

ESTTA Tracking number: **ESTTA455631**

Filing date: **02/09/2012**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Zuffa, LLC		
Entity	limited liability company	Citizenship	Nevada
Address	2960 W. Sahara Avenue Las Vegas, NV 89102 UNITED STATES		

Attorney information	Michael N. Feder and Jennifer Ko Craft Gordon & Silver, Ltd. 3960 Howard Hughes Parkway, 9th Floor Las Vegas, NV 89169 UNITED STATES TRADEMARKS@GORDONSILVER.COM Phone:(702) 796-5555
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Applicant Information

Application No	85259780	Publication date	01/17/2012
Opposition Filing Date	02/09/2012	Opposition Period Ends	02/16/2012
Applicant	Los Angeles Film Schools, LLC 6363 Sunset Boulevard, Fifth Floor Hollywood, CA 90028 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 041. All goods and services in the class are opposed, namely: Providing an on-line computer database for students in the fields of instruction for entertainment program directing, producing, cinematography, editing, production design, sound recording, music recording, screen writing and digital media mixing, all in the fields of audiovisual media, motion pictures and music production for digital media, films and television programs; Providing an on-line computer database for students in the fields of instruction of art, music, radio, film production, video production, television programming production, digital media, computer animation production, live event production, teacher and instructor credentialing, entertainment media design, creative writing, and journalism, all for independent artists, film makers and recording artists; educational services, namely, providing live courses of instruction, seminars, conferences and workshops, on-line and non-downloadable pre-recorded courses of instruction, seminars, conferences and workshops, all in the fields of entertainment program directing, producing, cinematography, editing, production design, sound recording, screen writing and digital media mixing, all in the fields of audiovisual media, motion pictures, digital presentations for film, films, television programs, art, music, radio, film, video, television, digital media, web design, computer animation, game design, live event production, teacher and instructor credentialing, graphic design, Internet marketing, media design, creative writing, journalism, entertainment industry accounting, entertainment industry budgeting, artist management and production management, entertainment marketing, promotion, fund-raising and advertising, for independent artists, film makers and recording artists; music production, motion picture film production, production of video discs, television</p>

programs, computer games and computer animation; multimedia entertainment services in the nature of recording, production, and post production services in the fields of music, video and films

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2794515	Application Date	09/23/2002
Registration Date	12/16/2003	Foreign Priority Date	NONE
Word Mark	AS REAL AS IT GETS		
Design Mark	AS REAL AS IT GETS		
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 2002/03/22 First Use In Commerce: 2002/03/22 Clothing, namely shirts and caps</p> <p>Class 041. First use: First Use: 2001/04/30 First Use In Commerce: 2001/04/30 Live stage shows; presentation of live athletic performances and sports events; production of television programs featuring sports events, mixed martial arts and profiles of athletes; production and rental of sound and video recordings featuring sports events, mixed martial arts and profiles of athletes; provision of news and information featuring sports events, mixed martial arts and profiles of athletes</p>		

U.S. Registration No.	2887392	Application Date	09/23/2002
Registration Date	09/21/2004	Foreign Priority Date	NONE
Word Mark	AS REAL AS IT GETS		
Design Mark	AS REAL AS IT GETS		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2002/09/27 First Use In Commerce: 2002/09/27 digital video discs; digital versatile discs and CD-ROM discs, all featuring sports events and sports programs</p> <p>Class 016. First use: First Use: 2002/09/27 First Use In Commerce: 2002/09/27 posters, event programs</p>		

Attachments	76975507#TMSN.gif (1 page)(bytes) 76976710#TMSN.gif (1 page)(bytes)
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	Notice of Opposition to AS REAL AS IT GETS.pdf (5 pages)(14635 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michael N. Feder/
Name	Michael N. Feder
Date	02/09/2012

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

Zuffa, LLC, a Nevada limited liability
company,

Opposer,

v.

Los Angeles Film Schools, LLC,

Applicant.

Mark AS REAL AS IT GETS

Serial No. 85/259780

Published January 17, 2012

NOTICE OF OPPOSITION

Pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.101, Opposer Zuffa, LLC (“Zuffa”), a Nevada limited liability company with its principal place of business at 2960 W. Sahara Avenue, Las Vegas, Nevada 89102, hereby opposes the application filed by Los Angeles Film Schools, LLC (“Applicant”) to register the mark AS REAL AS IT GETS in International Class 41 (Serial No. 85/259780) published on January 17, 2012.

