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

Proceeding	91233988
Party	Defendant Apple Inc.
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Date	05/23/2017
Attachments	SWIFT PLAYGROUNDS Swift SCRL v Apple Opp 91233988 Answer.pdf(12361 bytes)

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

Application Serial No. 87/023,736
Mark: SWIFT PLAYGROUNDS
Published in the *Official Gazette* on October 18, 2016

SOCIETY FOR WORLDWIDE	:	
INTERBANK FINANCIAL	:	
TELECOMMUNICATION SCRL,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91233988
	:	
APPLE INC.	:	
	:	
Applicant.	:	

ANSWER

Applicant Apple Inc. (“Apple”), by its attorneys, hereby answers the numbered paragraphs of the Notice of Opposition filed by Opposer Society for Worldwide Interbank Financial Telecommunication SCRL (“Opposer”) as follows:

1. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first numbered paragraph, and they are therefore denied.
2. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the second numbered paragraph, and they are therefore denied.
3. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the third numbered paragraph, and they are therefore denied.
4. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the fourth numbered paragraph, and they are therefore denied.

5. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the fifth numbered paragraph, and they are therefore denied.

6. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the sixth numbered paragraph, and they are therefore denied.

7. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the seventh numbered paragraph, and they are therefore denied.

8. Apple admits that the records at the United States Patent and Trademark Office (“PTO”) identify Opposer as the current owner of the trademark registration listed in the eighth numbered paragraph, but otherwise is without knowledge or information sufficient to form a belief as to the remaining allegations in the eighth numbered paragraph, and they are therefore denied.

9. Apple admits that the records at the United States Patent and Trademark Office (“PTO”) identify Opposer as the current owner of the trademark registration listed in the ninth numbered paragraph, but otherwise is without knowledge or information sufficient to form a belief as to the remaining allegations in the ninth numbered paragraph, and they are therefore denied.

10. Apple admits that the records at the United States Patent and Trademark Office (“PTO”) identify Opposer as the current owner of the trademark registration listed in the tenth numbered paragraph, but otherwise is without knowledge or information sufficient to form a belief as to the remaining allegations in the tenth numbered paragraph, and they are therefore denied.

11. Apple admits that the records at the United States Patent and Trademark Office (“PTO”) identify Opposer as the current owner of the trademark registration listed in the

eleventh numbered paragraph, but otherwise is without knowledge or information sufficient to form a belief as to the remaining allegations in the eleventh numbered paragraph, and they are therefore denied.

12. The twelfth numbered paragraph contains no allegations to which a response is required.

13. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the thirteenth numbered paragraph, and they are therefore denied. To the extent such allegations are legal conclusions to which no response is required, they are denied.

14. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the fourteenth numbered paragraph, and they are therefore denied.

15. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the fifteenth numbered paragraph, and they are therefore denied. To the extent such allegations are legal conclusions to which no response is required, they are denied.

16. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the sixteenth numbered paragraph, and they are therefore denied. To the extent such allegations are legal conclusions to which no response is required, they are denied.

17. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the seventeenth numbered paragraph, and they are therefore denied. To the extent such allegations are legal conclusions to which no response is required, they are denied.

18. Apple is without knowledge or information sufficient to form a belief as to the truth of the allegations in the eighteenth numbered paragraph, and they are therefore denied. To the extent such allegations are legal conclusions to which no response is required, they are denied.

19. Apple admits that it is the owner of Application Serial No. 87/023,736 for SWIFT PLAYGROUNDS, which speaks for itself.

20. Apple admits that it is the owner of Application Serial No. 87/023,736 for SWIFT PLAYGROUNDS, which speaks for itself.

21. Apple admits that it is the owner of Application Serial No. 87/023,736 for SWIFT PLAYGROUNDS, which claims a date of first use and first use in commerce at least as early as June 2, 2014 and otherwise speaks for itself.

22. Apple denies the allegations set forth in the twenty-second numbered paragraph. To the extent such allegations are legal conclusions to which no response is required, they are denied.

23. The allegations set forth in the twenty-third numbered paragraph constitute a legal conclusion, to which no response is required, and they are therefore denied.

24. Apple admits that it is currently using Apple's SWIFT PLAYGROUNDS Mark in connection with computer software for software development and educational software featuring instruction in computer programming, namely, a programming language for Apple's iOS, macOS, watchOS, and tvOS operating systems, which is used in creating computer software applications, but Apple is otherwise without knowledge or information sufficient to form a belief as to the remaining allegations in the twenty-fourth numbered paragraph, and they are therefore denied.

25. Apple admits that it was aware of Opposer prior to filing Application Serial No. 87/023,736.

26. Apple admits that PTO records indicate that Opposer's asserted registrations claim a first use date that is prior to the date of first use in commerce claimed in Application Serial No. 87/023,736.

27. Apple admits that PTO records indicate that applications underlying Opposer's asserted registrations were filed prior to the date of first use in commerce claimed in Application Serial No. 87/023,736, but otherwise is without knowledge or information sufficient to form a belief as the truth of the remainder of the allegations in the twenty-seventh numbered paragraph, and they are therefore denied.

28. Apple denies the allegations set forth in the twenty-eighth numbered paragraph.

29. Apple admits that the applied-for mark contains the term "SWIFT" and that Opposer's asserted registrations consist of the term "SWIFT", but denies the remaining allegations set forth in the twenty-ninth numbered paragraph.

30. Apple denies the allegations set forth in the thirtieth numbered paragraph.

31. Apple denies the allegations set forth in the thirty-first numbered paragraph.

32. Apple denies the allegations set forth in the thirty-second numbered paragraph.

33. Apple denies the allegations set forth in the thirty-third numbered paragraph.

34. Apple states that it does not require Opposer's license, authorization or permission, but otherwise admits the allegations of the thirty-fourth numbered paragraph.

35. Apple denies the allegations set forth in the thirty-fifth numbered paragraph.

36. Apple denies the allegations set forth in the thirty-sixth numbered paragraph.

WHEREFORE, Apple prays that this Opposition be dismissed with prejudice and the registration of the mark shown in Application Serial No. 87/023,736 be granted.

Date: May 23, 2017

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*Counsel for Applicant
Apple Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer has been duly served by email to counsel for Opposer, Bassam N. Ibrahim, at bassam.ibrahim@bipc.com on May 23, 2017.

/Daniel P. Hope/
Daniel P. Hope