

ESTTA Tracking number: **ESTTA991562**

Filing date: **07/30/2019**

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

Proceeding	91243953
Party	Defendant Baidu Online Network Technology (Beijing) Co., Ltd.
Correspondence Address	KEITH W MEDANSKY DLA PIPER LLP US 444 WEST LAKE STREET, SUITE 900 CHICAGO, IL 60606-0089 UNITED STATES ch.tm@dlapiper.com, anthony.rufo@dlapiper.com, keith.medansky@dlapiper.com, elizabeth.nolan@dlapiper.com, ch.tm@dlapiper.com 312-468-4000
Submission	Motion to Dismiss - Rule 12(b)
Filer's Name	Kyle Koemm
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Signature	//Kyle Koemm//
Date	07/30/2019
Attachments	Motion to Dismiss Notices of Oppositions 7-30-19.pdf(292767 bytes ) Exhibit A 1.pdf(6134940 bytes ) Exhibit A 2.pdf(3930708 bytes ) Exhibit A 3.pdf(2847127 bytes ) Exhibit A 4.pdf(3505226 bytes ) Exhibit B .pdf(208172 bytes )

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

ARROWARE INDUSTRIES, INC.,

Opposer,

v.

BAIDU ONLINE NETWORK  
TECHNOLOGY (BEIJING) CO., LTD.,

Applicant.

Opposition Nos.

91244377, 91244378, 91244379,

91243953, 91243958, 91243960,

91243747, 91243746, 91243592,

91244939, 91244940, 91244942

**MOTION TO DISMISS NOTICES OF OPPOSITION**

Applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

("Applicant") by and through its counsel, hereby moves the Trademark Trial and Appeal Board (the "Board") to dismiss the Notices of Opposition (the "Notices of Opposition") filed by Opposer ARROWARE INDUSTRIES, INC. ("Opposer") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Section 503.02 of the Trademark Trial and Appeal Board's Manual of Procedure because, as matter of fact and law, there can be no likelihood of confusion between Applicant's marks and Opposer's pleaded mark, Registration No. 4,668,175.

**ARGUMENT**

Opposer's Notices of Opposition fails to meet the pleading requirements of the Federal Rules of Civil Procedure. Rule 8 requires "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Under the pleading standards established by *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), Opposer must do more than merely state that the law has been violated—



Opposer must plead sufficient facts to show that it has a plausible claim for relief. Opposer has failed to do so here, because Opposer relies upon only its pleaded mark, Registration No. 4,668,175, which has been voluntarily surrendered and alleges fraud without the specificity required under the pleading standards.

Accordingly, the Notices of Opposition is both factually and legally deficient, and as such warrants dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. *See Exhibits A and B.*

## **I. Legal Standard**

A motion to dismiss under Rule 12(b)(6) tests the legal sufficiency of a complaint. *See Adv. Cardiovascular Sys. Inc. v. SciMed Life Sys. Inc.*, 26 U.S.P.Q.2d 1038, 1041 (Fed. Cir. 1993); *see also Space Base Inc. v. Stadis Corp.*, 17 U.S.P.Q.2d 1216, 1218 (T.T.A.B. 1990). Under Rule 12(b)(6), dismissal is appropriate if a pleading fails to “state a claim upon which relief can be granted.” *See* Fed. R. Civ. P. 12(b)(6). “To survive a motion to dismiss under Rule 12(b)(6), a notices of opposition need only allege facts as would, if proven, establish opposer’s standing to maintain the proceeding and a ground or grounds for refusing registration to applicant.” *See Schlumberger Tech. Corp. v. Halliburton Energy Servs., Inc.*, 2003 TTAB LEXIS 285, at \*1 (T.T.A.B. Jun. 18, 2003). To successfully prosecute an opposition based on likelihood of confusion, an opposer must “assert[] more than a mere possibility of confusion; a probability of confusion is required.” *See* James E. Hawes and Amanda v. Dwight, 1 Trademark Registration Practice § 16:11. Dismissal is appropriate where a pleading does not allege the facts necessary to establish that a opposer is entitled to relief. *See* Fed. R. Civ. P. 12(b)(6).

Rule 8 of the Federal Rules of Civil Procedure requires that a complaint must include “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. Without requiring at least the facial plausibility of asserted claims, “claim[s] would survive a

motion to dismiss whenever the pleadings left open the possibility that a plaintiff might later establish some ‘set of [undisclosed] facts’ to support recovery.” *Id.* at 561. Such a minimal pleading standard would render meaningless a court’s “power to insist upon some specificity in pleading before allowing a potentially massive factual controversy to proceed.” *Id.* at 558 (quoting *Assoc. Gen. Contractors of Cal., Inc. v. California State Council of Carpenters*, 459 U.S. 519, 528 n.17 (1983)).

