

ESTTA Tracking number: **ESTTA538867**

Filing date: **05/20/2013**

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

Proceeding	91200484
Party	Defendant Gartner Studios, Inc.
Correspondence Address	JOHN M WEYRAUCH DICKE BILLIG & CZAJA PLLC 100 SOUTH 5TH STREET, SUITE 2250 MINNEAPOLIS, MN 55402-1235 UNITED STATES jmweyrauch@dbclaw.com
Submission	Answer
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Filer's e-mail	jmweyrauch@dbclaw.com, narhos@dbclaw.com
Signature	/John M. Weyrauch/
Date	05/20/2013
Attachments	Answer.pdf(2312027 bytes )

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

In re Application Serial No.: 77/926,242  
Filed: February 2, 2010  
Mark: APPLES & A'S  
Published in the *Official Gazette* January 4, 2011

ATHLETICS INVESTMENT GROUP LLC D/B/A/ THE OAKLAND ATHLETICS BASEBALL COMPANY,	)	
	)	
	)	Opposition No. 91200484
	)	
v.	)	
	)	
<b>GARTNER STUDIOS, INC.,</b>	)	
<b>Applicant.</b>	)	

Commissioner for Trademarks  
United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**ANSWER  
TO NOTICE OF OPPOSITION**

Applicant, Gartner Studios, Inc., by its attorneys, hereby submits its Answer to the Notice of Opposition filed by Opposer, Athletics Investment Group LLC d/b/a/ The Oakland Athletics Baseball Company (hereinafter "Oakland"), as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 1 and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 2 and therefore denies the same.
3. Applicant admits that Oakland is shown as the owner of Reg. Nos. 1,234,697, 1,257,146, 1,263,825, 1,267,687, 1,267,861, 1,523,854, 1,530,675, 1,570,831, 2,417,758, 2,573,396, 2,630,348, 2,759,932, 3,349,787, and 3,349,788 in the records of the U.S. Patent and

Trademark Office. Applicant is without knowledge or information sufficient to form a belief as to the remainder of Paragraph 3 and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 4 and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 5 and therefore denies the same.

6. Applicant admits the allegations of Paragraph 6.

7. Applicant admits the allegations of Paragraph 7.

8. Applicant denies the allegations of Paragraph 8.

9. Applicant denies the allegations of Paragraph 9.

#### **AFFIRMATIVE DEFENSES**

1. Applicant's mark APPLES AND A'S is not likely to cause confusion with Opposer's registered marks.

2. Opposer's opposition is barred by laches, estoppel and acquiescence.

3. As shown in Exhibit A hereto, the mark "A" has been registered and continues to be registered in over 90 U.S. Trademark Registrations in class 16 without causing any confusion with Opposer's registrations.

4. As shown in Exhibit B hereto, the mark "A" has been registered and continues to be registered in some 47 U.S. Trademark Registrations in Class 18 without causing any confusion with Opposer's registrations.

WHEREFORE, Applicant requests that Opposer's opposition be denied and that Applicant's mark that is the subject of U.S. Trademark App. Serial No. 78/618,124 proceed to allowance.

Dated: May 20, 2013

Respectfully submitted,

DICKE, BILLIG & CZAJA, PLLC  
Attorneys for Applicant

By: /John M. Weyrauch/  
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Minneapolis, MN 55402  
(612) 767-2511

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2013, I caused a true and correct copy of the foregoing ANSWER To Notice of Opposition to be sent via First Class Mail, postage prepaid, to Opposer's counsel at the following address:

Seth Shaifer  
COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 Avenue of the Americas  
New York, NY 10036

---

Norma J. Arhos

# **EXHIBIT A**

## **INTERNATIONAL CLASS**

**16**


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16	85532620	4294651	A	TSDR	LIVE
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18	85845449		A	TSDR	LIVE
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20	85583668		A	TSDR	LIVE
21	85327625	4265228	A	TSDR	LIVE
22	85687085		A	TSDR	LIVE
23	85720538		A	TSDR	LIVE
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# **EXHIBIT B**

