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

Proceeding	91212820
Party	Plaintiff Apollo Security International, Inc.
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In re Application Serial No. : 85/897079
For the Mark : "Apollo Investigations, Inc."
Filed : April 5, 2013
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: APOLLO SECURITY INTERNATIONAL, INC. :
: Opposer, :
: v. :
: APOLLO INVESTIGATIONS, INC. :
: Applicant. :
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Commissioner for Trademarks
P.O. Box 1451
Arlington, VA 22313-1451

**REBUTTAL TESTIMONY AND DECLARATION OF
DENNIS M. CROWLEY III**

My name is Dennis M. Crowley III. I am the President of Apollo Security International, Inc. ("Apollo"), the Opposer and owner of the registered "Apollo" marks asserted in this matter. I am providing this written testimony in lieu of oral testimony that I would provide at trial. I do so under the pains and penalties of perjury, and hereby declare and state as follows:

1. I have reviewed the direct testimony and declaration of Michael S. Youlen, submitted by the Applicant Apollo Investigations, Inc. ("Applicant"). Having done so, I wish to address some of the misstatements and inaccuracies in Mr. Youlen's testimony.

2. Mr. Youlen's assertion that my company does not offer investigative services to the general public is patently false, as is his assertion that Apollo somehow limits its investigative services to clients of its security services.

3. While Apollo certainly has many clients to whom we provide both security and investigative services (as they are related services), Apollo **does not** limit its provision of investigative services to its existing security services clients.

4. The truth is that Apollo offers and markets its investigative services to all members of the public, including both businesses and individuals.

5. It appears from Mr. Youlen's declaration that his assertion that Apollo somehow limits its investigative services to existing security services clients is based solely on Exhibit M to my direct testimony and declaration. That exhibit contains a printout of one page from Apollo's website as it existed in April of 2004, more than 11 years ago. That exhibit was submitted to demonstrate Apollo's long-standing use of the Apollo name and mark in connection with its offering, among other things, investigative services. While Apollo may have limited its marketing of its investigative services to existing security clients in 2004, we long ago broadened both our marketing focus and client base for our investigative services.

6. Mr. Youlen also seems to contend that unless Apollo has a license to provide investigative services in a particular individual state, he is free to use and infringe Apollo's name and mark. First, I do not understand this to be the law. Second, in those states where Apollo is not directly licensed to provide investigative services, we contract with licensed investigators to provide these services on our behalf as necessary.

7. Apollo's affiliate is licensed to provide investigative services in the state of Maryland. Our Maryland license number is 106-3472.

8. Apollo maintains an office in Fairfax, Virginia. That office was established in connection with our security consulting services. Apollo has, however, submitted an application for a license to provide services in Virginia on a direct basis, without the need to subcontract. That application is pending.

9. Mr. Youlen also contends that in November of 2013, he received by email two "suspicious solicitation[s]" for business and that in his "professional judgment" they were somehow "affiliated" with my company. No one from Apollo was authorized to contact Mr. Youlen in November of 2013, and to my knowledge no one from Apollo did so.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 20 DAY OF MARCH, 2015.



Dennis M. Crowley III