## **II. Opposer Has Failed To State A Claim Against Applicant For Likelihood Of Confusion**

In considering Applicant’s Motion to Dismiss, the Board is required to consider not only the specific facts alleged in the Notices of Opposition, but also the particulars of the marks of Applicant and the history of Opposer’s registration, since those applications and registrations are central to the issues presented in this opposition proceeding and are incorporated by reference in Opposer’s Notices of Opposition. See *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 127 S. Ct. 2499, 2509 (2007) (“courts must consider the complaint in its entirety, as well as other sources courts ordinarily examine when ruling on Rule 12(b)(6) motions to dismiss, in particular, documents incorporated into the complaint by reference, and matters of which a court may take judicial notice.”); *Pani v. Empire Blue Cross Blue Shield*, 152 F.3d 67, 75 (2d. Cir 1998) (a court may consider matters of public record and documents integral to plaintiff’s complaint when deciding a motion to dismiss).

In an opposition proceeding alleging likelihood of confusion, Opposer must allege facts sufficient to establish that: (1) Opposer has priority of rights in and to the mark at issue; and (2) Applicant’s mark, as applied for, is so similar to Opposer’s mark as to be likely to cause confusion, mistake, or deception. *Bongrain Int’l (Am.) Corp. v. Moquet, Ltd.*, 230 U.S.P.Q. 626, 626 (T.T.A.B. 1986). Here, Opposer has failed to do so, as it relies upon a registration which is

no longer valid and asserts no other persuasive facts to support its position that Applicant's marks are likely to cause confusion with its now canceled registration.

### **III. The Notices of Opposition Should Be Dismissed Because Opposer's Fraud Claim Fails to Allege Elements Sufficient to State a Plausible Claim to Relief**

To properly plead that an applicant has committed fraud, an opposer must establish that: (i) the applicant made a false representation to the United States Patent and Trademark Office ("PTO"); (ii) the false representation is material to the registrability of the mark; (iii) registrant had knowledge of the falsity of the representation; and (iv) registrant made the representation with intent to deceive the PTO. *In re Bose Corp.*, 580 F.3d 1240, 91 U.S.P.Q.2d 1938, 1941 (Fed. Cir. 2009). A party opposing a trademark registration on the grounds of fraud bears a heavy burden, because "absent the requisite intent to mislead the PTO, even a material misrepresentation would not qualify as fraud under the Lanham Act warranting cancellation." *Id.* at 1940 (citing *King Auto., Inc. v. Speedy Muffler King, Inc.*, 667 F.2d 1008, 1011 n.4, 212 U.S.P.Q. 801 (CCPA 1981)). "[T]he very nature of the charge of fraud requires that it be proven 'to the hilt' with clear and convincing evidence. There is no room for speculation, inference or surmise and, obviously, any doubt must be resolved against the charging party." *Smith Int'l, Inc. v. Olin Corp.*, 209 USPQ 1033, 1044 (T.T.A.B. 1981).

To successfully plead that Applicant committed fraud, Opposer must have alleged the elements of fraud with particularity in accordance with Fed. R. Civ. P. 9(b). C.F.R. §2.116(a). Under Rule 9(b), together with Fed. R. Civ. P. 11 and PTO Rule 11.18, "the pleadings [must] contain explicit rather than implied expression of the circumstances constituting fraud." *Asian & Western Classics B.V. v. Selkow*, 92 U.S.P.Q.2d 1478 (T.T.A.B. 2009) (quoting *King Auto., Inc.*, 212 U.S.P.Q. at 803). Pleadings of fraud made "on information and belief," when there is no allegation of "specific facts upon which the belief is reasonably based" are legally insufficient.

*Id.*

Here, Opposer clearly fails to plead the required elements to make a fraud claim. Opposer makes the following allegations: that Applicant did not have the requisite bone fide intention to use its marks in interstate commerce. In these allegations, Opposer rests its claim for fraud solely on vague, conclusory statements. Absent specific facts that satisfy the heightened pleading requirement of Fed. R. Civ. P. 9(b), the Board is under no obligation to consider Opposer's claim for fraud.

