

ESTTA Tracking number: **ESTTA318604**

Filing date: **11/24/2009**

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

Proceeding	91191159
Party	Defendant United Football League, LLC
Correspondence Address	BRUCE D. JOBSE BURNS & LEVINSON, LLP 125 SUMMER ST STE 600 BOSTON, MA 02110-1624 UNITED STATES trademarks@burnslev.com
Submission	Answer
Filer's Name	Bruce D. Jobse
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Date	11/24/2009
Attachments	01413215.pdf (4 pages)(70339 bytes)

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

)	
Upward Unlimited,)	Opposition No. 91191159
)	Serial Nos. 77/612,153
Opposer,)	Mark: UFL
)	
v.)	
)	
United Football League, LLC)	Applicant's Answer to Opposer's
)	Notice of Opposition
Applicant.)	
)	

Applicant's Answer to Notice of Opposition

In response to the Notice of Opposition issued by the Board on July 21, 2009, United Football League, LLC, ("Applicant") answers the opposition identified above as follows.

Answer

1. The Application speaks for itself.
2. The Application speaks for itself.
3. The Application speaks for itself.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of this number paragraph of the 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 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 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 Notice of Opposition and therefore denies the same.

9. Applicant re-alleges and incorporates its responses to Paragraphs 1-8 as if fully stated herein.

10. Denied.

11. Denied.

12. Denied.

13. Admitted as to the statement that if Applicant is granted a registration, Applicant will thereby obtain at least a *prima facie* exclusive right to use of Applicant's subject mark relative to International Class 41, otherwise denied as to all other statements and allegations.

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

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, and Opposer comes to this tribunal with unclean hands.
8. Opposer has not suffered damage.

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.

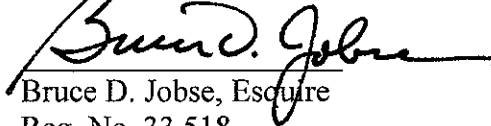
Prayer for Relief

WHEREFORE, Applicant requests judgment dismissing Opposer's Notice of Opposition and that its registrations issue forthwith.

Respectfully submitted,

Dated: November 24, 2009

Burns & Levinson LLP



Bruce D. Jobse, Esquire

Reg. No. 33,518

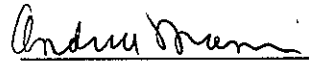
Attorneys for Applicant

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 Notice of Opposition has been served upon counsel for Opposer by electronic filing through ESTTA, as well as by mailing said copy on November 24, 2009 via First Class Mail, postage prepaid to:

Douglas L. Lineberry
DORITY & MANNING, P.A.
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Greenville, SC 29602
UNITED STATES


Andrea Masciari