

ESTTA Tracking number: **ESTTA323178**

Filing date: **12/21/2009**

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

Proceeding	91191165
Party	Defendant United Football League, LLC
Correspondence Address	RENEE INOMATA BURNS & LEVINSON LLP 125 SUMMER ST STE 600 BOSTON, MA 02110-1624 UNITED STATES trademarks@burnslev.com
Submission	Opposition/Response to Motion
Filer's Name	Bruce D. Jobse
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Signature	/Bruce D. Jobse/
Date	12/21/2009
Attachments	01421091.pdf (24 pages)(737543 bytes)

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

)	
)	
Upward Unlimited,)	Opposition Nos. 91191159, 91191160, 91191161,
)	91191162, 91191163, 91191164, and 91191165
Opposer,)	
)	Mark: UFL and design
v.)	
)	
United Football League, LLC)	Serial Nos. 77/612,153; 77/611,996; 77/611,985;
)	77/611,925; 77/611,897; 77/611,891; and 77/611,742
)	
Applicant.)	
)	

APPLICANT’S OPPOSITION TO OPPOSER’S MOTION TO CONSOLIDATE

Applicant United Football League, LLC (“Applicant”) hereby presents this brief in opposition to Upward Unlimited’s (“Opposer”) Motion to Consolidate the seven (7) oppositions filed against Applicant in relation to its application serial nos. 77/612,153; 77/611,996; 77/611,985; 77/611,925; 77/611,897; 77/611,891; and 77/611,742 for a multitude goods and services sharing the mark UFL and design.

I. Background.

Applicant owns seven trademark applications comprising the UFL and design mark (the “Marks”, or singularly, the “Mark”), pictured below:



Each application lists a different class of goods or services. In sum, the applications for the Mark are associated with over seven hundred and fifty (750) distinct goods and services in a

wide variety of different areas, from the organization of sports services and entertainment related thereto, to broadcasting services in an array of formats, to goods as diverse as cups and mugs, portable beds for pets, clothing, stationery, and jewelry items.

Opposer alleges that it is a common law senior user to Applicant, and has claimed a likelihood of confusion with Applicant for each of the over 750 goods and services claimed. Because Opposer relies solely on its common law rights, there is absolutely no information on the Federal Trademark Register regarding Opposer's claims, asserted marks, goods, services, or dates of first use to corroborate Opposer's allegations.

II. Legal Standard.

The burden of proving that consolidation is warranted lies with the moving party. *Honda Giken Kogyo Kabushiki Kaisha v. H-D Michigan, Inc.*, 43 USPQ2d 1526 (TTAB 1997) (unpub.). Motions to consolidate may be denied if there are differing questions of fact pending before the Board. Fed.R.Civ.P. 42(a); Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), §511. Consolidation may also be denied if it would cause confusion of issues or confusion of the effective management of cases; where it would cause delay in the processing of each individual case; where it would inconvenience the parties; or where it would cause a party prejudice. Hawes & Dwight, *Trademark Registration Practice*, §17:20 (2009) and Wright & Miller, *Federal Practice and Procedure*, § 2383 (2009). Determination of motions to consolidate are within the broad discretion of the Board, who must balance the judicial savings to consolidation with the aforementioned confusion, delay, inconvenience, or prejudice to the parties. TBMP, §511; *Arnold v. Eastern Air Lines, Inc.*, 681 F.2d 186, 193 (4th Cir. 1982).

III. Argument.

Opposer has failed to meet its burden to show that these matters should be consolidated.

A plain reading of Opposer's argument in "support" of its Motion consists of one conclusory sentence with no fact or other evidence to buttress its claim. With one frail, solitary statement, Opposer would have this Board disregard the numerous reasons these actions should not be consolidated, as explained more fully below. *See* Motion at p. 3 ("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 [sp]"). Although the parties are the same and Applicant's design in each application is the same, a careful review of each Opposition indicates that the Marks are completely disparate when viewed side by side – namely, the goods for each Mark are highly diverse, specialized, and voluminous. Therefore, there is nothing "identical" about these Marks as Opposer asserts. As a result, the facts surrounding each Opposition will be as different as the Marks themselves, and the accompanying determination of each opposition process must therefore be done on an individual, per application basis.

