

ESTTA Tracking number: **ESTTA320336**

Filing date: **12/04/2009**

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

Proceeding	91191164
Party	Plaintiff Upward Unlimited
Correspondence Address	Richard M. Moose DORITY & MANNING, P.A. P.O. BOX 1449 Greenville, SC 29602 UNITED STATES docketing@dority-manning.com
Submission	Motion to Consolidate
Filer's Name	Richard M. Moose
Filer's e-mail	docketing@dority-manning.com
Signature	/Richard M. Moose/
Date	12/04/2009
Attachments	UPU-15-M6 Motion to Consolidate.pdf (41 pages)(544061 bytes)

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

UPWARD UNLIMITED)	
)	
Opposer,	)	Opposition Nos: 91191159,
	)	91191160, 91191161, 91191162,
	)	91191163, 91191164, and
	)	91191165
)	
v.)	
)	
UNITED FOOTBALL LEAGUE, LLC)	
)	
Applicant.)	

**OPPOSER'S MOTION AND BRIEF IN SUPPORT OF CONSOLIDATING
OPPOSITION NOS. 91191159, 91191160, 91191161, 91191162, 91191163, 91191164,
and 91191165 PURSUANT TO FED R. CIV P. 42 (a)**

In the matter of the captioned Oppositions against UNITED FOOTBALL LEAGUE, LLC. (hereinafter "Applicant"), regarding the registration of the alleged service and trademarks, letters "U", "F", and "L", a football, and a star on a shield, UPWARD UNLIMITED, a non-profit corporation of the State of South Carolina, having its principal office at 198 White Star Point, Spartanburg, South Carolina 29301, (hereinafter "Opposer"), requests that the following Opposition Nos. 91191159, 91191160, 91191161, 91191162, 91191163, 91191164, and 91191165, be consolidated under the parent case, Opposition No. 91191159.

Opposer consulted with Applicant on December 2, 2009 regarding filing a joint motion to consolidate given the extremely intertwined nature of the Oppositions and the

efficiency gained from consolidation. Applicant refused to join Opposer in filing a joint motion to consolidate. Accordingly, Opposer has filed this motion to consolidate unilaterally.

The grounds for this Motion are as follows:

Applicant has currently filed several intent-to-use applications consisting of the letters "U", "F", and "L", a football, and a star on a shield (hereinafter also referred to as "Applicant's subject alleged mark") for the following Application Nos: 77/612,153; 77/611,996; 77/611,985; 77/611,925; 77/611,897; 77/611,891; and 77/611,742 as of November 11, 2008.

Opposer is, and has for a time period long prior to Applicant's November 11, 2008 filing date of the subject applications, engaged in the operation of organized sports programs as part of comprehensive youth ministerial programs. Opposer has numerous marks associated with the services and products offered through the programs, all as part of its youth ministerial services.

Opposer believes that Applicant is a present and/or a potential competitor and Applicant's applications present a likelihood of confusion to Opposer's marks. Accordingly, Opposer filed seven Oppositions against the Applications on July 21, 2009.

Although the parties have engaged in settlement discussions, they were unable to reach an agreement and Applicant proceeded to file its Answers to Opposer's Oppositions on November 24, 2009. Since Applicant has proceeded with filing its Answers, the Oppositions are now considered joined.

The Board may consolidate pending cases that involve common questions of law or fact. See Fed. R. Civ. P. 42(a); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382 (TTAB 1991). Herein, the parties to the respective Oppositions are identical, Applicant's mark is identical for all applications and the proceedings involve common questions of law or act. Further, as shown by Applicant's Answers, Applicant's defenses to the Oppositions are identical for all applications. (See Applicant's Answers attached hereto as Attachments 1-7.) Accordingly, consolidation of the above-referenced Oppositions is appropriate and, respectfully, should be ordered.

Further, the seven oppositions proceeding independently will place an undue burden on the Board as extremely similar, if not identical, claims and defenses will be presented in seven separate actions rather than a single, efficient consolidated action. Moreover, multiple actions will unnecessarily drain Board funds and resources as seven Oppositions proceed independently through the TTAB system.

Therefore, pursuant to Fed R. Civ. P. 42 (a), Opposer respectfully requests that the following Opposition Nos. 91191159, 91191160, 91191161, 91191162, 91191163, 91191164, and 91191165 be consolidated under the "parent" case, Opposition No. 91191159. Opposer requests this based on the following:

- (1) The current Applications in question are all related to the same questions of law and fact pending before the Board.
- (2) Consolidation of the current Oppositions would avoid unnecessary cost or delay, saving time, effort, and expense.

(3) The Opposer and Applicant involved in all seven Oppositions are identical and the only parties involved therein; and

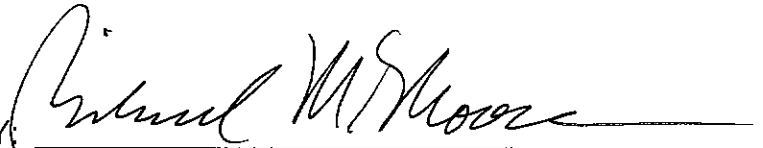
(4) As demonstrated by Applicant's Answers, the marks all share common defenses which should be efficiently resolved in a single action.

Therefore, the undersigned respectively requests that Opposition Nos. 91191159, 91191160, 91191161, 91191162, 91191163, 91191164, and 91191165 be consolidated under the parent Opposition No: 91191159.

