

ESTTA Tracking number: **ESTTA563180**

Filing date: **10/04/2013**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Apollo Security International, Inc.		
Entity	Corporation	Citizenship	Massachusetts
Address	2150 Providence Highway Walpole, MA 02061 UNITED STATES		
Attorney information	Gary W. Smith Posternak Blankstein & Lund LLP 800 Boylston Street Boston, MA 02199 UNITED STATES gsmith@pbl.com Phone:6179736100		

Applicant Information

Application No	85897079	Publication date	09/24/2013
Opposition Filing Date	10/04/2013	Opposition Period Ends	10/24/2013
Applicant	Apollo Investigations, Inc. www.apolloinvestigationsinc.com PO Box 10091 Manassas, VA 20108 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. First Use: 2011/09/30 First Use In Commerce: 2012/01/01
All goods and services in the class are opposed, namely: Private investigation

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4373338	Application Date	03/28/2012
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	A APOLLO INTERNATIONAL		
Design Mark			
Description of Mark	The mark consists of stylized letter "A" prior to the words "Apollo International".		
Goods/Services	Class 041. First use: First Use: 2012/09/01 First Use In Commerce: 2012/09/01		

	<p>Educational services, namely, developing and conducting training in the field of physical and personal security and related policies thereto</p> <p>Class 045. First use: First Use: 2012/09/01 First Use In Commerce: 2012/09/01</p> <p>Security guard services; security guarding for facilities; security services, namely, providing security assessments of physical locations and working environments; security consultancy; security services, namely, for the protection of property and individuals; provision of information, advice and consultancy in relation to security services for the protection of property and individuals; security services for controlling admission to buildings and public places; security safety management, namely, providing security assessments for business and governmental agencies; security due diligence services, namely, detailed investigative reports for individuals or businesses traveling or opening an office overseas, in the nature of detailed foreign country briefings, vetting of local personnel, establishing host country government contacts, and providing information on sustainable security measures overseas; intellectual property consultancy; investigation services involving infringements of intellectual property rights and for asset protection; security services, namely, providing executive protection</p>
--	--

U.S. Registration No.	4373337	Application Date	03/28/2012
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	A APOLLO INTERNATIONAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 2012/09/01 First Use In Commerce: 2012/09/01</p> <p>Educational services, namely, developing and conducting training in the field of physical and personal security and related policies thereto</p> <p>Class 045. First use: First Use: 2012/09/01 First Use In Commerce: 2012/09/01</p> <p>Security guard services; security guarding for facilities; security services, namely, providing security assessments of physical locations and working environments; security consultancy; security services, namely, for the protection of property and individuals; provision of information, advice and consultancy in relation to security services for the protection of property and individuals; security services for controlling admission to buildings and public places; security safety management, namely, providing security assessments for business and governmental agencies; security due diligence services, namely, detailed investigative reports for individuals or businesses traveling or opening an office overseas, in the nature of detailed foreign country briefings, vetting of local personnel, establishing host country government contacts, and providing information on sustainable security measures overseas; intellectual property consultancy; investigation services involving infringements of intellectual property rights and for asset protection; security services, namely, providing executive protection</p>		

U.S. Registration No.	4309978	Application Date	11/09/2011
Registration Date	03/26/2013	Foreign Priority Date	NONE
Word Mark	APOLLO INTERNATIONAL		
Design Mark			
Description of Mark	NONE		

Goods/Services	<p>Class 041. First use: First Use: 2012/09/10 First Use In Commerce: 2012/09/10 Educational services, namely, developing and conducting training in the field of physical and personal security and related policies thereto</p> <p>Class 045. First use: First Use: 2012/09/10 First Use In Commerce: 2012/09/10 Security guard services; security guarding for facilities; security services, namely, providing security assessments of physical locations and working environments; security consultancy; security services, namely, for the protection of property and individuals; provision of information, advice and consultancy in relation to security services for the protection of property and individuals; security services for controlling admission to buildings and public places; security safety management, namely, providing security assessments for business and governmental agencies; security due diligence services, namely, detailed investigative reports for individuals or businesses traveling or opening an office overseas, in the nature of detailed foreign country briefings, vetting of local personnel, establishing host country government contacts, and providing information on sustainable security measures overseas; intellectual property consultancy; investigation services involving infringements of intellectual property rights and for asset protection; security services, namely, providing executive protection</p>
----------------	---

U.S. Registration No.	2554862	Application Date	03/17/2000
Registration Date	04/02/2002	Foreign Priority Date	NONE
Word Mark	A APOLLO SECURITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1990/09/13 First Use In Commerce: 1991/00/00 security guard services		

U.S. Registration No.	2446292	Application Date	03/17/2000
Registration Date	04/24/2001	Foreign Priority Date	NONE
Word Mark	APOLLO SECURITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1990/09/13 First Use In Commerce: 1991/00/00 security guard services		

Attachments	1503931_1.pdf(16924 bytes) ExhibitA.pdf(131742 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Gary W. Smith/
Name	Gary W. Smith
Date	10/04/2013