A. Consolidation Should Be Denied Because There Are Different Questions Of Fact To Be Determined.

Before a Motion to Consolidate is granted, the moving party must show that each distinct case regards common questions of fact or law. Federal Rules of Civil Procedure 42(a). Opposer has failed to remotely establish this burden, and thus its Motion should be denied. Opposer cannot meet this burden because, even without any evidence regarding Opposer's purported mark(s), Applicant's own applications reveal that there are vast and varied differences between each application and the Marks themselves. Although they all share the same graphic element, that is where the factual similarities end.¹

As Exhibit 1 shows, the goods and services for Applicant's Marks in each application are wholly unrelated, and should thus be kept distinct for any factual likelihood of confusion

¹ For the Board's consideration and convenience, attached as Exhibit 1 are copies of each of the seven Notices of Opposition, wherein Applicant's listing of the goods and services for each Mark are presented.

analysis. Opposer's Motion improperly states that Applicant's "mark" is "identical" in all applications, however, this is not the case.² Out of the seven applications in as many classes, there exists over 750 distinct goods and services, which the parties and the Board must analyze in determining whether a likelihood of confusion exists. Labeling the Marks – and defenses – as being "identical" is vast oversimplification. As this Board and Opposer are well aware, two marks with different goods and/or services are not the same mark. 15 U.S.C. §1052(d); TMEP, §1207.1 (likelihood of confusion analysis involves a mark resembling any other mark "when used on or in connection with the goods or services identified in the application"). In any likelihood of confusion analysis, one is required to first review the marks and, subsequently review the goods and services associated with the marks before determining whether confusion may exist. *Id.*

Moreover, regarding Applicant's defenses, Applicant is required only to plead statutory defenses in its Answers. Other defenses will likely arise following discovery. Thus, to say the defenses are the "same" is also misleading because the facts, circumstances, evidence, and support for each defense will differ per claim and per class of goods/services involved. Because Opposer has failed to establish its burden to show that the proceedings would involve common questions of fact or law, Opposer's Motion should be denied.

B. Consolidation Should Be Denied Because It Would Cause Confusion Of The Issues Before The Board.

Even assuming Opposer has met its burden of proof – which it has not – consolidation must still be denied because consolidation will cause undue confusion, delay, expense, and

² Opposer's Motion to Consolidate also improperly claims that, because Applicant has filed Answers to each Opposition, "the Oppositions are now considered joined." Motion, p. 2. Applicant vigorously disagrees with this assertion, which is both without merit and effect. Fed. R. Civ. P. 42 explicitly states that only the Board has the authority to consolidate matter, thus, each of the seven oppositions at-issue remains distinct unless and until the Board determines otherwise.

prejudice and is not in the interests of judicial economy. As mentioned above, the parties and the Board in these matters must be able to perform a likelihood of confusion analysis between each of Applicant's goods and services and Opposer's alleged goods and services, whatever they may be. If these matters are consolidated, it would create utter chaos in the parsing out of information relative to each class, good, and service just in the discovery phase alone. If allowed to remain distinct, each case could be handled in its own fashion and kept in an orderly manner both in terms of discovery, summary disposition, and Board determination. If, however, the matters are glommed together into paper-mâché, it would be extremely onerous and difficult for the Board to discern which Marks among Applicant's Marks involve issues of concern, if any, from those Marks in which no confusion clearly exists. Thus, keeping these matters separate will ease in determination of what is truly an issue for further investigation into likelihood of confusion analysis and what is not.

Last, Opposer has seven different burdens of proof to establish a likelihood of confusion. Having all of these matters heard together would unnecessarily confuse and conflate things, and may well serve to obscure and prolong some claims which rightfully could and should have been decided at a very early stage.

C. Consolidation Should Be Denied Because It Would Greatly Prejudice Applicant and Favor Opposer and Cause Applicant Undue Burden.

For all of the reasons above, consolidation should be denied as to do so would greatly prejudice Applicant. First, Applicant's discovery requests would be vastly limited, onerously large, practically indecipherable and require far more intervention from this Board. Second, Opposer would have an advantage of very likely having some of its claims remain merely because they would be intertwined with others, and not due to their own merits.

Moreover, Opposer is a common law user, which from the outset makes the playing field

extremely uneven. Because it is unclear what Opposer is even claiming as its mark, let alone how long its mark has been in use and for what goods and services, Applicant has no platform from which to launch its defense. Thus, the discovery burden from Applicant's position in the instant matter is far greater than one in which Opposer's marks are clear, defined, and searchable on the Federal Register. Because each Opposition right now is virtually unlimited in scope, Applicant must serve discovery in kind, if only to ascertain the most basic facts. Compounding this obstacle with consolidating over 750 goods and services is a Herculean task that Applicant would be unjustly burdened to bear. Moreover, to present answers in this fashion invites Opposer to potentially confuse, hide, and obscure, the harmful facts within the benign. For these reasons especially, Opposer's Motion should be denied.

