

ESTTA Tracking number: **ESTTA749690**

Filing date: **06/01/2016**

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

Proceeding	91214849
Party	Plaintiff Apple Inc.
Correspondence Address	ALICIA GRAHN JONES KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET, SUITE 2800 ATLANTA, GA 30309-4530 UNITED STATES AlJones@ktslaw.com, cgenteman@kilpatricktownsend.com, ARoach@kilpatricktownsend.com, JPetersen@ktslaw.com, agar- cia@ktslaw.com, tmadmin@ktslaw.com,
Submission	Plaintiff's Notice of Reliance
Filer's Name	Alicia Grahn Jones
Filer's e-mail	AlJones@ktslaw.com, cgenteman@kilpatricktownsend.com, ARoach@kilpatricktownsend.com, JPetersen@ktslaw.com, agar- cia@ktslaw.com, tmadmin@ktslaw.com
Signature	/Alicia Grahn Jones/
Date	06/01/2016
Attachments	Apple v. Hasan - Second Notice of Reliance - Applicant_s Initial and Suppl. Rog Responses.pdf(12137 bytes) -Apple v. Hasan - Second Notice of Reliance - Exhibits A-C.pdf(1661121 bytes)

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

In the Matter of Application Serial No. **85/866,375**
For the mark: **IT'S AN APP FOR THAT**
Filed: March 4, 2013
Published: August 13, 2013

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APPLE INC.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91214849
	:	
SYED ALI HASAN,	:	
	:	
Applicant.	:	
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OPPOSER'S SECOND NOTICE OF RELIANCE

Opposer Apple Inc. ("Apple"), pursuant to 37 C.F.R. §§ 2.120(j)(3)(i) and 2.120(j)(8), submits of record in connection with this opposition proceeding copies of Applicant Syed Ali Hasan's ("Applicant") initial and supplemental Response by Applicant to Opposer's First Set of Interrogatories, along with a copy of Opposer's First Set of Interrogatories to Applicant.¹

These interrogatory responses are relevant to the issues of likelihood of confusion and dilution and show, among other things, Applicant's awareness of Apple's marks, the nature of Applicant's intended use of Applicant's mark that is the subject of this opposition, Applicant's intended channels of marketing and trade, and Applicant's intended target customers.

Applicant's April 27, 2015 Response by Applicant to Opposer's First Set of Interrogatories is attached hereto as Exhibit A; Applicant's May 25, 2015 supplemental

¹ Apple has included Opposer's First Set of Interrogatories to Applicant in compliance with 37 C.F.R. §§ 2.120(j)(3)(i) because Applicant's responses do not reproduce or include the interrogatories to which Applicant provided responses.

Response by Applicant to Apple's First Set of Interrogatories is attached hereto as Exhibit B, and Opposer's First Set of Interrogatories to Applicant, served on December 15, 2014, are attached hereto as Exhibit C.

Dated: June 1, 2016

Respectfully submitted,

**KILPATRICK TOWNSEND &
STOCKTON LLP**

By: /s/Alicia Grahn Jones
Alicia Grahn Jones
Allison Scott Roach
Crystal C. Genteman
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Attorneys for Opposer Apple Inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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v.	: Opposition No. 91214849
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SYED ALI HASAN,	:
	:
Applicant.	:
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing OPPOSER'S SECOND NOTICE OF RELIANCE has been served on Applicant by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Syed Ali Hasan
530 Lytton Ave, 2nd Floor
Palo Alto, California 94304

This the 1st day of June, 2016.

/s/Alberto Garcia

Alberto Garcia

EXHIBIT A

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

In The Matter of Application Serial No. 85/866,375

For the mark: **IT'S AN APP FOR THAT**

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v	:	
Syed Ali Hasan,	:	
Applicant.	:	

RESPONSE BY APPLICANT TO OPPOSERS FIRST SET OF INTERROGATORIES

1. To use “it’s an app for that” as a tool to create awareness in the minds of a future user after completing our product in which a user could complete many of their day to day activities from one single application.
I asked my attorney if “It’s an app for that” was available. Upon receiving confirmation, I advised him to proceed with the registration.
The mark has not been adopted or put in use yet because our product is a work in progress.
2. Myself and my previous attorney Omair Farooqui, for the selection. The mark has not been adopted or been put to use. Facebook posts about the proceeding and a couple of Tweets.
3. “There’s an app for that” in very old media adverts
4. Intend to use to promote my app, upon completion, as one app for many purposes. “it’s an app for that” would draw the attention of an app user to my app as a one stop solution to several of their day to day app use needs.
5. None exist

6. Not in use. Intend to distribute through a variety of app stores.
7. The day to day app user.
8. Zero. Not in use
9. Zero. Not in use
- 10.Zero. Not in use
- 11.None. Not in use. Will be using a PR firm, my Runmobi trademark, traditional and social media channels to promote my App.
- 12.No such enquiry was received or solicited.
- 13.When my attorney said the mark was available, we registered. No research was done based on the premise that if the USPTO found it objectionable, they would reject the mark.
- 14.it's an app for that. Com +11 other tld's
- 15.None. We are not using it yet.
- 16.Syed Ali Hasan, CEO
- 17.Syed Ali Hasan, CEO. A vision exists, nothing on paper
- 18.None has been received. A future team will be responsible
- 19.“It's an app for that” refers to one single application from which a potential user will be able to complete many activities on a day to day basis. We are not a warehouse of millions of apps such as the Apple app store.
- 20.None.

