

ESTTA Tracking number: **ESTTA569222**

Filing date: **11/05/2013**

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

Proceeding	91204777
Party	Plaintiff Apple Inc.
Correspondence Address	JOSEPH PETERSEN KILPATRICK TOWNSEND STOCKTON LLP 31 WEST 52ND STREET, 14TH FLOOR NEW YORK, NY 10019 UNITED STATES JPetersen@kiltown.com, AlJones@kiltown.com, ARoach@kiltown.com, agarcia@kiltown.com, NYTrademarks@kiltown.com, tadmin@kiltown.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Allison Scott Roach
Filer's e-mail	JPetersen@kiltown.com, AlJones@kiltown.com, ARoach@kiltown.com, agarcia@kiltown.com, NYTrademarks@kiltown.com, tadmin@kiltown.com
Signature	/Allison Scott Roach/
Date	11/05/2013
Attachments	NOR-5.pdf(107344 bytes) EXHS. TO NOR-5.pdf(4786445 bytes)

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

In the Matter of Application Serial No. **85/379,097**
 For the mark: **CRAPPLE**
 Filed: July 22, 2011
 Published: December 20, 2011

-----X		
APPLE INC.,	:	
	:	Opposition No. 91204777
Opposer,	:	
	:	
v.	:	
	:	
NINJA ENTERTAINMENT	:	
HOLDINGS, LLC,	:	
	:	
Applicant.	:	
-----X		

OPPOSER’S FIFTH NOTICE OF RELIANCE

Opposer Apple Inc. (“Apple”), pursuant to 37 C.F.R. §§ 2.122(e), submits of record in connection with this opposition proceeding a representative sample of unsolicited print publications available to the general public in libraries and/or on the NEXIS database or of general circulation among members of the public and/or that segment of the public that is relevant to the issues in this proceeding.

This evidence is relevant to show, among other things, the fame of Apple’s marks, the specific recognition of Apple by the public, media, and industry as one of the most valuable brands, and the widespread recognition of Apple’s brand and marks by the relevant general public.

EXHIBIT	PUBLICATION DATE	PUBLICATION NAME - ARTICLE TITLE (SUMMARY OR RELEVANT QUOTE)
A	November 1, 2001	Wall Street Journal - Apple Brings Its Flair For Smart Designs To Digital

		Music Player
B	November 17, 2003	Time Magazine - The 99[cents] Solution; Steve Jobs' new Music Store showed foot-dragging record labels and freeloading music pirates that there is a third way ("... Apple's iTunes Music Store is TIME's Coolest Invention of 2003.")
C	February 2, 2004	Business Week - SHOW TIME! ("Just as the Mac revolutionized the computer industry, Apple is once again in the business of changing the world. This time, it's the world of music.")
D	April 5, 2004	Business Week - The Best Performers (indicating that Apple Computer had the ninth-largest percent increase in earnings among companies in the Standard and Poor's 500 index in 2003)
E	July 26, 2004	Newsweek - iPod Nation ("In just three years, Apple's adorable mini music player has gone from gizmo to life-changing cultural icon.")
F	January 12, 2005	USA Today - Apple strikes while the iPod is hot ("Smash sales of Apple's iPod digital music player – 10 million since 2001 and 8.2 million in 2004 alone – have transformed the company. Its retail stores, for instance, are huge hits.")
G	February 1, 2005	USA Today - In iPod America, legions in tune ("“This is no fad – the iPod has changed my life.’ . . . Rival MP3 makers hoping to chase down Apple's runaway hit have their work cut out: Maverick CEO Steve Jobs has his foot to the company's floorboard.”)
H	April 3, 2006	Business Week - The Best Performers 2006 (valuing Apple Computer Inc. as the best performing company among companies in the Standard and Poor's 500 index)

I	April 24, 2006	Business Week - The World's Most Innovative Companies (calling Apple Computer Inc. "the creative king" and ranking Apple as the most innovative company in the world; "To launch the iPod . . . Apple used no fewer than seven types of innovation.")
J	September 15, 2006	Marketing News - A few of our favorite things (indicating Apple Computer's ranking as the tenth most highly regarded brand among U.S. consumers, according to a poll by Harris Interactive, Inc.)
K	February 2, 2007	Server IQ.com - Survey: Microsoft's Corporate Reputation Ranks Supreme (indicating Apple's place as the 22 nd -ranked company in terms of corporate reputation, according to a survey released by Harris Interactive)
L	March 19, 2007	Fortune - The World's Most Admired Companies (noting Apple's "meteoric rise" to its ranking as the fifth most admired company in the world)
M	March 26, 2007	Business Week - The 2007 Best Performers (valuing Apple as the 34th-best performing company among companies in the Standard and Poor's 500 index)
N	May 14, 2007	Business Week - The World's 25 Most Innovative Companies (“Not surprisingly, Apple and Google once again prevailed.”)
O	August 13, 2007	MMR (Mass Market Retailer) - Harris says Coca-Cola is No. 1 brand (indicating Apple's place as the ninth-ranked "best brand" among consumers according to the Harris Poll)
P	March 17, 2008	Fortune - America's Most Admired Companies (“It's an impressive hat trick: Apple not only takes the No. 1 slot on this year's list of America's Most Admired Companies but also tops the global survey and wins the highest marks for innovation too.”)

Q	March 17, 2008	Fortune - What Makes Apple Golden ("... Apple ... has set the gold standard for corporate America with an entirely new business model: creating a brand, morphing it, and reincarnating it to thrive in a disruptive age.")
R	April 23, 2008	Wall Street Journal - Slow Slog for Amazon's Digital Media -- Earnings Today May Provide Data On What Works ("Apple's iTunes, which has more than 80% of the U.S. market for digital-music downloads, is now the top-ranked music retailer in the U.S., selling more than four billion songs since its launch in April 2003.")
S	April 28, 2008	Business Week - 25 Most Innovative Companies: Smart Ideas for Tough Times (ranking "three-time winner" Apple as the most innovative company in the world)
T	March 16, 2009	Fortune - The World's Most Admired Companies 2009 (ranking Apple as the world's most admired company)
U	March 22, 2010	Fortune - The World's Most Admired Companies 2010 (ranking Apple as the world's most admired company for the second year in a row)

Respectfully submitted,

Dated: November 5, 2013

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/Allison Scott Roach

Joseph Petersen
1114 Avenue of the Americas
New York, New York 10036
Telephone: (212) 775-8700
Facsimile: (212) 775-8800

Alicia Grahn Jones
Allison Scott Roach

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.