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Filing date: **07/18/2018**

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

Proceeding	91220066
Party	Plaintiff Lile Inc
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Submission	Plaintiff's Notice of Reliance
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Signature	/James Hastings/
Date	07/18/2018
Attachments	R1270 Opposer Rebuttal Notice of Reliance.final.pdf(3290015 bytes)

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

Lile Inc.,

Opposer,

v.

BCS Properties, LLC,

Applicant.

Marks: COLLEGE FOOTBALL PLAYOFF



Opp. Nos.: 91220066 (parent)
91221745

Serial Nos.: 85919900
85888764

OPPOSER'S REBUTTAL NOTICE OF RELIANCE

Notice is hereby given that Opposer, Lile Inc., offers into evidence, and will rely upon the documents and materials identified herein.

Printed Publications and Official Records

(a.) United States Federal Trademark Application

Opposer submits herewith printouts from the U.S.P.T.O. pursuant to 37 C.F.R. § 2.122(d), showing relevant additional portions of the file history of U.S. Application No. 85888738 (Opposer's Notice of Reliance Exh. 6), which are attached hereto as Exhibits 88, 89, and 90.

- Office Action dated July 16, 2013 and exhibits (Exhibit 88)
- Office Action dated February 6, 2014 (Exhibit 89)

- Office Action dated August 26, 2014 and exhibits (Exhibit 90)

(b) H.R. 390 (111th) College Football Playoff Act of 2009

- Opposer submits herewith the printout of H.R. 390 (111th) College Football Playoff Act of 2009, as published on *congress.gov*, last accessed July 16, 2018 through <https://www.congress.gov/bill/111th-congress/house-bill/390/text> (Exhibit 91)

The above evidence is relevant to rebut Applicant's claim of acquired distinctiveness by showing the highly descriptive nature of Applicant's COLLEGE FOOTBALL PLAYOFF Mark and/or the ability of the COLLEGE FOOTBALL PLAYOFF Mark to act as a distinctive, single identifying source indicator.

Discovery Deposition

Pursuant to 37 C.F.R. § 2.120(j)(3)(i), Opposer will rely on the following portions and exhibits from the discovery deposition of Applicant's Rule 30(b)(6) witness, Mr. Bill Hancock ("Hancock Deposition") conducted on June 30, 2016:

- p. 24, line 11 through p. 35, line 7
- p. 52, line 10 through p. 55, line 18

The above referenced portions of the transcript from the Hancock Deposition and Hancock Deposition Exhibits 4 and 5 are collectively attached hereto as Exhibit 92. These portions of Mr. Hancock's discovery deposition testimony and related exhibits are being relied on to rebut Applicant's claim of acquired distinctiveness by showing the highly descriptive nature of Applicant's COLLEGE FOOTBALL PLAYOFF Mark

and/or the ability of the COLLEGE FOOTBALL PLAYOFF Mark to act as a distinctive, single identifying source indicator.

Internet Materials

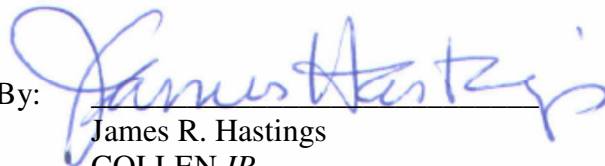
Opposer will rely on the following internet materials pursuant to 37 C.F.R. § 2.122 which are attached as Exhibit 93:

- “IMG College Licensing, University And College Football Playoff Officials Cracking Down On Counterfeiters At National Championship Game” *clc.com*, last accessed July 17, 2018 through <https://www.clc.com/News/CFP-Championship-2018-Enforcement.aspx>

The internet materials are relevant to establish that to rebut Applicant’s claim of acquired distinctiveness by showing the highly descriptive nature of Applicant’s COLLEGE FOOTBALL PLAYOFF Mark and/or the ability of the COLLEGE FOOTBALL PLAYOFF Mark to act as a distinctive, single identifying source indicator.

Respectfully submitted for Opposer,

By:



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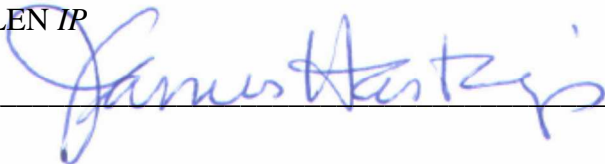
Dated: July 18, 2018
Encl. – Exhibits 88 -93

COLLEN *IP*
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK
OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT
ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED
ELECTRONICALLY WITH THE UNITED STATE PATENT AND TRADEMARK
OFFICE ON JULY 18, 2018.

COLLEN *IP*

BY:  DATE July 18, 2018

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