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

Proceeding	91191159
Party	Defendant United Football League, LLC
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Submission	Answer
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Date	03/16/2010
Attachments	01446951.pdf (5 pages)(22440 bytes)

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

_____)	
)	
Upward Unlimited,)	Opposition No. 91191159
)	
Opposer,)	(child/see parent: Opposition
)	No: 91191159 - containing
v.)	Consolidated Oppositions: 91191159,
)	91191160, 91191161, 91191162,
United Football League, LLC)	91191163, 91191164, 91191165 and
)	91192776
Applicant.)	
_____)	Application Serial No. 77/612,153

Applicant's Answer to Amended Notice of Opposition

In response to the Amended Notice of Opposition filed February 16, 2010, United Football League, LLC, ("Applicant") answers the opposition identified above as follows.

Answer

The initial paragraph of Upward Unlimited's ("Opposer") Amended Notice of Opposition is intraversable and requires no response. However, to the extent a response is required, Applicant asserts that Opposer has not suffered injury, loss or damages, and puts Opposer to its burden of proof regarding the same.

1. Applicant admits it is seeking to register a mark designated at United States Patent and Trademark Serial No. 77/612,153. Applicant further admits that the mark is described as consisting of the letters "U", "F", and "L", a football, and a star on a shield. Applicant further states that the design is depicted as follows:



(hereinafter referred to as the “UFL Mark”). To the extent Opposer has accurately listed the description of services as Applicant has listed in its application for the UFL Mark (defined in Opposer’s paragraph No. 1 as “Applicant’s subject services”), Applicant so admits and hereby incorporates Opposer’s definition of “Applicant’s subject services” into the remainder of its Answer, otherwise denied.

2. Admitted.

3. Applicant admits that its application for the UFL Mark does not currently include a statement of use, otherwise denied.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the Amended Notice of Opposition and therefore denies the same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the Amended Notice of Opposition and therefore denies the same.

6. This paragraph states a legal conclusion to which no response is required. However, to the extent a response is deemed to be required, this paragraph is denied in its entirety.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the Amended Notice of Opposition and therefore denies the same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the Amended Notice of Opposition and therefore denies the same. To the extent this paragraph states a legal conclusion, no response is

required. To the extent a response is deemed to be required, this paragraph is denied in its entirety.

9. This paragraph states a legal conclusion to which no response is required. However, to the extent a response is deemed to be required, this paragraph is denied in its entirety.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the Amended Notice of Opposition and therefore denies the same.

11. This paragraph states a legal conclusion to which no response is required. However, to the extent a response is deemed to be required, this paragraph is denied in its entirety.

12. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the Amended Notice of Opposition and therefore denies the same. To the extent this paragraph states a legal conclusion, no response is required. To the extent a response is deemed to be required, this paragraph is denied in its entirety.

13. This paragraph states a legal conclusion to which no response is required. However, to the extent a response is deemed to be required, this paragraph is denied in its entirety.

14. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the Amended Notice of Opposition and therefore denies the same. To the extent this paragraph states a legal conclusion, no response is required. To the extent a response is deemed to be required, this paragraph is denied in its entirety.

15. Denied.

16. Denied.

17. Denied.

18. Applicant hereby re-alleges and incorporates herein by reference its responses to Paragraphs 1-17, inclusive, as if fully stated herein.

19. Denied.

20. Denied.

21. Denied.

22. This paragraph states a legal conclusion to which no response is required. However, to the extent a response is deemed to be required, this paragraph is denied in its entirety.

23. Denied.

Defenses

1. Opposer has failed to state a claim upon which relief may be granted.

2. Opposer is barred by the doctrine of estoppel.

3. Opposer is barred by the doctrine of waiver.

4. Opposer is barred by the doctrine of laches.

5. Opposer is barred by the doctrine of acquiescence.

6. Opposer's claims are barred by its own fault and negligence.

7. Opposer's claims are not advanced in good faith.

8. Opposer comes to this tribunal with unclean hands.

9. Opposer has not suffered damage.

10. Applicant is the senior user.

11. Applicant is entitled to earlier priority than Opposer.

Opposer's prayers for relief are intraversable and require no response. However, to the extent a response is required, Applicant asserts that Opposer has not suffered injury, loss or damages, and puts Opposer to its burden of proof regarding the same.

Prayer for Relief

WHEREFORE, Applicant requests judgment dismissing Opposer's Amended Notice of Opposition and that its application be allowed forthwith.

Dated: March 16, 2010

Respectfully submitted,
Burns & Levinson LLP

/Bruce Jobse/
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Attorneys for Applicant
United Football League, LLC

CERTIFICATE OF MAIL AND CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Opposer's Amended Notice of Opposition has been served upon counsel for Opposer by electronic filing through ESTTA, as well as by mailing said copy on March 16, 2010 via First Class Mail, postage prepaid to:

Tim F. Williams, Esquire
Douglas L. Lineberry, Esquire
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/Diane Noël/
Diane Noel