONER’S CLAIMS

1. Registrant denies the allegations contained in Paragraph 1 of the Petition.
2. Registrant admits that it is the owner of the CAUSETV mark, and that it is a Delaware corporation, and otherwise denies the allegations contained in Paragraph 2 of the Petition.
3. Registrant admits the allegations contained in Paragraph 3 of the Petition, and respectfully refers the Trademark Trial and Appeal Board (“TTAB”) to the application

referenced therein. Registrant further states that it first used its mark no later than May 31, 2007, the date of its application to the United States Patent & Trademark Office.

4. Registrant admits the allegations contained in Paragraph 4 of the Petition and respectfully refers the TTAB to the Office Action referenced therein.

5. Registrant denies the allegations contained in Paragraph 5 of the Petition.

6. Registrant admits the allegations contained in Paragraph 6 of the Petition to the extent that they assert that Petitioner's CAUSES mark is confusingly similar to Registrant's CAUSETV mark. Registrant denies the allegations contained in Paragraph 6 of the Petition to the extent they are intended to suggest that Petitioner has a right to use the CAUSES mark in commerce.

7. Registrant denies the allegations contained in Paragraph 7 of the Petition.

II.

AFFIRMATIVE DEFENSES

Registrant hereby pleads the following affirmative defenses to the claims of Petitioner:

1. The Petition to Cancel should be suspended until the conclusion of the parallel federal court civil proceeding between Registrant and Petitioner.

2. Petitioner's claim is barred because Registrant first used its CAUSETV mark in commerce prior to Petitioner's first use in commerce of its CAUSES mark;

3. Petitioner lacks standing because Petitioner has not and will not be damaged by the continued registration of the CAUSETV mark.

4. Any alleged damage to Petitioner is of its own doing.

5. Petitioner's claim is barred, in whole or in part, by the equitable doctrines of laches, estoppel and unclean hands.

6. Petitioner's claim is barred, in whole or in part, because Petitioner has acquiesced in Registrant's adoption, registration and use of the mark that is the subject of the Petition to Cancel.

WHEREFORE, Registrant prays that the Petition to Cancel be denied.

Registrant hereby appoints the law firm of Bickel & Brewer, 767 Fifth Avenue, 50th Floor, New York, NY 10153, telephone number (212) 489-1400, as the address to which all communications are to be directed and hereby appoints each of the following attorneys associated with said firm, and at the same address, individually and collectively, its attorneys, with full power of substitution and revocation, to prosecute this proceeding and to transact all business with the U.S. Patent and Trademark Office in connection therewith: William A. Brewer III and Alexander D. Widell.

Dated: New York, New York
March 21, 2011

Respectfully submitted,

BICKEL & BREWER

By: 

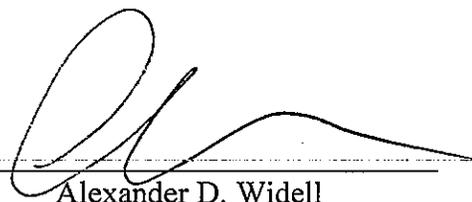
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Attorneys for Cause TV, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES TO PETITION TO CANCEL has been served on Petitioner's counsel of record by mailing said copy on March 21, 2011, via First Class Mail, postage prepaid to:

Kristin S. Cornuelle, Esq.
Orrick, Herrington & Sutcliffe LLP
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Attorneys for Philotic, Inc.



A handwritten signature in black ink, appearing to read 'Alexander D. Widell', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alexander D. Widell