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

Proceeding	91191159
Party	Plaintiff Upward Unlimited
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Submission	Response to Board Order/Inquiry
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Date	08/29/2011
Attachments	UPU Response to Status Request 8-29-11.pdf (3 pages)(59446 bytes)

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UPWARD UNLIMITED)	
)	
Opposer,)	Opposition No: 91191159
)	
)	(child/see parent: Opposition
)	No: 91191159 – containing
)	Consolidated Oppositions: 91191159
v.)	91191160, 91191161, 91191162,
)	91191163, 91191164, 91191165,
)	91192776, 91194368, 91194369, and
)	91194370)
UNITED FOOTBALL LEAGUE, LLC)	
)	
Applicant.)	

On December 8, 2010, Opposer Upward Unlimited (“Upward”) filed a motion to compel for Applicant United Football League, LLC’s (“UFL”) failure to serve responses to interrogatories and requests for production. In a reply brief filed January 17, 2011, Upward informed the Board that it had yet to receive any production documents from UFL responsive to Upward’s discovery requests and that the Motion to Compel had not been mooted by UFL’s service of discovery responses.

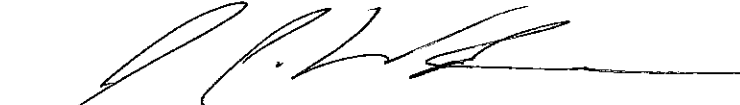
UFL indicated by letter to Upward that it expected to produce documents and things responsive to Upward’s discovery requests on January 21, 2011 and that it would provide a timeline for additional production of documents to Upward at that time. However, despite repeated requests from Upward, UFL did not produce documents until six months later on July 29, 2011. Accordingly, Upward never advised the Board that the discovery dispute had been resolved during this time period because it was still waiting on documents to be produced by UFL.

After receiving the UFL's July 29, 2011 production of documents, Upward informed the UFL that it would consider withdrawing the currently pending motion to compel after it had a chance to review the documents produced on July 29, 2011 to determine their responsiveness to Upward's discovery requests and after various discovery issues relating to the Board's confidentiality order, the identification of documents on a privilege log, and a document inspection in Jacksonville, FL had been resolved. By telephone call with counsel for UFL on August 26, 2011, Upward believes that these outstanding discovery issues have been resolved.

In view of the forgoing, Upward withdraws its current motion to compel for UFL's failure to timely serve responses to interrogatories and requests for production. Upward reserves the right to file a further motion to compel to challenge the sufficiency of UFL's discovery responses if it is later determined that UFL has not fully responded to any outstanding discovery requests.

Respectfully submitted.

DATED: August 29, 2011



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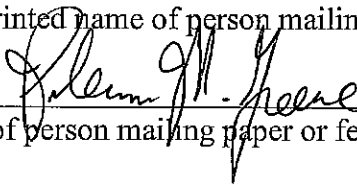
CERTIFICATE OF SERVICE

It is hereby certified that a copy of this **RESPONSE TO BOARD ORDER/ INQUIRY** regarding Consolidated Opposition 91191159 was served on Applicant's counsel of record via United States Postal Service First Class Mail on August 29, 2011, as follows:

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PRUDENCE GREENE

(Typed or printed name of person mailing paper or fee)

A handwritten signature in cursive script, appearing to read "Prudence M. Greene", written over a horizontal line.

(Signature of person mailing paper or fee)