D. Consolidation Should Be Denied Because It Would Cause Undue Delay.

Relatedly, if these matters were consolidated, the inherent complexity in parsing out the wheat from the chaff will inevitably lead to undue expense and delay. If the parties are allowed to dispose of several or more Oppositions quite easily when viewed separately, this will narrow down the issues in the remaining Oppositions significantly without undue delay. To prevent consolidation, therefore, will in this instance actually save time and expense because it will free the parties and the Board to focus on certain matters while disposing of others, as appropriate.

Moreover, Applicant submits that it would be far less efficient to consolidate these matters simply because the discovery needed to address Opposer's contentions against each application would be practically incomprehensible if melded altogether into one. One question regarding channels of trade, for example, could elicit pages of response which the parties will then be required to decipher back into the Oppositions and classes from which they came. Indeed, not consolidating the Oppositions will involve less appearances before the Board to request extensions of discovery, to resolve discovery disputes, and the like.

E. Consolidation Is Not In The Interests Of Judicial Economy.

As stated above, consolidation would actually waste judicial resources and would not lead to judicial economy. Combining these matters into one will make it far more difficult for the Board, because it will invariably be required to resolve discovery matters, determine unnecessarily confusing motion papers, parse out claims, and more. Allowing seven different discovery processes to proceed independently could be, for the most part, done without Board intervention. Conversely, if these procedures are consolidated, Applicants will repeatedly be requesting the Board for additional discovery. Keeping matters separate will lead to the efficiencies mentioned above, without unneeded Board resources and with minimal Board involvement.

IV. Conclusion.

For the foregoing reasons, Applicant requests that this Board deny Opposer's Motion to Consolidate and for such other relief as deemed just and proper.

Respectfully submitted,

UNITED FOOTBALL LEAGUE, LLC

By its Attorneys:

Dated: December 21, 2009

/Bruce Jobse/

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

Burns & Levinson LLP

125 Summer Street

Boston, MA 02110

Phone: 617-345-3000

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Email: trademarks@burnslev.com

CERTIFICATE OF MAIL AND CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposition to Motion to Consolidate has been served upon counsel for Opposer by electronic filing through ESTTA, as well as by mailing said copy on December 21, 2009 via First Class Mail, postage prepaid to:

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

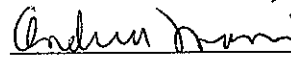

Andrea Masciari

EXHIBIT 1

ESTTA Tracking number: **ESTTA296535**

Filing date: **07/21/2009**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Upward Unlimited
Granted to Date of previous extension	07/22/2009
Address	198 White Star Point Spartanburg, SC 29301 UNITED STATES
Attorney information	Richard M. Moose DORITY & MANNING, P.A. P.O. BOX 1449 GREENVILLE, SC 29602 UNITED STATES docketing@dority-manning.com

Applicant Information

Application No	77612153	Publication date	03/24/2009
Opposition Filing Date	07/21/2009	Opposition Period Ends	07/22/2009
Applicant	United Football League, LLC Suite 1825 (18th Floor) 420 Lexington Avenue New York, NY 10170 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 041. All goods and services in the class are opposed, namely: Amateur youth sports services, namely, organizing and providing youth sports activities; Arranging and conducting athletic competitions; Arranging and conducting of concerts; Arranging for ticket reservations for shows and other entertainment events; Arranging of contests; Arranging of seminars; Conducting entertainment exhibitions in the nature of sporting events; Direction of making radio or television programs; Distribution of television programming to cable television systems; Distribution of television programs for others; Entertainment in the nature of competitions in the field of athletics; Entertainment in the nature of football games; Entertainment services in the nature of fantasy sports leagues leagues; Entertainment services, namely, participation in sporting events; Entertainment services, namely, personal appearances by a sports celebrity; Entertainment services, namely, providing a radio program in the field of sports via a global computer network; Entertainment services, namely, providing a television program in the field of sports via a global computer network; Entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia materials featuring sports; Entertainment services, namely, providing an on-line computer game; Entertainment services, namely, providing on-line reviews of sports; Fan clubs; Multimedia entertainment software production services; Multimedia publishing of books, magazines, journals, software, games, music, and electronic publications; Officiating at sports</p>

contests; Operation of sports camps; Organisation of games; Organisation of sports events in the field of football; Organizing community sporting and cultural events; Organizing exhibitions for sporting events; Organizing sporting events, namely, football games and competitions; Production and distribution of television shows and movies; Production of closed caption television programs; Production of radio and television programs; Production of radio or television programs; Production of video discs and tapes; Programming on a global computer network; Providing a computer game that may be accessed network-wide by network users; Providing a web site featuring sporting information; Providing a web site that provides sports league player statistics; Providing sports information by means of telephone prerecorded messages; Publication of books, of magazines, of journals, of newspapers, of periodicals, of catalogs, of brochures; Rental of stadium facilities; Sport camps; Sports refereeing and officiating; Television programming; Television scheduling; Timing of sports events

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Star Design		
Goods/Services	Opposer has priority in all respects for a "star design" relative to Applicant as used in conjunction with the broad field of education and entertainment services including organizational activities for sporting events.		

