

ESTTA Tracking number: **ESTTA1017808**

Filing date: **11/23/2019**

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	Apex Mixed Martial Arts, LLC
Granted to Date of previous extension	11/23/2019
Address	4343 N. ORACLE RD. SUITE 195 TUCSON, AZ 85705 UNITED STATES

Correspondence information	PAUL GRIJALVA Attorney 3287 N. MEADOW MINE PL TUCSON, AZ 85745 UNITED STATES plgrijalva@gmail.com no phone number provided
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**Applicant Information**

Application No	88453426	Publication date	09/24/2019
Opposition Filing Date	11/23/2019	Opposition Period Ends	11/23/2019
Applicant	Zuffa, LLC 6650 South Torrey Pines Drive Las Vegas, NV 89118 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing facilities and equipment for producing multimedia entertainment programs; providing facilities for sporting events, sports and athletic competitions; health clubs for physical exercise and sports instruction
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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. Registration No.	4073869	Application Date	05/05/2011
Registration Date	12/20/2011	Foreign Priority Date	NONE

Word Mark	APEX MIXED MARTIAL ARTS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2008/09/01 First Use In Commerce: 2008/09/01 Entertainment services in the nature of live mixed martial arts (MMA) events; Providing classes, workshops, seminars and camps in the fields of fitness, exercise, boxing, kick boxing and mixed martial arts; Providing general fitness and mixed martial arts facilities that require memberships and are focused in the fields of general fitness, exercise, and mixed martial arts

Attachments	85312835#TMSN.png( bytes ) Petition for Opposition Application 88453426 UFC Apex.pdf(168519 bytes )
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Signature	/Paul Grijalva/
Name	PAUL GRIJALVA
Date	11/23/2019

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application No. 88,453,426: UFC APEX

APEX MIXED MARTIAL ARTS, LLC )  
Petitioner, )  
 )  
v. )  
ZUFFA, LLC )  
Respondent. )

PETITION FOR OPPOSITION

Apex Mixed Martial Arts, LLC, an Arizona limited liability company, having its principal place of business at 4343 N. Oracle Rd, Suite 195, Tucson, Arizona, 85705, United States, believes it is and will continue to be damaged by the mark shown in Application No. 88,453,426 and hereby petitions for opposition of registration of Application No. 88,453,426.

The grounds for the petition of opposition are as follows:

1. Petitioner is the registered owner of United States Trademark Registration No. 4,073,869 in International Class 041 for entertainment services, athletic events, and for the general provision of health and wellness facilities, classes, fitness (health) clubs. A copy of Registration No. 4,073,869 as it appears in the electronic records of the United States Patent and Trademark Office is filed herewith as Exhibit 1.
2. Petitioner has provided, and continues to provide, services in and throughout the United States and its territories under the name or closely associated with the Apex trademark since long before the filing date of the intent to use application 88,453,426.
3. Petitioner, in addition to its federal rights held under its trademark for Registration No. 4,073,869, holds common law rights in the trademark Apex, as its use of the trademark dates back to least as early as February 2008.
4. Respondent, Zuffa, LLC, is a Nevada limited liability company with a stated address of 6650 South Torrey Pines Drive, Las Vegas, Nevada 89118, United States.

5. On information and belief, Respondent intends to or is engaged in identical and similar services as those which Petitioner holds federal and common law rights in, using the Apex trademark, as UFC Apex.
6. Petitioner has priority in the trademark Apex in international class 041 for the goods and services stated in Respondent's Application 88,453,426, due to Petitioner's federally registered trademark No. 4,073,869 as well as Petitioner's common law rights.
7. Petitioner believes that it is, and will continue to be, damaged by Respondent's use of the mark sought for registration in Application 88,453,426, and will be damaged if Application 88,453,426 is approved for registration because Respondent's Application 88,453,426 so resembles Petitioner's federally registered and common law trademark previously used in the United States long before Respondent's submission of its intent to use application and therefore long before any actual use by Respondent, and the services stated in Application 88,453,426 as to be likely used in connection with the mark sought in Application 88,453,426 are likely to cause confusion or mistake with Petitioner's federally registered trademark, Trademark Act 2(d).

WHEREFORE, registration by Respondent of UFC Apex for the aforesaid goods and services is damaging to Petitioner and Petitioner holds priority in the mark Apex for the aforesaid goods and services and Petitioner hereby opposes registration of Application No. 88,453,426.

Please address all correspondence to Paul Grijalva Esq., 3287 N. Meadow Mine Pl. Tucson, AZ. 85745; [PLGrijalva@gmail.com](mailto:PLGrijalva@gmail.com)

Dated: November 23, 2019

Respectfully Submitted,

/Paul Grijalva/

Paul Grijalva Esq.  
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Attorney for Petitioner,  
Apex Mixed Martial Arts, LLC

**EXHIBIT 1**

**United States of America**  
United States Patent and Trademark Office

**APEX MIXED MARTIAL ARTS**

**Reg. No. 4,073,869**

**Registered Dec. 20, 2011**

**Int. Cl.: 41**

**SERVICE MARK**

**PRINCIPAL REGISTER**

APEX MIXED MARTIAL ARTS, LLC (ARIZONA LIMITED LIABILITY COMPANY)  
2973 WEST SHAWNA PLACE  
TUCSON, AZ 85745

FOR: ENTERTAINMENT SERVICES IN THE NATURE OF LIVE MIXED MARTIAL ARTS (MMA) EVENTS; PROVIDING CLASSES, WORKSHOPS, SEMINARS AND CAMPS IN THE FIELDS OF FITNESS, EXERCISE, BOXING, KICK BOXING AND MIXED MARTIAL ARTS; PROVIDING GENERAL FITNESS AND MIXED MARTIAL ARTS FACILITIES THAT REQUIRE MEMBERSHIPS AND ARE FOCUSED IN THE FIELDS OF GENERAL FITNESS, EXERCISE, AND MIXED MARTIAL ARTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MIXED MARTIAL ARTS", APART FROM THE MARK AS SHOWN.

SER. NO. 85-312,835, FILED 5-5-2011.

DORITT L. CARROLL, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office