### **CONCLUSION**

WHEREFORE, Applicant respectfully requests that the Board enter an Order granting Applicant's Motion to Dismiss, or in the alternative, granting this Motion entering summary judgment against Opposer to the extent and for the reasons set forth above, dismissing the Notices of Opposition with prejudice as a matter of law, and granting such other and further relief as the Board deems just and proper.

Dated: New York, NY

July 30, 2019

Respectfully submitted,  
HAUG PARTNERS LLP

By: /s/ Ben Natter

Ben Natter, Esq.  
745 Fifth Avenue  
New York, New York 10151  
Tel: (212) -588-0800  
Email: bnatter@haugpartners.com

*Attorneys for Applicant*

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing MOTION TO DISMISS NOTICES OF OPPOSITION has been served on Opposer's counsel of record, Michael Graif, Mintz Levin Cohn Ferris Glovsky and Popeo PC, 666 Third Avenue, New York, NY 10017 by forwarding said copy on this date via email to mrgraif@mintz.com.

Dated: July 30, 2019

/s/ Ben Natter

Ben Natter

# EXHIBIT A

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>

ESTTA Tracking number: **ESTTA921654**

Filing date: **09/12/2018**

## 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	Arroware Industries, Inc.
Granted to Date of previous extension	09/12/2018
Address	40 Valleyview Dr., Ancaster, Ontario, L9G2A5 CANADA
Correspondence information	Timur E. Slonim Attorney of Record Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C 666 Third Avenue New York, NY 10017 UNITED STATES teslonim@mintz.com, mmims@mintz.com, ipdocketingBOS@mintz.com 212-692-6704

#### Applicant Information

Application No	87514254	Publication date	05/15/2018
Opposition Filing Date	09/12/2018	Opposition Period Ends	09/12/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA		

#### Goods/Services Affected by Opposition


Class 038. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunications networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Attachments	85895773#TMSN.png( bytes ) Opposition Baidu Apollo 87-514-254.PDF(105955 bytes ) Exhibits 1-4.pdf(2268687 bytes )
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Signature	/Timur E. Slonim/
Name	Timur E. Slonim
Date	09/12/2018

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

In the Matter of Application Serial No. 87/514,254

for BAIDU APOLLO

Published in the *Official Gazette* on May 15, 2018

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Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/514,254
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

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**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/514,254 for the proposed mark BAIDU APOLLO (“Proposed BAIDU APOLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on May 15, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**



## LIKELIHOOD OF CONFUSION AND PRIORITY

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/514,254 under Trademark Act Section 1(b) on July 3, 2017 to register the proposed mark BAIDU APOLLO for “Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars” in International Class 038

(“Application”). (Ex. 2) The mark BAIDU APOLLO was published in the *Official Gazette* on May 15, 2018.

3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others, all of which are redirected to www.arroware.ca website.
7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer’s software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB

Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, recombun.com, betakit.com, alphi.com, rfi.fr, digitlife.fr, and dutchcowboys.nl.

9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, facebook.com, twitter.com, and youtube.com, consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.
10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.  
(Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into the Proposed BAIDU APOLLO Mark.
13. Applicant's Proposed BAIDU APOLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed BAIDU APOLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed BAIDU APOLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 66 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM

APOLLO, BAIDU APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the “APOLLO Family of Marks”). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including “computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information,” “file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files,” “electronic, electric, and digital transmission of voice, data, images, signals, and messages,” “communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks,” and “computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest.” It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant’s APOLLO Family of Marks is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant’s APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer’s MYAPOLLO Mark.

19. Upon information and belief, Applicant intends to use its Proposed BAIDU APOLLO Mark in connection with “Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars” as fully recited in the Application. Proposed BAIDU APOLLO Mark is part of the APOLLO Family of Marks.
20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.

22. The services identified by Applicant's Proposed BAIDU APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer's MYAPOLLO Mark.
23. The services identified by Applicant's Proposed BAIDU APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer's MYAPOLLO Mark.
24. The services identified by Applicant's Proposed BAIDU APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.
25. Applicant's Proposed BAIDU APOLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed BAIDU APOLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/514,254 for the mark BAIDU APOLLO under Section 2(d) of the Trademark Act.

## **COUNT TWO**

### **LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use BAIDU APOLLO mark for each and every good and service recited in the Application when it was filed on July 3, 2017.