Related Proceedings	This Opposition is one of seven Oppositions involving Application Numbers: 77/612,153; 77/611,996; 77/611,985; 77/611,925; 77/611,897; 77/611,891; and 77/611,742
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Attachments	UPU-15-M1-Opposition-Appl 77612153.pdf (9 pages)(227948 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Richard M. Moose/
Name	Richard M. Moose
Date	07/21/2009

ESTTA Tracking number: **ESTTA296539**

Filing date: **07/21/2009**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Upward Unlimited
Granted to Date of previous extension	07/22/2009
Address	198 White Star Point Spartanburg, SC 29301 UNITED STATES

Attorney information	Richard M. Moose DORITY & MANNING, P.A. P.O. BOX 1449 Greenville, SC 29602 UNITED STATES docketing@dority-manning.com Phone:864-271-1592
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Applicant Information

Application No	77611996	Publication date	03/24/2009
Opposition Filing Date	07/21/2009	Opposition Period Ends	07/22/2009
Applicant	United Football League, LLC Suite 1825 (18th Floor) 420 Lexington Avenue New York, NY 10170 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 038. All goods and services in the class are opposed, namely: Audio broadcasting; Broadcast of cable television programmes; Broadcasting programs via a global computer network; Broadcasting services and provision of telecommunication access to films and television programmes provided via a video-on-demand service; Broadcasting services and provision of telecommunication access to video and audio content provided via a video-on-demand service via the Internet; Cable radio broadcasting; Cable radio transmission; Cable television broadcasting; Cable television transmission; Cablecasting services; Computer aided transmission of information and images; Electronic exchange of data stored in databases accessible via telecommunication networks; Mobile media services in the nature of electronic transmission of entertainment media content; News agencies, namely, the transmission of news items to news reporting organizations; Pay-per-view television transmission services; Podcasting services; Providing internet chatrooms; Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Providing on-line chat rooms for transmission of messages among computer users concerning sports; Providing on-line communications links which transfer the web site user to other local and global web pages; Providing on-line electronic bulletin boards for transmission of messages among computer users concerning sports; Radio broadcasting; Radio broadcasting consultation; Radio broadcasting information; Radio broadcasting of information and other programs; Radio communication; Radio</p>

program broadcasting; Radio programme broadcasting; Satellite television broadcasting; Satellite transmission of messages and data for navigation by air; Streaming of audio material on the Internet; Streaming of video material on the Internet; Subscription television broadcasting; Video-on-demand transmission services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	star design		
Goods/Services	Opposer has priority in all respects for a "star design" relative to Applicant as used in conjunction with the broad field of communications services including computer aided transmission of data and electronic exchange of data.		

Related Proceedings	This Opposition is one of seven Oppositions involving Application Numbers: 77/612,153; 77/611,996; 77/611,985; 77/611,925; 77/611,897; 77/611,891; and 77/611,742
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Attachments	UPU-15-M2 Opposition Appl 77611996.pdf (9 pages)(206076 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Richard M. Moose/
Name	Richard M. Moose
Date	07/21/2009

ESTTA Tracking number: **ESTTA296544**

Filing date: **07/21/2009**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Upward Unlimited
Granted to Date of previous extension	07/22/2009
Address	198 White Star Point Spartanburg, SC 29301 UNITED STATES
Attorney information	Richard M. Moose DORITY & MANNING, P.A. P.O. BOX 1449 Greenville, SC 29602 UNITED STATES docketing@dority-manning.com Phone:864-271-1592

