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

Proceeding	91252497
Party	Defendant Zuffa, LLC
Correspondence Address	JENNIFER KO CRAFT; MICHAEL N. FEDER; JOH DICKINSON WRIGHT, PLLC 8363 WEST SUNSET ROAD, SUITE 200 LAS VEGAS, NV 89113 TRADEMARKSLV@DICKINSONWRIGHT.COM no phone number provided
Submission	Answer
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Date	04/28/2020
Attachments	APEX 88453426 Answer to Opp.pdf(110774 bytes)

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

APEX MIXED MARTIAL ARTS, LLC,

Opposer,

v.

ZUFFA, LLC,

Applicant.

Opposition No. 91252497

Mark:

UFC APEX

(Serial No. 88/453426)

International Class 041

Published: September 24, 2019

ANSWER

Zuffa, LLC (“Applicant”) a Nevada limited liability company, with a principal place of business in Las Vegas, Nevada, owner of the UFC APEX (Ser. No. 88/453426) mark (the “Mark”), by and through counsel, responds to the allegations set forth in the Notice of Opposition filed by Apex Mixed Martial Arts, LLC (“Opposer”) on November 23, 2019, as follows:

1. Applicant admits Opposer owns Registration 4,073,869 for APEX MIXED MARTIAL ARTS in International Class 041. The copy of the registration attached as Exhibit 1 is a record of independent legal significance and Applicant denies any and all allegations inconsistent therewith.

2. Applicant is without information sufficient to admit or deny the allegations in Paragraph 2 and therefore denies the allegations therein.

3. Applicant is without information sufficient to admit or deny the allegations in Paragraph 3 and therefore denies the allegations therein.

4. Applicant admits the allegations in Paragraph 4.

5. Applicant is without information sufficient to admit or deny the allegations in Paragraph 5 and therefore denies the allegations therein.

6. The allegations in paragraph 6 constitute a legal conclusion to which no response is required. To the extent a response is required, Applicant is without information sufficient to admit or deny the allegations in Paragraph 6 and therefore denies the allegations therein.

7. Applicant denies the allegations in Paragraph 7.

AFFIRMATIVE DEFENSES

Applicant undertakes the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated below. Applicant expressly reserves the right to plead additional affirmative and other defenses should any such defenses be revealed by discovery in this case. As and for its affirmative and other defenses, Applicant states as follows:

First Affirmative Defense

The notice of opposition fails to state a claim upon which relief can be granted.

Second Affirmative Defense

There is no likelihood of confusion, mistake, or deception between Opposer's mark and Applicant's Mark.

Third Affirmative Defense

Applicant alleges on information and belief that as a result of Opposer's own acts and/or omissions, the opposition is barred by the doctrine of laches.

Fourth Affirmative Defense

Applicant alleges on information and belief that the opposition is barred by the doctrine of estoppel.

Fifth Affirmative Defense

Applicant alleges on information and belief that as a result of its own acts and omissions, Opposer has waived any right to pursue its opposition.

Sixth Affirmative Defense

Applicant alleges on information and belief that the Opposition is barred by the doctrine of acquiescence.

Seventh Affirmative Defense

Applicant alleges on information and belief that the opposition is barred by the doctrine of unclean hands.

WHEREFORE, Applicant prays the notice of opposition be denied with prejudice, together with whatever other relief the Board may deem appropriate.

Dated: April 28, 2020

Respectfully submitted,

DICKINSON WRIGHT PLLC

/s/ John L. Krieger, Esq. _____

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER has been served
by forwarding said copy on April 28, 2020, via email to:

PAUL GRIJALVA
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Dated: April 28, 2020

/s/ Jennifer Smith

An Employee of Dickinson Wright PLLC