Dated: September 12, 2018

Respectfully submitted,

By:



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Timur Slonim, Esq.  
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(212) 935-3000  
(212) 983-3115 (Fax)  
*Attorneys for Opposer Arroware Industries,  
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on September 12, 2018 to:

**creatingip@gmail.com**

Mr. Hailong Xiang  
Baidu Online Network Technology (Beijing) Co., Ltd.  
Flat C 29 F Tower 3 Discovery Park  
Tsuen Wan NT,  
Hong Kong



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Timur E. Slonim



# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES, TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



United States Patent and Trademark Office

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# MYAPOLLO

**Word Mark** MY APOLLO  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85895773

**Filing Date** April 4, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 30, 2013

**Registration Number** 4668175

**Registration Date** January 6, 2015

**Owner** (REGISTRANT) Arroware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5

**Attorney of Record** Timur E. Slonim

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
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TSDR now includes a Post Registration Maintenance Tab that appears as a third tab next to the "Status" and "Document" tabs for registered marks. The tab will not appear if the mark is not registered.

The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share images or graphics, audio, video, and other multimedia content between registered users via global telephones, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent: TIMUR E. SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

**Assignment Abstract Of Title Information - Click to Load**

## Proceedings - Click to Load



## **Exhibit 2**



## United States Patent and Trademark Office

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## Trademarks &gt; Trademark Electronic Search System (TESS)

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[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) List At:  OR [Jump](#) to record:  **Record 56 out of 66**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# Baidu Apollo

**Word Mark** BAIDU APOLLO**Translations** The wording "Baiduh" as no meaning in a foreign language.

**Goods and Services** IC 038. US 100 101 104. G & S: Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars

**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 87514254**Filing Date** July 3, 2017**Current Basis** 1B**Original Filing Basis** 1B

May 15, 2018

**Published for  
Opposition**

**Owner** (APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company  
(Ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING  
CHINA

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead  
Indicator** LIVE

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TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Generated on: This page was generated by TSDR on 2018-09-11 15:18:45 EDT

Mark: BAIDU APOLLO

Baidu Apollo

US Serial Number: 87514254

Application Filing Date: Jul. 03, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 14, 2018

Publication Date: May 15, 2018

## Mark Information

Mark Literal Elements: BAIDU APOLLO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Translation: The wording "Baiduh" as no meaning in a foreign language.

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*, \* identify additional (new) wording in the goods/services.

**For:** Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

Owner Address: BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING  
CHINA

Legal Entity Type: limited company (ltd.)

State or Country CHINA  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Docket Number: VM82889

### Correspondent

Correspondent XIANG, HAILONG  
Name/Address: FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT  
HONG KONG

Correspondent e-mail: [creatingip@gmail.com](mailto:creatingip@gmail.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 14, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 15, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 15, 2018	PUBLISHED FOR OPPOSITION	
Apr. 25, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 10, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 22, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 22, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 22, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 28, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 28, 2017	NON-FINAL ACTION E-MAILED	6325
Sep. 28, 2017	NON-FINAL ACTION WRITTEN	76581
Sep. 27, 2017	ASSIGNED TO EXAMINER	76581
Jul. 11, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 06, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: BUTLER, ANDREA P

Law Office LAW OFFICE 124  
Assigned:

### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 12, 2018

## Proceedings

### Summary

Number of 1  
Proceedings:

### Type of Proceeding: Extension of Time

Proceeding Number: 87514254

Filing Date: Jun 14, 2018

Status: Extension of Time to Oppose Filed

Status Date: Jun 14, 2018

Interlocutory  
Attorney:

Defendant

Name: BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ) CO., LTD.

Correspondent XIANG HAILONG

Address: FLAT C 29/F TOWER 3 DISCOVERY PARK  
TSUEN WAN NT HONG KONG

Correspondent e-mail: [creatingip@gmail.com](mailto:creatingip@gmail.com)

Associated marks

Mark	Application Status	Serial Number	Registration Number
BAIDU APOLLO	Request For Extension of Time to File Opposition	87514254	
Potential Opposer(s)			

Name: Arroware Industries, Inc.

Correspondent TIMUR E SLONIM

Address: MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC  
666 THIRD AVENUE  
NEW YORK NY , 10017  
UNITED STATES

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com) , [mmims@mintz.com](mailto:mmims@mintz.com) , [ipdocketingBOS@mintz.com](mailto:ipdocketingBOS@mintz.com)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 14, 2018	
2	EXT GRANTED	Jun 18, 2018	

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, May 15, 2018 00:53 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87514254: BAIDU APOLLO: Docket/Reference No. VM82889

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**TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87514254  
**Mark:** BAIDU APOLLO  
**International Class(es):** 038  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** VM82889

The mark identified above has been published in the Trademark Official Gazette (TMOG) on May 15, 2018.