Dated: 4/27/15

Syed Ali Hasan
By: /s/Syed Ali Hasan
Syed Ali Hasan
530 Lytton Ave, 2nd Floor
Palo Alto, CA
94301
650 485 0875
In Pro Per

EXHIBIT B

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

In The Matter of Application Serial No. 85/866,375

For the mark: **IT'S AN APP FOR THAT**

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Dated: 4/27/15

Syed Ali Hasan
By: /s/Syed Ali Hasan
Syed Ali Hasan
530 Lytton Ave, 2nd Floor
Palo Alto, CA
94301
650 485 0875
In Pro Per

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APPLE INC.,	:
Opposer,	: Opposition No. 91214849
v.	:
SYED ALI HASAN,	:
Applicant.	:

-----X

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the RESPONSES to the OPPOSER'S FIRST SET OF INTERROGATORIES HAS BEEN SERVED ON OPPOSER by depositing said copy with FEDEX, addressed to

Allison Scott Roach
1100 Peachtree St NE # 2800
Atlanta, GA

This the 25th day of May 2015

/s/ Syed Ali Hasan, Syed Ali Hasan In pro per

EXHIBIT C

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

In the Matter of Application Serial No. **85/866,375**
For the mark: **IT'S AN APP FOR THAT**
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v.	:
	:
SYED ALI HASAN,	:
	:
Applicant.	:
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Opposition No. 91214849

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to 37 C.F.R. § 2.116 and 2.120 and Rule 33 of the Federal Rules of Civil Procedure, Opposer Apple Inc. ("Opposer") propounds the following interrogatories to be answered by Applicant Syed Ali Hasan ("Applicant") under oath within thirty (30) days of service hereof.

DEFINITIONS

- A. "Opposer" refers to Apple Inc.
- B. "Opposer's Mark" shall refer individually and collectively to Opposer's THERE'S AN APP FOR THAT mark, including but not limited to, the mark underlying the registrations in Paragraph 7 of Opposer's February 10, 2014 Notice of Opposition.
- C. "Opposer's Goods and Services" shall refer individually and collectively to all goods and services offered, sold, or promoted under or in connection with Opposer's Mark.
- D. "Applicant" refers to Sayed Ali Hasan.

E. “Applicant’s Mark” refers to the mark IT’S AN APP FOR THAT that is the subject of Application Serial No. 85/866,375.

F. “Applicant’s Goods and Services” shall refer individually and collectively to all goods and services offered, sold, or promoted under or in connection with Applicant’s Mark and all goods and services Applicant intends to offer, sell, or promote under or in connection with Applicant’s Mark.

G. “You” or “Your” shall refer to Applicant as defined in paragraph D, above.

H. The singular and the plural shall be mutually interchangeable, and usage of words either in the singular or plural in the following Requests shall not be construed to limit any Request.

I. “Person(s)” means any individual, firm, partnership, corporation, proprietorship, association, governmental body, or any other organization or entity.

J. “Identify” or “specify” when used in reference to a Person who is an individual, means to state his or her full name, present or last known address and phone number, and present or last known position or business affiliation.

K. “Identify” or “specify” when used in reference to a Person who is a firm, partnership, corporation, proprietorship, association, or other organization or entity, means to state its full name, the legal form of such entity or organization, its present or last known address and telephone number, and the identity of its chief executive officer, partners, or Persons in equivalent positions.

L. The conjunctive form “and” and the disjunctive form “or” shall be mutually interchangeable and shall not be construed to limit any Request.

M. The terms “any” and “all” shall be mutually interchangeable and shall not be

construed to limit any Request.

N. The term “including” shall mean “including without limitation.”

O. The term “concerning” shall be interpreted broadly, including both explicit and implicit reference and meaning, without limitation, relating to, regarding, referring to, constituting, defining, discussing, containing, construing, embodying, evidencing, supporting, refuting, reflecting, stating, dealing with, prepared in contemplation of, prepared in connection with, prepared as a result of, or in any way pertaining to.

INSTRUCTIONS

A. If You refuse to answer any Interrogatory in whole or in part based on a claim that any privilege applies to the information sought, state the privilege and describe the factual basis for your claim of privilege with such specificity as will permit Opposer to determine the legal sufficiency of the claim of privilege.

