

ESTTA Tracking number: **ESTTA749822**

Filing date: **06/02/2016**

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, tadmin@ktslaw.com,
Submission	Testimony For Plaintiff
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, tadmin@ktslaw.com
Signature	/Alicia Grahn Jones/
Date	06/02/2016
Attachments	Notice of Filing Testimony of Thomas La Perle and Exhibits - Apple v. Has- an.pdf(170440 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

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

**OPPOSER'S NOTICE OF FILING TESTIMONY
OF THOMAS LA PERLE, ESQ. AND EXHIBITS**

Opposer Apple Inc. ("Apple"), pursuant to 37 C.F.R. §§ 2.123(b), TBMP §§ 703.01(b) and 705, and the parties' stipulation executed and filed the Trademark Trial and Appeal Board on February 8, 2016 (Doc. No. 24), hereby file in connection with this opposition proceeding the executed and notarized testimonial affidavit of Thomas La Perle, Esq. executed on May 19, 2016 and accompanying Exhibit Nos. 1-43, all attached hereto as Exhibit A. As indicated on the affidavit and exhibits themselves, this testimony and all accompanying exhibits have been designated CONFIDENTIAL pursuant to the Trademark Trial and Appeal Board's standardized protective order operative in this matter. Accordingly, the materials in Exhibit A have been submitted under seal and are to be shielded by the Board and the Applicant from public access.

A copy of the parties' February 8, 2016 stipulation (Doc. No. 24), allowing for witness testimony to be submitted by affidavit in this opposition proceeding, is attached hereto as

Exhibit B.

Dated: June 2, 2016

Respectfully submitted,

**KILPATRICK TOWNSEND &
STOCKTON LLP**

By: /s/Alicia Grahn Jones

Alicia Grahn Jones

Allison Scott Roach

Crystal C. Genteman

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Attorneys for Opposer Apple Inc.

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

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing OPPOSER'S NOTICE OF FILING TESTIMONY OF THOMAS LA PERLE, ESQ. AND EXHIBITS 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 2nd day of June, 2016.

/s/Alberto Garcia _____
Alberto Garcia

EXHIBIT A

[FILED UNDER SEAL]

EXHIBIT B

ESTTA Tracking number: **ESTTA725607**

Filing date: **02/08/2016**

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

Proceeding	91214849
Party	Plaintiff Apple Inc.
Correspondence Address	JOSEPH PETERSEN KILPATRICK TOWNSEND & STOCKTON LLP 1114 AVENUE OF THE AMERICAS, 21ST FL NEW YORK, NY 10036 UNITED STATES AlJones@ktslaw.com, cgenteman@kilpatricktownsend.com, JPetersen@ktslaw.com, agarcia@ktslaw.com, tadmin@ktslaw.com
Submission	Other Motions/Papers
Filer's Name	Alicia Grahm Jones
Filer's e-mail	AlJones@ktslaw.com, cgenteman@kilpatricktownsend.com, JPetersen@ktslaw.com, agarcia@ktslaw.com, tadmin@ktslaw.com
Signature	/Alicia Grahm Jones/
Date	02/08/2016
Attachments	scan - 2016-02-08.pdf(90704 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
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APPLE INC.,	:	Opposition No. 91214849
Opposer,	:	
	:	
v.	:	
	:	
SYED ALI HASAN,	:	
	:	
Applicant.	:	
-----X	:	

**STIPULATION REGARDING THE PARTIES' SUBMISSION OF
TESTIMONY AT TRIAL**

Opposer Apple Inc. ("Opposer") and Applicant Syed Ali Hasan ("Applicant") hereby stipulate pursuant to 37 C.F.R. § 2.123(b) and Trademark Board Manual of Procedure Rules 704 and 705 as follows:

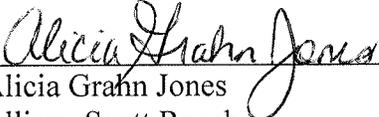
1. The testimony of any witness offered by either Opposer or Applicant (individually, a "Party" and collectively, the "Parties") may be submitted, during the Parties' respective testimony periods, in the form of an affidavit by such witness.
2. All affidavits so submitted may be relied upon by any Party as though the testimony of such witness or witnesses had been taken and submitted in the form of a testimony deposition.
3. Nothing in this Stipulation shall be construed as a waiver of any Party's objections to the testimony of any witness submitted pursuant to this Stipulation, including but

not limited to objections as to competence, relevance, hearsay, and the authenticity of submitted documents. All such objections are hereby preserved.

4. Nothing in this Stipulation shall be construed to limit any Party's right properly to submit evidence through other means, including but not limited to evidence capable of submission by Notice of Reliance pursuant to 37 C.F.R. §§ 2.120 (j) and 2.122.

5. Nothing in this Stipulation shall be construed to limit any Party's right to cross-examine a witness, whether in person, over the telephone, or through written questions, during the Party's own testimony period or rebuttal testimony period.

**KILPATRICK TOWNSEND &
STOCKTON LLP**



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Crystal C. Genteman
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530

Attorneys for Opposer

Date: 8/8/16

SYED ALI HASAN

_____/Syed Ali Hasan/

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

Applicant

Date: 2/7/16