**To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-05-15&serialNumber=87514254>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

**Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87514254&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87514254&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87514254&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87514254&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Apr 25, 2018

## NOTICE OF PUBLICATION

- |                                      |  |
|--------------------------------------|--|
| 1. Serial No.:<br>87-514,254         | 2. Mark:<br>BAIDU APOLLO<br>(STANDARD CHARACTER MARK)      |
| 3. International Class(es):<br>38    |  |
| 4. Publication Date:<br>May 15, 2018 | 5. Applicant:<br>BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

[creatingip@gmail.com](mailto:creatingip@gmail.com)



---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, April 25, 2018 04:37 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87514254: BAIDU APOLLO: Docket/Reference No. VM82889

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87514254) is scheduled to publish in the *Official Gazette* on May 15, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87514254>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87514254	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BUTLER, ANDREA P	L.O. ASSIGNED	N60-NOT FOUND

**PUB INFORMATION**

RUN DATE	04/11/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	04/10/2018		
LITERAL MARK ELEMENT	BAIDU APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BAIDU APOLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,
ENTITY	99-limited company (ltd.)

CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
TRANSLATION	The wording Baidu has no meaning in a foreign language.

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/10/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	010
03/22/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/22/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/22/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
09/28/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
09/28/2017	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/28/2017	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER	003
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE

# Baidu Apollo

## Note To The File

Serial Number: 87514254

BAIDU APOLLO

Date: 04/10/2018 10:48 am

Created by: Andrea Butler

=====

refusals withdrawn

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87514254	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BUTLER, ANDREA P	L.O. ASSIGNED	N60-NOT FOUND

**PUB INFORMATION**

RUN DATE	03/23/2018		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/22/2018		
LITERAL MARK ELEMENT	BAIDU APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BAIDU APOLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,
ENTITY	99-limited company (ltd.)

CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
TRANSLATION	The wording Baidu has no meaning in a foreign language.

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/22/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/22/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/22/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
09/28/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
09/28/2017	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/28/2017	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER	003
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE

Baidu Apollo



## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87514254
LAW OFFICE ASSIGNED	LAW OFFICE 124
<b>MARK SECTION</b>	
MARK	<a href="https://tmng-al.uspto.gov/resting2/api/img/87514254/large">https://tmng-al.uspto.gov/resting2/api/img/87514254/large</a>
LITERAL ELEMENT	BAIDU APOLLO
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
Please see the actual argument text attached within the Evidence section.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
ORIGINAL PDF FILE	<a href="#">evi_10178255132-20180322050605992573_180314_VM82889_USPTO_FOA-ES.pdf</a>
CONVERTED PDF FILE(S) (2 pages)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514254\xml4\ROA0002.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514254\xml4\ROA0003.JPG</a>
DESCRIPTION OF EVIDENCE FILE	arguments responding to the office action
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
INTERNATIONAL CLASS	038
<b>DESCRIPTION</b>	
Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
INTERNATIONAL CLASS	038
<b>TRACKED TEXT DESCRIPTION</b>	
Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line	

facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars

#### FINAL DESCRIPTION

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars

#### FILING BASIS

Section 1(b)

#### SIGNATURE SECTION

##### DECLARATION SIGNATURE

/xhl/

##### SIGNATORY'S NAME

XIANG, HAILONG

##### SIGNATORY'S POSITION

Director

##### DATE SIGNED

03/22/2018

##### RESPONSE SIGNATURE

/xhl/

##### SIGNATORY'S NAME

XIANG, HAILONG

##### SIGNATORY'S POSITION

Director

##### DATE SIGNED

03/22/2018

##### AUTHORIZED SIGNATORY

YES

#### FILING INFORMATION SECTION

##### SUBMIT DATE

Thu Mar 22 05:21:09 EDT 2018

##### TEAS STAMP

USPTO/ROA-XXX.XX.XXX.XXX-  
20180322052109555310-8751  
4254-51081b7ecec275834ecb  
2d1ddc9ec0542b4c6de31bd82  
f773ad659e09fa5363b-N/A-N  
/A-20180322050605992573

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PTO Form 1057 (Rev 10/2011)

OMB No. 0551-0050 (Exp 09/26/2020)

### Response to Office Action

#### To the Commissioner for Trademarks:

Application serial no. **87514254** BAIDU APOLLO(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87514254/large>) has been amended as follows:

#### ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

#### EVIDENCE

Evidence in the nature of arguments responding to the office action has been attached.