Applicant Information

Application No	77611985	Publication date	03/24/2009
Opposition Filing Date	07/21/2009	Opposition Period Ends	07/22/2009
Applicant	United Football League, LLC (18th Floor) 420 Lexington Avenue Suite 1825 New York, NY 10170 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 021. All goods and services in the class are opposed, namely: Back scratchers; Baskets for waste paper littering; Bath accessories, namely, cup holders; Beer jugs; Beer mugs; Beverage glassware; Bottle openers; Bottle squeegees; Bowls; Cocktail picks; Cocktail shakers; Coffee cups; Commemorative plates; Cork screws; Cups; Dishes; Dishes and plates; Drinking cups; Drinking flasks; Drinking flasks; Drinking glasses; Drinking horns; Drinking steins; Drinking vessels; Foam drink holders; Garbage cans; Glass beverageware; Glass dishes; Glass mugs; Glass storage jars; Goblets; Leather coasters; Lunch boxes; Lunch pails; Manual toothbrushes; Mugs; Non-metal piggy banks; Paper cups; Paper plates; Pilsner drinking glasses; Pitchers; Plastic coasters; Plastic plates; Plastic water bottles sold empty; Plates; Porcelain mugs; Portable beverage coolers; Portable beverage dispensers; Portable coldboxes; Portable cooking kits for outdoor use; Portable coolers; Portable ice chests for food and beverages; Salt and pepper shakers; Shot glasses; Soap dishes; Soap dispensers; Soap holders; Soap holders and boxes; Souvenir plates; Sports bottles sold empty; Squeeze bottle sold empty; Sun catchers; Table place card holders not of precious metal; Toothbrush cases; Toothbrush holders; Toothbrushes; Toothbrushes; Toothbrushes; Trash cans; Trash containers for household use; Utensils for barbecues, namely, forks, tongs, turners; Waste baskets; Wastepaper baskets; Candy and serving dishes</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	star design		
Goods/Services	Opposer has priority in all respects for a "star design" relative to Applicant as used in conjunction with the broad field of household or kitchen utensils and containers (not of precious metal or coated therewith), including water bottles, coffee mugs, stadium cups, picnic coolers and squirt bottles.		

Related Proceedings	This Opposition is one of seven Oppositions involving Application Numbers: 77/612,153; 77/611,996; 77/611,985; 77/611,925; 77/611,897; 77/611,891; and 77/611,742
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Attachments	UPU-15-M3 Opposition Appl 77611985.pdf (8 pages)(178352 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Richard M. Moose/
Name	Richard M. Moose
Date	07/21/2009

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Upward Unlimited
Granted to Date of previous extension	07/22/2009
Address	198 White Star Point Spartanburg, SC 29301 UNITED STATES

Attorney information	Richard M. Moose DORITY & MANNING, P.A. P.O. BOX 1449 Greenville, SC 29602 UNITED STATES docketing@dority-manning.com Phone:864-271-1592
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Applicant Information

Application No	77611925	Publication date	03/24/2009
Opposition Filing Date	07/21/2009	Opposition Period Ends	07/22/2009
Applicant	United Football League, LLC (18th Floor) 420 Lexington Avenue Suite 1825 New York, NY 10170 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 020. All goods and services in the class are opposed, namely: Baby bolsters; Baby bouncers; Baby walkers; Benches for sports fields; Booster seats; Cabinets; Cardboard floor display units for merchandising products; Chairs; Clear plastic holders for badges; Clothes hangers; Commercial workstations comprising desks and office furniture; Computer furniture; Computer keyboard trays; Couches; Cradles; Deck chairs; Desks; Dog beds; Easy-chairs; Extendible sofas; Fitted fabric furniture covers; Flagpoles; Footstools; Furniture for camping; Furniture for house, office and garden; High chairs; Inflatable mattresses for use when camping; Inflatable neck support cushions; Inflatable pillows; Inflatable plastic signs; Inflatable publicity objects; Living room furniture; Lounge chairs; Love seats; Non-electric, plastic scoreboards for sports; Non-electric, plastic sports scoring device using manual dials that allow spectators to keep track of scores and other data at sports events; Non-metal key holders; Non-metal key rings; Non-metal tent pegs; Non-metal tool boxes; Non-metal train and bus ticket holders; Non-metal trophies; Non-metal trophy columns; Non-metallic bottle caps; Non-metallic bottle stoppers; Nonmetal holders for signs; Nonmetal taps for kegs; Office furniture; Plastic cake decorations; Plastic flags; Plastic key chain tags; Plastic key rings; Plastic key tags; Portable baby bath seats for use in bath tubs; Portable back support for use with chairs; Portable beds for pets; Reclining chairs; Sleeping bags; Sleeping bags; Stadium cushions; Statues of plaster, plastic, wax and wood; Statuettes of plaster, plastic, wax and wood</p>
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	star design		
Goods/Services	Opposer has priority in all respects for a "star design" relative to Applicant as used in conjunction with the broad field of furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics, including folding chairs, name badge holders, license plate frames, stadium seats, and wall hangings.		

