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

Proceeding	91229891
Party	Plaintiff Charles Bertini
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CHARLES BERTINI,)	
)	Opposition No. 91229891
Opposer)	Serial No. 86659444
)	Mark: APPLE MUSIC
v.)	Filing Date: June 11, 2015
)	Publication Date: May 10, 2016
APPLE INC.,)	
)	
Applicant.)	
)	

OPPOSER’S NOTICE OF RELIANCE ON INTERNET DOCUMENTS

Pursuant to 37 C.F.R. § 2.122(e), and Trademark Trial and Appeal Board Manual of Procedure § 704.08(b), Opposer Charles Bertini “Opposer”) hereby makes of record and gives notice to Apple Inc. of his reliance on the following printed internet documents. Each printout identifies the date the website was accessed and printed, as well as the source, i.e. URL.

The following printed Internet documents are relevant to show the history of APPLE marks and use of marks by Apple Computer, Inc., Apple, Inc. and Apple Corps Ltd. Some other Internet documents are relevant to show the source of information and how the source is reliable.

1. Exhibit 66 is a printout of webpage from website www.discogs.com and it is downloaded from the URL <https://www.discogs.com/label/134490-Apple-Records-3>. Exhibit 66 shows that some records on the website www.discogs.com can be “unofficial releases (bootlegs, counterfeits, pirate compilations, etc.) that pretend to be a release of the legitimate Apple Records”

2. Exhibit 67 a printout of webpage from website www.discogs.com and it is downloaded from the URL <https://support.discogs.com/en/support/solutions/articles/13000014275>. Exhibit 67 shows that: “Discogs is a user-built discography site. Everyone can contribute and update information”
3. Exhibit 76 p3 is a printout of webpage from website www.capitol6000.com and it is downloaded from the URL <http://www.capitol6000.com/labels.html>. Exhibit 76 p3 shows that: “In 1968, The Beatles started their own record label called Apple Records. While still distributed by Capitol, they created their own design which showed a green apple on one side, and a sliced apple on the other side. The Apple label was used for Apple releases until 1975, where the albums were transferred to the current Capitol label (orange label). Apple Records was revived in the 90s to issue the new Beatles albums.”
4. Exhibit 78 is a printout of webpages from Wikipedia website and it is downloaded from the URL https://en.wikipedia.org/wiki/Apple_Records. Exhibit 78 shows that:
 - A. “**Apple Records** is a record label founded by the Beatles in 1968, as a division of Apple Corps Ltd.”
 - B. “The original UK versions of the Beatles' albums were released worldwide on compact disc in 1987 and 1988 on the Parlophone label”
 - C. “*Abbey Road* had been issued on CD by the EMI-Odeon label in Japan in the early 1980s”
 - D. “The label was again newsworthy in 2006”
 - E. “Standard Apple album and single labels displayed a bright green Granny Smith apple on the A-side, while the flipside displayed the cross section of the apple”.

- F. “The bright green apple returned for Beatles CDs releases in the 1990s, following initial CD releases on Parlophone.”
5. Exhibit 79 is a printout of webpages from the Wikipedia website related to Apple Records discography and it is downloaded from the URL https://en.wikipedia.org/wiki/Apple_Records_discography. Exhibit 79 shows a detailed discography of Apple Records. Exhibit 79 shows that:
- A. “**Apple Records**, a record label formed by the Beatles in 1968.”
 - B. “After EMI's contract with the Beatles ended in 1976, the Apple label was finally wound up. The label was reactivated in the 1990s with many of the original Apple albums being reissued on compact disc”
 - C. There were no Apple Records releases in the U.S. during years 1976-1993.
6. Exhibit 81 p1 a printout of a webpage from the website www.discogs.com and it is downloaded from the URL <https://www.discogs.com/about>. Exhibit 81 p1 shows that website www.discogs.com was “Originally created as a hobby project in 2000” and “Discogs is a user-built database of music. More than 390,000 people have contributed...to build up a catalog of more than 9,400,000 recordings and 5,400,000 artists.
7. Exhibit 81 p2 is a printout of webpage from website web.archive.org and it is downloaded from the URL https://web.archive.org/web/20140101000000*/https://www.discogs.com/label/25693-Apple-Records. Exhibit 81 p2 shows archive **Summary of discogs.com** related to Apple records. This summary shows that first records for Apple Records appeared on this website only in 2014.

8. Exhibit 82 is a printout of webpages from Wikipedia website related to Apple Corps, Ltd and it is downloaded from the URL https://en.wikipedia.org/wiki/Apple_Corps.

Exhibit 82 shows that:

- A. Apple Corps Ltd is a multi-armed multimedia corporation founded in London in January 1968 by the members of the Beatles.
- B. “When the Beatles' partnership was dissolved in 1975, dissolution of Apple Corps was also considered, but it was decided to keep it going, while effectively retiring all its divisions.
- C. “Apple Studio was closed down for good on 16 May 1975.”
- D. “In 1978, Apple Records filed suit against Apple Computer (now Apple Inc.) for trademark infringement. The suit was settled in 1981. As a condition of the settlement, Apple Computer agreed to stay out of the music business.
- E. In September 2003, Apple Computer was again sued by Apple Corps, this time for introducing the iTunes Music Store and the iPod, which Apple Corps asserted was a violation of Apple's agreement not to distribute music.
- F. “On 5 February 2007, Apple Inc. and Apple Corps announced a settlement of their trademark dispute.”

9. Exhibit 125 pp 1-4 and pp28-31 are printouts from website web.archive.org that show copies of webpages of website apple.com as such pages were available in the Internet on the date November 11, 2011.

- A. Exhibit 125 p1 was downloaded from the URL <https://web.archive.org/web/20111111002808/http://www.apple.com/>
- B. Exhibit 125 pp 2-4 were downloaded from the URL

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