**Original PDF file:**

evi\_10178255132-20180322050605992573\_180314\_VM82889\_USPTO\_FOA-ES.pdf

**Converted PDF file(s) ( 2 pages)**

Evidence-1

Evidence-2

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 038 for Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars

Class 038 for Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

#### SIGNATURE(S)

Declaration Signature

**DECLARATION:** The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

**STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU:** If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application**, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application**, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

**STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)**

**COLLECTIVE/CERTIFICATION MARK APPLICATION:** If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: **for a trademark or service mark application**, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; **for a collective trademark, collective service mark, collective membership mark, or certification mark application**, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; **for a certification mark application**, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /xhl/ Date: 03/22/2018  
Signatory's Name: XIANG, HAILONG  
Signatory's Position: Director



**Response Signature**

Signature: /xhl/ Date: 03/22/2018  
Signatory's Name: XIANG, HAILONG  
Signatory's Position: Director

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder ; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.


Serial Number: 87514254  
Internet Transmission Date: Thu Mar 22 05:21:09 EDT 2018  
TEAS Stamp: USPTO/ROA-XXX.XX.XXX.XXX-201803220521095  
55310-87514254-51081b7ecce275834ecb2d1dd  
c9ec0542b4c6de31bd82f773ad659e09fa5363b-  
N/A-N/A-20180322050605992573

In response to the refusal under Section 2(d) of the Act because of a likelihood of confusion with the marks in U.S. Registration Nos. 2770579 for "APOLLO", 4951891 for

", 3702199 for "baidu" and 3644255 for "", the Applicant submits as follows:

For the prior registered marks of registration numbers 3702199 and 3644255, the applicant confirms that it is a wholly owned subsidiary of BAIDU.COM, INC, the owner of these two cited prior marks; the entities constitute a "single source" and so there is no likelihood of confusion. Please kindly waive the citations.

For the prior registered marks of Registration Numbers 2770579 for "APOLLO" and

4951891 for "", the Applicant submits that the Applicant's mark "~~Baidu Apollo~~" is not confusingly similar to this cited prior marks (hereinafter referred to as "the cited prior mark").

First, the Applicant's mark differs greatly in overall commercial impression from the cited prior marks. The only common element shared by the Applicant's mark and the cited prior marks is the word "APOLLO". However, we submit that marks must be compared in their entireties to evaluate the potential for confusion, as the law requires. Here, the commercial impression of Applicant's mark is not derived solely from the word "APOLLO". In the Applicant's mark, it begins with the word "Baidu" which represents the Applicant. "Baidu" appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the services listed in the application, no geographical significance, nor any meaning in a foreign language. It is distinctive in relation to the applied-for services. In contrast, such word or similar word is absent in the cited prior marks. Taking into consideration of the fact that the general consumers in general pay more attention to the beginning of a trademark than the end, the Applicant's mark gives a different commercial impression than the cited prior marks. The Applicant's mark is therefore visually, phonetically and conceptually different from the cited prior marks when viewed in their entirety and no confusion will arise. The present application should not be barred from registration.

To further differentiate the Applicant's mark from the cited prior marks, the Applicant has amended the Applicant's services as follows:

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars.

After the amendment of the Applicant's services, even if you insist that the Applicant's mark is similar to the cited prior marks in U.S. Registration Nos. 2770579 for "APOLLO" and



4951891 for " ", the Applicant's services are not similar to the services of the cited prior marks. For the cited prior mark in U.S. Registration No. 2770579 for "APOLLO", it is registered in respect of services in the field of travel only, but the Applicant's services after amendment are in the field of driverless cars and autonomous cars. In view of the differences in the fields, the Applicant's services should not be considered as similar to those of the cited prior mark. For the cited prior mark in U.S.



Registration No. 4951891 for " ", it is registered mainly in respect of broadcasting services; none of the Applicant's services after amendment is related to broadcasting services. If the cited prior mark in U.S. Registration No. 4951891 for



" " for broadcasting services is able to coexist with the cited prior mark in U.S. Registration No. 2770579 for "APOLLO" for electronic data interchange network services and providing access time to computer databases, by analogy the cited prior mark



in U.S. Registration No. 4951891 for " " for broadcasting services should not bar the Applicant's mark.

Please re-consider and approve the subject mark for registration.