Respectfully submitted,

ON BEHALF OF OPPOSER
UPWARD UNLIMITED

DATE: December 4, 2009

BY: 
RICHARD M. MOOSE
Reg. No. 31,226

DORITY & MANNING
ATTORNEYS AT LAW, P.A.
P. O. Box 1449
Greenville, SC 29602-1449

TELEPHONE: (864) 271-1592
FACSIMILE: (864) 233-7342

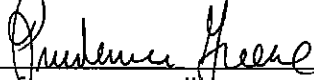
CERTIFICATE OF SERVICE

It is hereby certified that a copy of the **OPPOSER'S MOTION AND BRIEF IN SUPPORT OF CONSOLIDATING OPPOSITION NOS. 91191159, 91191160, 91191161, 91191162, 91191163, 91191164, and 91191165 PURSUANT TO FED R. CIV P. 42 (a)** was served on Applicant's counsel of record via United States Postal Service First Class Mail on December 4, 2009, as follows:

BRUCE D. JOBSE, ESQ.
BURNS & LEVINSON, LLP
125 SUMMER ST STE 600
BOSTON, MA 02110-1624
Phone Number: 617-345-3000
Fax Number: 617-345-3299

PRUDENCE GREENE

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



(Signature of person mailing paper or fee)

Attachments (1-7)

Attachment 1

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

Upward Unlimited,)	
)	
Opposer,	)	Opposition No. 91191159
	)	Serial Nos. 77/612,153
v.	)	Mark: UFL
)	
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.

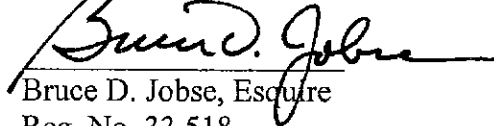
Prayer for Relief

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

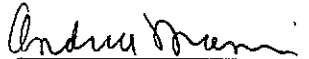
Attorneys for Applicant

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.
P.O. BOX 1449
Greenville, SC 29602
UNITED STATES


Andrea Masciari

Attachment 2

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

Upward Unlimited,)	
)	
Opposer,	)	Opposition No. 91191160
	)	Serial Nos. 77/611,996
v.	)	Mark: UFL
)	
United Football League, LLC	)	Applicant's Answer to Opposer's
Applicant.	)	Notice of Opposition

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 38, 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.

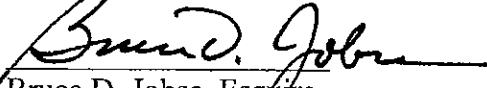
Prayer for Relief

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.
P.O. BOX 1449
Greenville, SC 29602
UNITED STATES


Andrea Masciari

Attachment 3

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

)	
)	
Upward Unlimited,	)	Opposition No. 91191161
	)	Serial Nos. 77/611,985
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 21, 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.

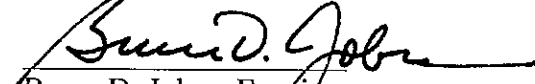
Prayer for Relief

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

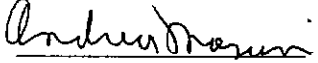
Attorneys for Applicant

United Football League, LLC

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Greenville, SC 29602
UNITED STATES


Andrea Masciari

Attachment 4

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

_____)	
)	
Upward Unlimited,	)	Opposition No. 91191162
	)	Serial Nos. 77/611,925
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 20, 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.

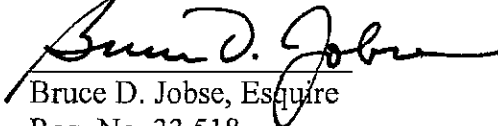
Prayer for Relief

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



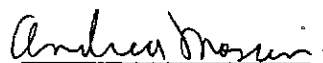
Bruce D. Jobse, Esquire
Reg. No. 33,518

Attorneys for Applicant
United Football League, LLC

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Douglas L. Lineberry
DORITY & MANNING, P.A.
P.O. BOX 1449
Greenville, SC 29602
UNITED STATES


Andrea Masciari

Attachment 5

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

Upward Unlimited,)	
)	
Opposer,	)	Opposition No. 91191163
	)	Serial Nos. 77/611,897
v.	)	Mark: UFL
)	
United Football League, LLC	)	Applicant's Answer to Opposer's
)	Notice of Opposition
Applicant.)	

Applicant's Answer to Notice of Opposition

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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 25, 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.

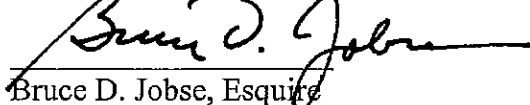
Prayer for Relief

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

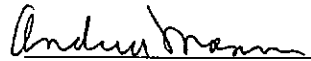
Attorneys for Applicant

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.
P.O. BOX 1449
Greenville, SC 29602
UNITED STATES


Andrea Masciari

Attachment 6

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

Upward Unlimited,)	
)	
Opposer,	)	Opposition No. 91191164
	)	Serial Nos. 77/611,891
v.	)	Mark: UFL
)	
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 16, 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.

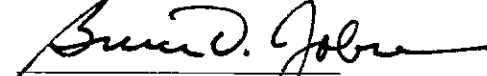
Prayer for Relief

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

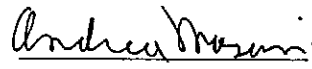
Attorneys for Applicant

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.
P.O. BOX 1449
Greenville, SC 29602
UNITED STATES


Andrea Masciari

Attachment 7

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

)	
)	
Upward Unlimited,	)	Opposition No. 91191165
	)	Serial Nos. 77/611,742
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 14, 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.

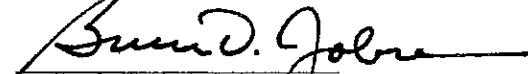
Prayer for Relief

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

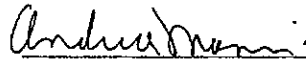
Attorneys for Applicant

United Football League, LLC

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Douglas L. Lineberry
DORITY & MANNING, P.A.
P.O. BOX 1449
Greenville, SC 29602
UNITED STATES



Andrea Masciari