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

Proceeding	<del>01194370</del> 91191159
Party	Defendant United Football League, LLC
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Submission	Answer
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Upward Unlimited,	)	
	)	
Opposer,	)	<b>Opposition No. 91194370</b>
	)	
v.	)	<b>Application Serial Nos. 77/838,757;</b>
	)	<b>77/838,761; 77/838,762; 77/838,768;</b>
United Football League, LLC	)	<b>and 77/838,771.</b>
	)	
Applicant.	)	
	)	

**Applicant's Answer to Consolidated Notice of Opposition**

In response to the Consolidated Notice of Opposition filed April 1, 2010, United Football League, LLC ("Applicant"), answers the opposition identified above as follows.

**Answer**

The initial paragraph of Upward Unlimited's ("Opposer") Consolidated Notice of Opposition contains no allegations and therefore 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 Nos. 77/838,757; 77/838,761; 77/838,762; 77/838,768; and 77/838,771. Applicant further admits that color is not a claimed feature of the mark, and that the mark is described as consisting of the word "PREMIERE SEASON" with four flags above the words with the year "2009" and a shield with the letters "UFL" and a football with a star emerging from the football below the words. Applicant further states that the design is depicted as follows:



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

2. Admitted.

3. Applicant admits that its applications for the Premiere Season Design Mark do 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 Consolidated 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 Consolidated Notice of Opposition and therefore denies the same.

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

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

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

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the Consolidated Notice of Opposition and therefore denies the same. To the extent this paragraph states a legal conclusion, 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 Consolidated 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. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the Consolidated Notice of Opposition and therefore denies the same. To the extent this paragraph states a legal conclusion, 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 Consolidated 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. Denied.

23. Denied.

24. Denied.

25. Denied.

26. 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.

27. 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 contain no allegations and therefore 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 Consolidated Notice of Opposition and that its applications be allowed forthwith.

Respectfully submitted,

Dated: July 20, 2010

Burns & Levinson LLP

/Laura L. Carroll/  
Laura L. Carroll, Esquire  
Bruce D. Jobse, Esquire  
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 Consolidated Notice of Opposition has been served upon counsel for Opposer by electronic filing through ESTTA, as well as by mailing said copy on July 20, 2010 via First Class Mail, postage prepaid to:

Tim F. Williams, Esquire  
DORITY & MANNING, P.A.  
P.O. BOX 1449  
Greenville, SC 29602  
UNITED STATES

/Diane Noël/  
Diane Noel