Related Proceedings	This Opposition is one of seven Oppositions involving Application Numbers: 77/612,153; 77/611,996; 77/611,985; 77/611,925; 77/611,897; 77/611,891; and 77/611,742
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Attachments	UPU-15-M4 Opposition Appl 77611925.pdf (8 pages)(190913 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Richard M. Moose/
Name	Richard M. Moose
Date	07/21/2009

ESTTA Tracking number: **ESTTA296558**

Filing date: **07/21/2009**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Upward Unlimited
Granted to Date of previous extension	07/22/2009
Address	198 White Star Point Spartanburg, SC 29301 UNITED STATES

Attorney information	Richard M. Moose DORITY & MANNING, P.A. P.O. BOX 1449 Greenville, SC 29602 UNITED STATES docketing@dority-manning.com Phone:864-271-1592
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Applicant Information

Application No	77611897	Publication date	03/24/2009
Opposition Filing Date	07/21/2009	Opposition Period Ends	07/22/2009
Applicant	United Football League, LLC Suite 1825 (18th Floor) 420 Lexington Avenue New York, NY 10170 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 025. All goods and services in the class are opposed, namely: Ankle socks; Anti-perspirant socks; Aprons; Athletic footwear; Athletic shoes; Athletic uniforms; Bandanas; Baseball caps; Basketball sneakers; Bath slippers; Bathing suits; Bathing trunks; Bathrobes; Beach footwear; Beachwear; Belts; Belts made of leather; Belts of textile; Bermuda shorts; Bicycle gloves; Blazers; Board shorts; Booties; Boots; Bottoms; Boxer briefs; Boxer shorts; Caps; Children's and infants' cloth bibs; Children's headwear; Cloth diapers; Coats; Coats made of cotton; Coats of denim; Cumberbunds; Denim jackets; Do rags; Down jackets; Dress shirts; Dresses; Dungarees; Ear muffs; Fishing vests; Fleece pullovers; Fleece shorts; Flip flops; Football boots and studs therefor; Football shoes; Footwear; Footwear for men and women; Gloves; Golf caps; Golf shirts; Gym shorts; Halloween costumes; Hats; Head sweatbands; Headbands; Headwear; Heavy jackets; Infant and toddler one piece clothing; Infant cloth diapers; Infant sleepers; Infants' trousers; Infantwear; Jackets; Jeans; Jerseys; Jogging outfits; Jogging pants; Jogging suits; Knit shirts; Knitted caps; Knitted underwear; Leather coats; Leather headwear; Leather jackets; Men's and women's jackets, coats, trousers, vests; Men's socks; Mittens; Mock turtle-neck sweaters; Neckties; Night shirts; Overalls; Pajamas; Pants; Parkas; Pique shirts; Pocket kerchiefs; Pocket squares; Polo shirts; Ponchos; Rain slickers; Rugby tops; Running shoes; Sandals; Shirts; Shirts for suits; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Ski gloves; Ski jackets; Ski masks; Ski wear; Skull caps; Sleep shirts; Sleeved or</p>
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sleeveless jackets; Sleeveless jerseys; Sneakers; Socks; Sport shirts; Sports bra; Sports jerseys; Sports shirts with short sleeves; Suede jackets; Surf wear; Suspenders; Sweat bands; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweatbands; Sweaters; Sweatsocks; T-shirts; Tank tops; Tennis shoes; Tennis wear; Thongs; Ties; Track pants; Track suits; Trousers for sweating; Turtleneck sweaters; Uniforms

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	star design		
Goods/Services	Opposer has priority in all respects for a "star design" relative to Applicant as used in conjunction with the broad field of clothing, footwear, headgear, including football uniforms, jackets, sports jerseys, cheerleading uniforms, polo shirts, short sleeve shirts, collared shirts, knit shirts, hats, long sleeve shirts, wind suits, and sweat bands.		

Related Proceedings	This Opposition is one of seven Oppositions involving Application Numbers: 77/612,153; 77/611,996; 77/611,985; 77/611,925; 77/611,897; 77/611,891; and 77/611,742.
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Attachments	UPU-15-M5 Opposition Appl 77611897.pdf (9 pages)(200675 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Richard M. Moose/
Name	Richard M. Moose
Date	07/21/2009

ESTA Tracking number: **ESTTA296565**

Filing date: **07/21/2009**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Upward Unlimited
Granted to Date of previous extension	07/22/2009
Address	198 White Star Point Spartanburg, SC 29301 UNITED STATES

Attorney information	Richard M. Moose DORITY & MANNING, P.A. P.O. BOX 1449 Greenville, SC 29602 UNITED STATES docketing@dority-manning.com Phone:864-271-1592
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Applicant Information

