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

Proceeding	91221745
Party	Defendant BCS Properties, LLC
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Attachments	BCS Answer to Opposition No 91221745.pdf(106469 bytes)

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

Application Serial No.: 85/888,764
Filed: March 28, 2013

LILE INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91221745
)	
BCS PROPERTIES, LLC,)	
)	
Applicant.)	
)	

ANSWER

Applicant BCS Properties, LLC ("BCS"), the owner of Application Serial Number 85/888,764 (the "Application") for the mark COLLEGE FOOTBALL PLAYOFF ("Applicant's Mark"), answering the Notice of Opposition of Lile Inc. ("Opposer"), denies that Opposer will be damaged by registration of the trademark COLLEGE FOOTBALL PLAYOFF.

First Defense

BCS is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in the first sentence of the introductory paragraph to the Notice of Opposition concerning Opposer's state of incorporation and address and therefore denies those allegations. BCS denies the remaining allegations asserted in the first sentence of the introductory paragraph to the Notice of Opposition.

Answering the separately numbered paragraphs of the Notice of Opposition, BCS states the following:

1. The allegations asserted in numbered paragraph 1 of the Notice of Opposition are admitted.

2. Regarding the allegations asserted in numbered paragraph 2 of the Notice of Opposition, BCS admits that it was aware of Lile's registration of the cfbplayoff.com domain name prior to BCS's adoption of COLLEGE FOOTBALL PLAYOFF. BCS denies any implication that Lile's registration of the cfbplayoff.com domain name qualifies as proper trademark use.

3. BCS denies the allegations asserted in numbered paragraph 3 of the Notice of Opposition.

4. BCS is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in numbered paragraph 4 of the Notice of Opposition and therefore denies those allegations.

5. BCS denies the allegations asserted in numbered paragraph 5 of the Notice of Opposition.

6. Regarding the allegations asserted in numbered paragraph 6 of the Notice of Opposition, BCS admits that Opposer claims to be the owner of a mark identified as CFBPLAYOFF.COM, which is the subject of Application Serial Number 86052371, the contents of which speak for themselves. BCS denies any characterization of the document that is inconsistent with its content.

7. BCS is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in numbered paragraph 7 of the Notice of Opposition and therefore denies those allegations.

8. The allegations asserted in numbered paragraph 8 of the Notice of Opposition are admitted.

9. Regarding the allegations asserted in numbered paragraph 9 of the Notice of Opposition, BCS admits that Application Serial Number 85919900 is directed to the referenced goods but denies that the enumerated goods are an exhaustive list of the goods and services enumerated in Application Serial Number 85919900.

10. BCS denies the allegations asserted in numbered paragraph 10 of the Notice of Opposition.

11. BCS denies the allegations asserted in numbered paragraph 11 of the Notice of Opposition.

12. BCS is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in numbered paragraph 12 of the Notice of Opposition and therefore denies those allegations.

13. BCS denies the allegations asserted in numbered paragraph 13 of the Notice of Opposition.

14. BCS denies the allegations asserted in numbered paragraph 14 of the Notice of Opposition.

15. Regarding the allegations asserted in numbered paragraph 15 of the Notice of Opposition, BCS admits that Exhibit B to the Notice of Opposition appears to be a copy of an article entitled “College football’s new playoff will be called... ‘College Football Playoff’”, the content of which speaks for itself. BCS denies any characterization that is inconsistent with the document.

16. Regarding the allegations asserted in numbered paragraph 16 of the Notice of Opposition, BCS admits that it is the owner of U.S. Application Serial No. 85919919 for the mark COLLEGE FOOTBALL PLAYOFF and Design, the content of which speaks for itself. BCS denies any characterization that is inconsistent with the document.

17. Regarding the allegations asserted in numbered paragraph 17 of the Notice of Opposition, BCS admits that it is the owner of U.S. Application Serial No. 86191300 for the mark COLLEGE FOOTBALL PLAYOFF and Design, the content of which speaks for itself. BCS denies any characterization that is inconsistent with the document.

18. Regarding the allegations asserted in numbered paragraph 18 of the Notice of Opposition, BCS admits that it is the owner of U.S. Application Serial No. 86275222 for the mark COLLEGE FOOTBALL PLAYOFF and Design, the content of which speaks for itself. BCS denies any characterization that is inconsistent with the document.

19. The allegations asserted in numbered paragraph 19 of the Notice of Opposition are admitted.

20. Regarding the allegations asserted in numbered paragraph 20 of the Notice of Opposition, BCS admits that the U.S. Patent and Trademark Office issued a final office action with respect to U.S. Application Serial No. 85888738 the content of which speaks for itself. BCS denies any characterization that is inconsistent with the document.

21. The allegations asserted in numbered paragraph 21 of the Notice of Opposition are admitted.

22. Regarding the allegations asserted in numbered paragraph 22 of the Notice of Opposition, BCS admits that the U.S. Application Serial No. 85888764 contains a disclaimer,

the content of which speaks for itself. BCS denies any characterization that is inconsistent with the document.

23. BCS denies the allegations asserted in numbered paragraph 23 of the Notice of Opposition.

24. BCS denies the allegations asserted in numbered paragraph 24 of the Notice of Opposition.

25. BCS denies the allegations asserted in numbered paragraph 25 of the Notice of Opposition.

BCS denies all allegations of the Notice of Opposition not expressly admitted herein.

Second Defense

Opposer's contentions in the Notice of Opposition are or may be barred by estoppel.

Third Defense

Opposer's contentions in the Notice of Opposition are or may be barred by laches.

Fourth Defense

Opposer's contentions in the Notice of Opposition are or may be barred by waiver and/or acquiescence.

Fifth Defense


Opposer's contentions are moot because the Examining Attorney has cited Applicant's Application Serial Number 85919919 against Lile's Application Serial Number 86052371. Opposer did not oppose Applicant's Application Serial Number 85919919, which is in the same class 41 as Lile's Application Serial Number 86052371. Applicant's Application

Serial Number 85919919 will proceed to registration, and unless Opposer overcomes the refusal, serve as a final bar to registration to Lile's Application Serial Number 86052371. Accordingly, the pending Opposition, even if sustained, would not allow Lile's application to move forward. Consequently, the Opposition is moot.

WHEREFORE, Applicant BCS prays that the Opposition be dismissed with prejudice and that the mark shown in Application Serial Number 85/888,764 be registered on the Principal Register of the PTO.

Respectfully submitted,

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Dated: June 8, 2015

**CERTIFICATE OF SERVICE
IN ACCORDANCE WITH TBMP § 113.03 and 2.119**

I hereby certify that on this 8th day of June, 2015, a true and complete copy of the foregoing Answer has been served on Opposer Lile Inc. by mailing said copy, via First Class Mail, postage prepaid, addressed to the following:

David E. Weslow, Esq.
Alan S. Cooper, Esq.
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Counsel to Opposer

/s/ Lauren B. Cury
Lauren B. Cury