In re Application Serial No. : 85/897079
For the Mark : "Apollo Investigations, Inc."
Filed : April 5, 2013
Published in the Trademark
Official Gazette on : September 24, 2013

-----X
APOLLO SECURITY INTERNATIONAL, INC. :
Opposer, :
v. :
APOLLO INVESTIGATIONS, INC. :
Applicant. :
-----X

Commissioner for Trademarks
P.O.Box 1451
Arlington, VA 22313-1451

NOTICE OF OPPOSITION

Apollo Security International, Inc., a Massachusetts corporation headquartered at 2150 Boston-Providence Highway, Walpole, MA 02061, believes that it would be damaged by registration of the mark "Apollo Investigations, Inc." in Application Serial Number 85/897079 (hereinafter "Applicant's Alleged Mark") and opposes that application pursuant to Section 13 of the Lanham Trademark Act, 15 USC §1063. The Opposer hereby gives notice of opposition to the proposed registration of the Applicant's Alleged Mark as published for opposition in the September 24, 2013 Trademark Official Gazette (hereinafter "Applicant's Registration Application").

As grounds for opposition, the Opposer alleges that:

1. The Opposer, Apollo Security International, Inc., is in the business of, among others, providing security and security-related services as well as providing detailed investigative reports for individuals or businesses traveling or opening an office overseas, vetting of local

personnel, investigation services involving infringement of intellectual property rights and for asset protection, and various other private investigation services. (“Services”).

2. The Opposer provides high quality services, has a reputation for doing so, and has operated continuously since at least 1990.
3. The Opposer provides its services both in the United States and internationally.
4. The Opposer owns the following federally registered marks (hereinafter “Registered Marks”): A Apollo International (Reg. No. 4373338), A Apollo International (Reg. No. 4373337), Apollo International (Reg. No. 4309978, A Apollo Security (Reg. No. 2554862), and Apollo Security (Reg. No. 2446292).
5. Since at least 1990, the Opposer has used one or more of the Registered Marks.
6. As a result of the use, promotion, advertising and services provided in association with the Registered Marks, said marks have acquired significant goodwill and are of great value to Opposer.
7. On information and belief, the Applicant, Apollo Investigations, Inc., is a Virginia corporation, with a mailing address at P.O. Box 10091, Manassas, VA 20108.
8. On information and belief, the Applicant has filed trademark Application Serial Number 85/897079, and seeks registration of the mark “Apollo Investigations, Inc.,” for, among other things, “private investigations,” as described in the Applicant’s Registration Application.
9. The Applicant’s application claims a date of first use of September 30, 2011 and first use in commerce of January 1, 2012.
10. The services provided by the Applicant and the Opposer, respectively, are related because they both concern investigative services and both are in Class 45. In addition, Opposer’s security services (also in Class 45) are closely related to, and often associated with, investigative services.
11. The Opposer believes that the Applicant’s Alleged Mark so closely resembles the Registered Marks as to very likely cause confusion or mistake or to deceive users of investigative and security services.
12. The Opposer believes that the Applicant’s Services under the Applicant’s Alleged Mark may be offered to the same or related class of consumers as the ones under the Registered Marks.
13. The Opposer believes that the Applicant’s Alleged Mark is very similar to the Registered Marks with respect to the sound, appearance, meaning, connotation and commercial impression.
14. The Opposer believes that if registered, the Applicant’s Alleged Mark will create confusion and lead customers to falsely believe that they are purchasing goods endorsed by, sponsored by or affiliated with the Opposer. The Opposer also believes that if registered, the Applicant’s Alleged Mark will cause confusion and mistake among the Opposer’s existing and potential customers as to whether the Opposer is the source of services marketed under

Applicant's Alleged Mark.

15. The Opposer believes that the aforementioned confusion and/or mistake and/or deception will irreparably injure and damage the Opposer and the Opposer's valuable goodwill.

16. Further, the Opposer believes that registration of the Applicant's Alleged Mark should be refused because Applicant's specimen, a piece of letterhead (See Exhibit A attached), shows use of Applicant's Alleged Mark as a trade name only and does not show use as a mark in connection with the offering of the services listed in Applicant's application.

17. Pursuant to Trademark Act Section 2(d), 15 U.S.C. §1052(d) and under the circumstances detailed herein, the Opposer believes that the registration of the Applicant's Alleged Mark should be refused.

WHEREFORE, Apollo Security International, Inc., therefore files this Notice of Opposition and prays that said Application Serial Number 85/897079 be denied.

Respectfully submitted,

Gary W. Smith, Esq.
Posternak Blankstein & Lund LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-8004

Counsel for Opposer
Apollo Security International, Inc.

Apollo
Investigations, Inc.



Telephone 571-292-1937 or 1-800-403-8921 | Fax 571-292-1937

PO Box 10091 | Manassas, VA 20108

mike@apolloinvestigationsinc.com

www.apolloinvestigationsinc.com

Honesty, Integrity, Professionalism

D.C.J.S. I.D. #11-7016