Application No	77611891	Publication date	03/24/2009
Opposition Filing Date	07/21/2009	Opposition Period Ends	07/22/2009
Applicant	United Football League, LLC (18th Floor) 420 Lexington Avenue Suite 1825 New York, NY 10170 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 016. All goods and services in the class are opposed, namely: Adhesive note pads; Advertising signs of paper or cardboard; Albums for stickers; Albums for sports memorabilia; Announcement cards; Ball point pens; Baseball cards; Binders; Blank journal books; Booklets in the field of sports; Books in the field of sports; Brag books; Bumper stickers; Calendar desk pads; Calendar desk stands; Calendar refills; Calendar stands; Calendars; Cards bearing universal greetings; Cards, namely, greeting cards; Cartoon strips; Cases for checks; Catalogs in the field of sports and sports memorabilia; Checkbook and passbook wallets; Checkbook covers; Checkbook holders; Children's activity books; Children's books; Children's interactive educational books; Children's storybooks; Clip boards; Coasters made of paper; Coffee table books featuring sports and sports memorabilia; Coin albums; Coin holders; Coin mats; Coin wrappers; Collector's photographs of players; Color pencils; Coloring books; Comic books; Comic strips; Comic strips appearing in magazines and newspapers; Comic strips' comic features; Commemorative stamp sheets; Composition books; Computer game instruction manuals; Computer manuals for sports programs; Crayons; Credit cards without magnetic coding; Daily newspaper; Daily planners; Data books; Date books; Date indicators; Date stamps; Date stamps; Day planners; Debit cards without magnetic coding; Decalcomanias; Decals; Decorative stickers for helmets; Desk calendars; Desktop stationery cabinets; Diaries; Disposable housebreaking pads for pets; Disposable housebreaking pads for use in training puppies; Disposable</p>

swim pants for children and infants; Document covers; Document files; Document portfolios; Document stamp racks; Driver's license cases; Driver's license holders; Educational books featuring sports; Educational publications, namely, educational learning cards, flash cards, activity cards, workbooks, textbooks, activity books, story books, puzzle books, printed puzzles, teacher guides, manuals, posters and educational booklets in the field of sports; Educational publications, namely, training manuals in the field of sports; Entry tickets; Envelopes; Envelopes for stationery use; Ephemera, namely, autographs of famous individuals; Event albums; Event programs; Events albums; Events programmes; Exercise books; Exercise-book covers; File folders; Folders; Fountain pens; General feature magazines; Gift books featuring sports; Gift cards; Gift wrap paper; Gift wrapping paper; Greeting cards; Hanging folders; Highlighting markers; Holders specially adapted for holding greeting cards; Holiday cards; Invitation cards; Journals concerning sports; Label paper; Leather appointment book covers; Leather book covers; Letter openers; Loose leaf binders; Loose leaf paper; Loose-leaf pads; Lunch bags; Lunch bags made of textile; Magazine columns about sports; Magazine departments in the field of sports; Magazine paper; Magazine sections in the field of sports; Magazine supplements to newspapers in the field of sports; Magazines featuring sports; Markers; Memo pads; Memorandum books; Memory books; Merchandise bags; Metallic gift wrap; Metallic gift wrapping paper; Metallic paper party decorations; Money clips; Motivational cards; Murals; News bulletins; Newsletters in the field of sports; Newspaper cartoons; Newspaper comic strips; Newspapers; Newspapers for general circulation; Newspapers in the field of sports; Newsprint paper; Non-magnetically encoded fidelity cards; Non-magnetically encoded prepaid purchase cards for allowing users to transfer financial value on-line via retail computer networks; Note books; Note cards; Note pad holders; Note pads; Note paper; Note papers; Noteboards; Notebook dividers; Notebook paper; Novels; Office binders; Office stationery; Paper; Paper badges; Paper bags and sacks; Paper banners; Paper labels; Paper napkins; Paper party bags; Paper party decorations; Paper party favors; Paper pennants; Paper sheets for note taking; Passbook covers; Passport covers; Passport holders; Pen and pencil cases and boxes; Pen and pencil trays; Pen cases; Pens; Personal organizers; Photo mats; Photo mounting corners; Photo storage boxes; Photocopy papers; Photograph album pages; Photograph albums; Photograph corners; Photograph mounts; Photograph stands; Photographic albums; Photographic prints; Photographs; Picture books; Pictures; Plastic gift wrap; Pocket calendars; Pocket memorandum books; Postcards; Poster board; Posters; Pre-paid telephone calling cards, not magnetically encoded; Printed holograms; Printed instructional material on telecommunications; Printed instructional, educational, and teaching materials in the field of sports; Printed invitations; Printed paper labels; Printed paper signs; Printed paper signs, namely, table tents; Printed patterns; Printed periodicals in the field of sports; Printed sports and tournament schedule cards in credit format with space provided for recording results; Printed teaching activity guides in the field of sports; Printed teaching materials in the field of sports; Printed tickets; Prints; Prints in the nature of photographs, lithographs and pictures; Quick reference pocket guides in the field of sports; Role playing game equipment in the nature of game book manuals; School supply kits containing various combinations of selected school supplies, namely, writing instruments, pens, pencils, mechanical pencils, erasers, markers, crayons, highlighters, folders, notebooks, paper, protractors, paper clips, pencil sharpeners, writing grips, glue and book marks; School writing books; Score books; Score cards; Score charts; Score pads; Score sheets; Score-books; Score-cards; Scrapbook albums; Scrapbook pages; Scrapbooks; Series of fiction books; Series of non-fiction books in the field of sports; Sleeves for holding and protecting stamps; Souvenir programs concerning sports; Sports trading cards; Stamp albums; Stamp cases; Stamp stands; Stands for pen and pencil; Stationery; Stationery boxes; Stationery cases; Stationery folders; Stationery writing paper and envelopes; Stationery-type portfolios; Steel pens; Stickers; Stickers; Stories in illustrated form; Story books; Syndicated columns dealing with sports; Syndicated magazine sections dealing with sports; Syndicated newspaper columns dealing with sports; Table mats of paper; Table napkins of paper; Tackboards; Talking children's books; Telephone calling cards, not magnetically encoded; Temporary tattoos; Three-ring binders; Time planners; Trading card discs of paper or cardboard; Trading cards; Trivia cards; Unmounted posters; Wall calendars; Writing pads