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com)))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87514254 - BAIDU APOLLO - VM82889  
**Sent:** 9/28/2017 2:03:16 PM  
**Sent As:** ECOM124@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
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[Attachment - 31](#)  
[Attachment - 32](#)

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION  
SERIAL NO. 87514254

MARK: BAIDU  
APOLLO

**\*87514254\***

**CORRESPONDENT**

**ADDRESS:**

XIANG, HAILONG  
FLAT C, 29/F,  
TOWER 3, DISCOVERY  
PARK  
TSUEN WAN, NT  
HONG KONG

**CLICK HERE TO RESPOND TO THIS**

**LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**VIEW YOUR APPLICATION FILE**

**APPLICANT:** BAIDU  
ONLINE NETWORK  
TECHNOLOGY  
(BEIJING ETC.

**CORRESPONDENT'S  
REFERENCE/DOCKET**

**NO:**

VM82889

**CORRESPONDENT**

**E-MAIL ADDRESS:**

creatingip@gmail.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

**ISSUE/MAILING DATE: 9/28/2017**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**Summary of Issues That Applicant Must Address**

- Refusal under Section 2(d) – Likelihood of Confusion

**Section 2(d) – Likelihood of Confusion**

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 2770579, 3702199 and 3644255. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* *See* the attached registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterro Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*



The applicant's mark is BAIDU APOLLO for "Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services".

The registrant's mark is BAIDU and BAIDU (with design and Asian characters) for "Broadcast of cable television programmes; Electronic message sending; Communications by computer terminals; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Electronic mail services; Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Providing telecommunications connections to a global computer network; Providing multiple-user access to a global computer information network; Providing internet chatrooms; Voice mail services".

The registrant's mark is APOLLO for "Electronic data interchange network services, namely, providing on-line electronic bulletin boards for transmission of messages among computer users concerning travel, travel arrangements, and travel agency services; providing access time to computer databases in the field of travel arranging, booking and reservations".

The registrant's mark is APOLLO TV for "Internet broadcasting services; Broadband broadcasting services, namely, broadcasting radio, television, cable radio and cable television programs and filmed entertainment via broadband communications networks."

#### The Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

The applicant's mark is BAIDU APOLLO. The registrants' marks are BAIDU, BAIDU (with design and Asian characters), APOLLO TV and APOLLO. The applicant share terms with all of the registered marks. Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

Moreover, while the applicant's mark contains an additional term not part of the cited registrations, adding a term to a registered mark generally does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1269 (TTAB 2009) (finding TITAN and VANTAGE TITAN confusingly similar); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002, 2004 (TTAB 1988) (finding MACHO and MACHO COMBOS confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

#### The Goods/Services

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i).

The respective goods and/or services need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The applicant's services are "communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services".

The registrant's (BAIDU and BAIDU (with design and Asian characters)) services are "Broadcast of cable television programmes; Electronic message sending; Communications by computer terminals; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Electronic mail services; Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Providing telecommunications connections to a global computer network; Providing multiple-user access to a global computer information network; Providing internet chatrooms; Voice mail services". The applicant's and registrant's services are the same type of communication services.

The registrant's (APOLLO) services are "Electronic data interchange network services, namely, providing on-line electronic bulletin boards for transmission of messages among computer users concerning travel, travel arrangements, and travel agency services; providing access time to computer databases in the field of travel arranging, booking and reservations". The applicant's and registrant's services are both providing the same type of services. While the registrant's field of use has been identified, the applicant's services are not limited, and thus encompass the applicant's more specific services.

The registrant's (APOLLO TV) services are "Internet broadcasting services; Broadband broadcasting services, namely, broadcasting radio, television, cable radio and cable television programs and filmed entertainment via broadband communications networks." Telecommunications services and broadcasting services are related as they commonly emanate from the same source.

The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the goods and/or services listed therein, namely broadcasting and telecommunications services such as transmission and access services, are of a kind that may emanate from a single source under a single mark. *See In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126 n.5 (TTAB 2015) (citing *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988)); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); TMEP §1207.01(d)(iii).

Given the similarities of the marks and the same services, confusion as to source is likely and therefore, registration is refused under Trademark Act Section 2(d) based on a likelihood of confusion.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

### **General Response Information**

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see "[Responding to Office Actions](#)" on the USPTO's website.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. *See* 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. *See* 37 C.F.R. §§2.6(a)(15)(ii), 2.66(b)(1).