## **INTERNATIONAL CLASS**

**18**


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32	79021037	3265294	A	TSDR	LIVE
33	79003940		A	TSDR	DEAD
34	78803773	3232805	A	TSDR	LIVE
35	78736925	4298515	A	TSDR	LIVE
36	78586681	3065858	A	TSDR	LIVE
37	78817339	3759395	A	TSDR	LIVE
38	78958599		A	TSDR	DEAD
39	78954645		A	TSDR	DEAD
40	78896714		A	TSDR	DEAD
41	78727731	3360571	A	TSDR	LIVE
42	78629494	3282432	A	TSDR	LIVE
43	78621201		A	TSDR	DEAD
44	78537539		A	TSDR	DEAD
45	78428545	3124486	A	TSDR	DEAD
46	78328107	3062130	A	TSDR	LIVE
47	78475847		A	TSDR	DEAD
48	78455863		A	TSDR	DEAD
49	78364958	3156058	A	TSDR	LIVE
50	77919112		A	TSDR	LIVE
51	77655658	4211945	A	TSDR	LIVE
52	77981169	3926934	A	TSDR	LIVE
53	77881505	4246332	A	TSDR	LIVE
54	77869189	3784802	A	TSDR	LIVE
55	77575952	4187049	A	TSDR	LIVE
56	77919088		A	TSDR	LIVE
57	77982397	4039250	A	TSDR	LIVE
58	77924588	3902943	A	TSDR	LIVE
59	77691936		A	TSDR	DEAD
60	77617236	3639225	A	TSDR	LIVE
61	77150751	3358943	A	TSDR	LIVE
62	77486035	3768305	A	TSDR	LIVE
63	77381468	3492312	A	TSDR	LIVE
64	77306851		A	TSDR	DEAD
65	77267928	3422588	A	TSDR	LIVE
66	77266117		A	TSDR	DEAD
67	77188849		A	TSDR	DEAD
68	77051600		A	TSDR	DEAD
69	76713283		A	TSDR	LIVE
70	76564951	3081179	A	TSDR	DEAD

71	76453841	2969139	A	TSDR	DEAD
72	76710767	4228244	AS	TSDR	LIVE
73	76408448		A	TSDR	DEAD
74	76400419		A	TSDR	DEAD
75	76273565	2538220	A	TSDR	LIVE
76	76084406	2487276	A	TSDR	LIVE
77	76130707	2494308	A	TSDR	LIVE
78	76659479	3441215	A	TSDR	LIVE
79	76453842	2827137	A	TSDR	DEAD
80	76154574	2737666	A	TSDR	LIVE
81	76679616		A	TSDR	DEAD
82	76679615		A	TSDR	DEAD
83	76657935	3310302	A	TSDR	LIVE
84	76453843	2831391	A	TSDR	DEAD
85	76399576	2778539	A	TSDR	LIVE
86	76393864		A	TSDR	DEAD
87	76175625		A	TSDR	DEAD
88	76057169		A	TSDR	DEAD
89	76051053	2703514	A	TSDR	DEAD
90	75808771	2415528	A	TSDR	DEAD
91	75797794		A	TSDR	DEAD
92	75716069	2377241	A	TSDR	DEAD
93	75586121		A	TSDR	DEAD
94	75458550	2643146	A	TSDR	LIVE
95	75388389	2588714	A	TSDR	DEAD
96	75454301	2259177	A	TSDR	LIVE
97	75392109		A	TSDR	DEAD
98	75383663	2272990	A	TSDR	DEAD
99	75383662	2272989	A	TSDR	DEAD
100	75383661	2272988	A	TSDR	DEAD

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101	75327933	2256422	A	TSDR	DEAD
102	75225731	2478269	A	TSDR	DEAD
103	75077515	2154146	A	TSDR	DEAD
104	74697612	2065697	A	TSDR	LIVE
105	74416187		A	TSDR	DEAD
106	74103207		A	TSDR	DEAD
107	73631416	1443858	A	TSDR	LIVE
108	73748205	1565933	A	TSDR	DEAD
109	73648310	1498649	A	TSDR	DEAD
110	73628016	1465474	A	TSDR	DEAD
111	73622129		A	TSDR	DEAD
112	73570148	1416644	A	TSDR	DEAD
113	73518560		A	TSDR	DEAD
114	73518556	1354078	A	TSDR	DEAD
115	73516926	1355367	A	TSDR	DEAD
116	73455257	1318889	A	TSDR	DEAD
117	73399068	1351302	A	TSDR	LIVE
118	73376764	1280536	A	TSDR	LIVE
119	73298383	1238044	A	TSDR	DEAD
120	73228701	1175589	A	TSDR	DEAD
121	73161971	1108671	A	TSDR	DEAD
122	73118593	1105044	A	TSDR	DEAD
123	73108126	1096765	A	TSDR	DEAD

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