

ESTTA Tracking number: **ESTTA918400**

Filing date: **08/27/2018**

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

Proceeding	91242427
Party	Defendant Apple Growth Partners, Inc.
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Date	08/27/2018
Attachments	APPLE GROWTH PARTNERS Answer to Notice of Opposition - Opposition No. 91242427 - 08.27.18(12950861_1).PDF(184861 bytes )

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

Apple, Inc.,	:	
	:	
Opposer,	:	Opposition No.: 91242427
	:	
v.	:	Application Serial No.: 87/354,932
	:	
Apple Growth Partners, Inc.,	:	Mark: APPLE GROWTH PARTNERS
	:	
Applicant.	:	APPLICANT’S ANSWER AND
	:	AFFIRMATIVE DEFENSES
	:	

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**APPLICANT’S ANSWER AND AFFIRMATIVE DEFENSES IN RESPONSE TO**  
**OPPOSER’S NOTICE OF OPPOSITION**

**ANSWER**

Applicant, Apple Growth Partners, Inc. (hereinafter “Applicant”), by and through its undersigned counsel, hereby answers Apple, Inc.’s (hereinafter “Opposer”) Notice of Opposition against Applicant’s U.S. Trademark Application Serial No. 87/354,932 for APPLE GROWTH PARTNERS (the “Applied-For Mark”), and states as follows:


1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition and therefore denies all such allegations.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and therefore denies all such allegations.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies all such allegations.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies all such allegations.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice of Opposition and therefore denies all such allegations.

6. Applicant admits that **Exhibit 1** to the Notice of Opposition shows a website operated by *Forbes* magazine, which shows a list titled “The World’s Most Valuable Brands” for 2017 and 2018, as well as various other *Forbes* articles discussing valuable brands. Applicant further admits that the 2018 “The World’s Most Valuable Brands” listing ranks the APPLE brand at number 1 and estimates that the APPLE brand is worth \$182.8 billion, while the 2017 “The World’s Most Valuable Brands” listing estimates that the APPLE brand is worth \$170 billion. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 6 of the Notice of Opposition and therefore denies all such allegations.

7. Applicant admits that **Exhibit 2** to the Notice of Opposition shows a 2018 *Harris Interactive* EquiTrend Ranking - The Harris Poll (the “EquiTrend Ranking”), which lists and ranks brands according to their applicable category. Applicant further admits that the EquiTrend

Ranking shows that the APPLE brand, used in connection with the “” image (the “APPLE (logo)”) is the highest ranking brand in the smartphone category, and that the IPAD (& APPLE (logo)) brand is the highest ranking brand in the tablet computer category. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of

the allegations contained in Paragraph 7 of the Notice of Opposition and therefore denies all such allegations.

8. Applicant admits that **Exhibit 3** to the Notice of Opposition shows a listing created by Interbrand, titled “Best Global Brands” for each year from 2010 to 2017. Applicant further admits that the APPLE (logo) is listed as number 1 in the 2013-2017 Interbrand listings, number 2 in the 2012 Interbrand listing, number 8 in the 2011 Interbrand listing, and number 17 in the 2010 Interbrand listing. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 8 of the Notice of Opposition and therefore denies all such allegations.

9. Applicant admits that **Exhibit 4** to the Notice of Opposition shows the Millward Brown Optimor BrandZ listings titled “Top 100 Most Valuable Global Brands” (the “BrandZ list” or “BrandZ lists”) for the years 2008 to 2018. Applicant admits that the 2018 BrandZ list shows the APPLE (logo) as the 2nd most valuable global brand, with an estimated brand value of \$300,595,000. Applicant admits that the 2017 BrandZ list shows the APPLE (logo) as the 2nd most valuable global brand, with an estimated brand value of \$534,671,000. Applicant admits that the 2016 BrandZ list shows the APPLE (logo) as the 2nd most valuable global brand, with an estimated brand value of \$228,460,000. Applicant admits that the 2011, 2012, 2013, and 2015 BrandZ lists show the APPLE (logo) as the most valuable global brand. Applicant admits that the BrandZ lists show the APPLE (logo) as the 2nd most valuable brand in 2014, the 3rd most valuable brand in 2010, the 6th most valuable brand in 2009, and the 7th most valuable brand in 2008. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 9 of the Notice of Opposition and therefore denies all such allegations.

10. Applicant admits that **Exhibit 5** to the Notice of Opposition shows articles from *Fortune Magazine* titled “World’s Most Admired Companies” or “America’s Most Admired Companies,” from 2008 to 2018 (collectively, the “Fortune Listings”). Applicant further admits that Opposer is listed as number 1 in the Fortune Listings as the top ranked most admired company. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 10 of the Notice of Opposition and therefore denies all such allegations.

11. Applicant admits that **Exhibit 6** to the Notice of Opposition shows information regarding a workshop in St. Louis, Missouri titled “How To: Grow Your Business.” Applicant further admits that the information on **Exhibit 6** tends to show that the workshop offers information regarding modernizing businesses with the use of iPads. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 11 of the Notice of Opposition and therefore denies all such allegations.

12. Applicant admits that **Exhibit 7** to the Notice of Opposition shows information regarding a workshop in New York, New York titled “How To: Run a Connected Business.” Applicant further admits that the information on **Exhibit 7** tends to show that the workshop offers information regarding modernizing businesses with the use of the iPhone. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations contained in Paragraph 12 of the Notice of Opposition and therefore denies all such allegations.

13. Applicant admits that <https://www.apple.com/today/> provides a listing of upcoming workshops run by Opposer in separate locations, which workshops offer information

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