B. Each paragraph and subparagraph hereof and the definitions herein are to be construed independently, and not by or with reference to any other paragraph or subparagraph or definition herein if such construction would limit the scope of any particular Interrogatory or the subject matter thereof.

C. If any of these Interrogatories cannot be answered in full, You are to answer to the fullest extent possible, specifying the reason for Your inability to answer the remainder, and stating what information, knowledge, or belief You have concerning the unanswered portion.

D. These Interrogatories shall be deemed to be continuing. You are under a duty to supplement, correct, or amend your response to any of these Interrogatories if You learn that any response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to Opposer during the discovery process or in

writing.

E. Unless otherwise specified in the Interrogatory, these Interrogatories shall be deemed to seek information from January 1, 2009 to the present.

INTERROGATORIES

1. Describe in detail the circumstances surrounding the selection, adoption, use, and intended use of Applicant's Mark, including but not limited to any other names or marks that were considered; how and why Applicant's Mark was selected; all steps taken by Applicant to determine whether Applicant's Mark was available for use and registration prior to adoption; when, where, and how Applicant's Mark is used and/or intended to be used.

2. Identify each Person involved with or having knowledge of the selection, adoption, or first use of Applicant's Mark, and describe each such Person's knowledge.

3. Describe in detail when and how Applicant first become aware of Opposer and Opposer's Mark, including the identification of all individuals having knowledge thereof.

4. Identify each good or service for which Applicant has used or intends to use Applicant's Mark.

5. Identify any licenses, assignments, or other agreements concerning Applicant's Mark.

6. Identify and describe the channels of trade through which Applicant distributes, has distributed, or intends to distribute, any goods or services under or in connection with Applicant's Mark, including but not limited to the sales agents, dealerships, distributors, or other outlets through which any goods or services are, have been, or are intended to be sold.

7. Identify and describe Applicant's typical or target customers of goods or services sold or to be sold under Applicant's Mark.

8. State the annual dollar volume of sales from the date of first use to the present for Applicant's Goods and Services.

9. State the annual unit volume of sales from the date of first use to the present for Applicant's Goods and Services.

10. Identify Applicant's annual expenditures for each advertising or promotional medium used to promote Applicant's Goods and Services.

11. Identify (by title, name of publication or entity, and type of media) each channel through which Applicant's Goods and Services have been or will be marketed, advertised, or promoted under Applicant's Mark and the dates on which such marketing, advertising, or promotion occurred or is scheduled to occur.

12. Describe in detail each instance of which Applicant has actual or hearsay knowledge, directly or indirectly, of any communication, suggestion, or inquiry concerning an association, connection, or affiliation between Applicant, Applicant's Mark, or Applicant's Goods and Services, on the one hand, and Opposer, Opposer's Mark, or Opposer's Goods and Services, on the other hand, and identify each Person involved in or having knowledge of each such inquiry, suggestion, or communication.

13. Identify all steps taken by Applicant to determine whether Applicant's Mark infringed or infringes the rights of Opposer or any other party, including but not limited to any investigation or search that has been conducted.

14. Identify all domain names owned by Applicant.

15. Describe in detail all instances of which Applicant has actual or hearsay knowledge of any inquiry, complaint, or other communication concerning Applicant's business or any other inquiry, complaint, or other communication by any Person concerning the qualities,

advantages, or lack of quality of Applicant's Goods and Services, and identify each Person involved in or having knowledge of such inquiry, complaint, or communication.

16. Identify the Person(s) most knowledgeable about sales and marketing concerning Applicant's Goods and Services and each such person's position and duties.

17. Identify each Person who is now or has been responsible for or has participated in the creation, preparation, or development of Applicant's advertising or promotion for Applicant's Goods and Services, and the period(s) of time during which each such Person provided such services.

18. Identify each person to whom communications from customers, potential customers, distributors, retailers, or members of the public regarding Applicant's Goods and Services is now or would be routed by Applicant.

19. Describe in detail all facts evidencing, relating to, or tending to prove or disprove Applicant's claims or defenses, specifically identifying each action or omission on which each such claim or defense is based, and each witness or other Person having knowledge of such facts, actions, or omissions and identifying the facts or opinions about which each witness may be asked to testify.

20. Identify each Person Applicant expects to call as a witness in this proceeding.

Dated: December 15, 2014

**KILPATRICK TOWNSEND &
STOCKTON LLP**

By: /s/Alicia G. Jones
Alicia G. Jones
Crystal C. Genteman
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Attorneys for Opposer Apple Inc.

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I hereby certify that a true and correct copy of the foregoing OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT has been served on Applicant by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Syed Ali Hasan
530 Lytton Ave, 2nd Floor
Palo Alto, California 94304

This the 15th day of December, 2014.

/s/Crystal C. Genteman
Crystal C. Genteman
Attorney for Opposer Apple Inc.