As grounds for its opposition, Zuffa alleges as follows:

1. Zuffa owns the UFC ULTIMATE FIGHTING CHAMPIONSHIP brand and is one of the world’s leading promoters of mixed martial arts competitions and events.
2. Zuffa also owns and uses the mark AS REAL AS IT GETS (the “AS REAL AS IT GETS Mark”) in association with sports and entertainment services (including, live sports events and television programs), sound and video recordings featuring sports events and

programs, clothing, health club services, printed publications and materials, and various souvenir items.

3. Zuffa owns the following incontestable federal trademark registrations for its AS REAL AS IT GETS Mark in International Classes 9 and 41:

(a) AS REAL AS IT GETS, for live stage shows; presentation of live athletic performances and sports events; production of television programs featuring sports events, mixed martial arts and profiles of athletes; production and rental of sound and video recordings featuring sports events, mixed martial arts and profiles of athletes; provision of news and information featuring sports events, mixed martial arts and profiles of athletes in International Class 41 (USPTO Registration No. 2794515); and

(b) AS REAL AS IT GETS, for digital video discs; digital versatile discs and CD-ROM discs, all featuring sports events and sports programs in International Class 9 (USPTO Registration No. 2887392).

4. Zuffa has made substantial and continuous use of its AS REAL AS IT GETS Mark for several years and has expended considerable resources in the protection, enforcement, advertising and marketing of the mark.

5. By virtue of this continuous and extensive use of the AS REAL AS IT GETS Mark, the mark has become invested with substantial goodwill and worldwide recognition and fame.

6. Applicant is seeking registration of the identical mark AS REAL AS IT GETS (“Applicant’s Mark”) in International Class 41 for “Providing an on-line computer database for students in the fields of instruction for entertainment program directing, producing,

cinematography, editing, production design, sound recording, music recording, screen writing and digital media mixing, all in the fields of audiovisual media, motion pictures and music production for digital media, films and television programs; Providing an on-line computer database for students in the fields of instruction of art, music, radio, film production, video production, television programming production, digital media, computer animation production, live event production, teacher and instructor credentialing, entertainment media design, creative writing, and journalism, all for independent artists, film makers and recording artists; educational services, namely, providing live courses of instruction, seminars, conferences and workshops, on-line and non-downloadable pre-recorded courses of instruction, seminars, conferences and workshops, all in the fields of entertainment program directing, producing, cinematography, editing, production design, sound recording, screen writing and digital media mixing, all in the fields of audiovisual media, motion pictures, digital presentations for film, films, television programs, art, music, radio, film, video, television, digital media, web design, computer animation, game design, live event production, teacher and instructor credentialing, graphic design, Internet marketing, media design, creative writing, journalism, entertainment industry accounting, entertainment industry budgeting, artist management and production management, entertainment marketing, promotion, fund-raising and advertising, for independent artists, film makers and recording artists; music production, motion picture film production, production of video discs, television programs, computer games and computer animation. multimedia entertainment services in the nature of recording, production, and post production services in the fields of music, video and films.”

7. Applicant’s Mark is identical to Zuffa’s AS REAL AS IT GETS Marks.

Applicant’s applied for goods and services are the same as, or similar to, the goods and services

offered by Zuffa under Zuffa's AS REAL AS IT GETS Mark. Applicant's registration of Applicant's Mark is likely to cause confusion, to cause mistake or to deceive customers.

8. Zuffa's AS REAL AS IT GETS Mark was famous before Applicant filed its application for Applicant's Mark on March 7, 2011, as shown in application Serial No: 85/259780.

9. Applicant's registration of Applicant's Mark is likely to dilute the distinctiveness of Zuffa's AS REAL AS IT GETS Mark.

10. Zuffa will suffer damage including irreparable injury to its reputation and goodwill if Applicant is permitted to register Applicant's Mark.

WHEREFORE, Zuffa prays that the opposition be sustained and that the Board refuse Applicant's application to register Applicant's AS REAL AS IT GETS mark.

Dated: February 9, 2012

Respectfully submitted,

GORDON SILVER

/Michael N. Feder/

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CERTIFICATE OF SERVICE

I hereby certify that, on this 9th day of February, 2012, a true and complete copy of the foregoing Notice of Opposition has been served by United States mail, first class postage prepaid, on the following counsel of record for Applicant:

David L. Sigalow
Allen, Dyer, Doppelt, Milbrath & Gilchrist
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Orlando, FL 32801-3460

/Parker S. Bauman/
An employee of Gordon Silver Ltd.