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/	NONE	Application Date	NONE
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Registration No.	
Registration Date	NONE
Word Mark	star design
Goods/Services	Opposer has priority in all respects for a "star design" relative to Applicant as used in conjunction with the broad field of paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks, including advertising signs of paper, pens, portfolios, handbooks, logo stickers, coaches checkbooks, merchandise brochures, children's books, clipboards, educational books, training manuals, scripture cards, murals, photograph frames, posters, envelope labels, training directional signs, newsletters, referee handbooks, face decals, trading cards, puzzle magnets, stationary, event programs, folders, lunch bags, note cards and wall prints.

Related Proceedings	This Opposition is one of seven Oppositions involving Application Numbers: 77/612,153; 77/611,996; 77/611,985; 77/611,925; 77/611,897; 77/611,891; and 77/611,742
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Attachments	UPU-15-M6 Opposition Appl 77611891.pdf (14 pages)(388953 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Richard M. Moose/
Name	Richard M. Moose
Date	07/21/2009

ESTTA Tracking number: **ESTTA296570**

Filing date: **07/21/2009**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Upward Unlimited
Granted to Date of previous extension	07/22/2009
Address	198 White Star Point Spartanburg, SC 29301 UNITED STATES
Attorney information	Richard M. Moose DORITY & MANNING, P.A. P.O. BOX 1449 Greenville, SC 29602 UNITED STATES docketing@dority-manning.com Phone:864-271-1592

Applicant Information

Application No	77611742	Publication date	03/24/2009
Opposition Filing Date	07/21/2009	Opposition Period Ends	07/22/2009
Applicant	United Football League, LLC (18th Floor) 420 Lexington Avenue Suite 1825 New York, NY 10170 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 014. All goods and services in the class are opposed, namely: Alarm clocks; Apparatus for timing sports events; Charity bracelets; Charms; Chronographs for use as watches; Clocks; Collectible coins; Commemorative coins; Commemorative statuary cups made of precious metal; Desktop statuary made of precious metal; Holiday ornaments of precious metal; Identification bracelets; Jewel chains; Jewel pendants; Jewelry; Jewelry chains; Jewelry for the head; Jewelry pins for use on hats; Jewelry watches; Key chains of precious metal; Key holders of precious metals; Key rings of precious metal; Lapel pins; Medallions; Medals; Monetary coin sets for collecting purposes; Neck chains; Necklaces; Necktie fasteners; Non-monetary coins; Ornamental lapel pins; Ornamental pins; Ornaments of precious metal; Pendants; Pet jewelry; Precious metal trophies; Precious metal trophy columns; Rings; Rings being jewelry; Rubber or silicon wristbands in the nature of a bracelet; Shirt studs; Table clocks; Tie clips; Tie fasteners; Tie pins; Tie tacks; Wall clocks; Watches; Watches containing a game function; Watches containing an electronic game function; Wrist watches</p>
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	star design		
Goods/Services	Opposer has priority in all respects for a "star design" relative to Applicant as used in conjunction with the broad field of precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments including key chains, lapel pins, logo buttons, watches, and lanyards.		

Related Proceedings	This Opposition is one of seven Oppositions involving Application Numbers: 77/612,153; 77/611,996; 77/611,985; 77/611,925; 77/611,897; 77/611,891; and 77/611,742.
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Attachments	UPU-15-M7 Opposition Appl 77611742.pdf (8 pages)(170784 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Richard M. Moose/
Name	Richard M. Moose
Date	07/21/2009