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

/Andrea P. Butler/  
Trademark Attorney  
Law Office 124  
571-272-7491  
andrea.butler@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**Print: Sep 28, 2017**

**75982339**

**TYPED DRAWING**

**Serial Number**

75982339

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Registration Number**

2770579

**Date Registered**

2003/10/07

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

TRAVELPORT, LP LIMITED PARTNERSHIP DELAWARE 300 Galleria Parkway  
Atlanta GEORGIA 30339

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing office and business management services in the travel field for others; dissemination of advertising for others in the hotel and travel industries via an on-line electronic communication network; marketing services for others in the hotel and travel industries via an on-line electronic communications network. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Electronic data interchange network services, namely, providing on-line electronic bulletin boards for transmission of messages among computer users concerning travel, travel arrangements, and travel agency services; providing access time to computer databases in the field of travel arranging, booking and reservations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Arranging for ticket reservations for shows and other entertainment events; educational services, namely, conducting classes and seminars in the field of computerized booking and reservation systems and databases; training the use of computerized booking and reservation systems and databases. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Information compilation, storage and retrieval services in the field of travel accommodations for others; providing on-line databases and travel directory databases in the field of travel accommodations; travel agency services, namely, making hotel and accommodation reservations and bookings for others; computerized database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services; interactive computerized travel agency services, namely, making reservations and booking for temporary lodging-- travel agency services, namely, making reservations and bookings for temporary lodging accommodations; Travel services, namely the provision of information regarding accommodation availability and services to facilitate the booking the bookings and reservation of accommodations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Prior Registration(s)**

1268761;1907630

**Filing Date**

1999/04/30

**Examining Attorney**

WILLIAMS, IRENE D.

**Print: Sep 28, 2017**

**77282963**

**DESIGN MARK**

**Serial Number**

77282963

**Status**

SECTION 8-ACCEPTED

**Word Mark**

BAIDU

**Standard Character Mark**

Yes

**Registration Number**

3702199

**Date Registered**

2009/10/27

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

BAIDU.COM, INC. CORPORATION CAYMAN ISLANDS M&C CORPORATE SERVICES LTD,  
POBOX 309GT UGLAND HSE, SOUTH CHURCH ST, GEORGE TN GRAND CAYMAN CAYMAN  
ISLANDS

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Broadcast  
of cable television programmes; Electronic message sending;  
Communications by computer terminals; Electronic, electric, and  
digital transmission of voice, data, images, signals, and messages;  
Electronic mail services; Providing on-line chat rooms and electronic  
bulletin boards for transmission of messages among users in the field  
of general interest; Providing telecommunications connections to a  
global computer network; Providing multiple-user access to a global  
computer information network; Providing internet chatrooms; Voice mail  
services. First Use: 2000/02/15. First Use In Commerce: 2000/02/15.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2007/09/19

**Print: Sep 28, 2017**

**77282963**

**Examining Attorney**  
EINSTEIN, MATTHEW

Walden



**Print: Sep 28, 2017**

**77282982**

**DESIGN MARK**

**Serial Number**

77282982

**Status**

SECTION 8-ACCEPTED

**Word Mark**

BAIDU

**Standard Character Mark**

No

**Registration Number**

3644255

**Date Registered**

2009/06/23

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

BAIDU.COM, INC. CORPORATION CAYMAN ISLANDS M&C CORPORATE SERVICES LTD,  
POBOX 309GT UGLAND HSE, SOUTH CHURCH ST, GEORGE TN GRAND CAYMAN CAYMAN  
ISLANDS

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Broadcast of cable television programmes; Electronic message sending; Communications by computer terminals; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Electronic mail services; Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Providing telecommunications connections to a global computer network; Providing multiple-user access to a global computer information network; Providing internet chatrooms; Voice mail services. First Use: 2000/02/15. First Use In Commerce: 2000/02/15.

**Description of Mark**

The mark consists of the word "Bai" appearing on the left of the mark, the device in the shape of a footprint appearing in the middle of the mark and the word "du" appearing in the device. The non- Latin characters appearing on the right of the mark.

**Print: Sep 28, 2017**

**77282982**

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Translation Statement**

The translation of the mark "BAI"; "DU" means "HUNDRED"; "DEGREE" in English.

**Transliteration Statement**

The non-Latin characters transliterate to "BAI"; "DU" and these mean "HUNDRED"; "DEGREE" in English

**Filing Date**

2007/09/19

**Examining Attorney**

RINKER, ANTHONY



**Print: Sep 28, 2017**

**86219935**

**DESIGN MARK**

**Serial Number**

86219935

**Status**

REGISTERED

**Word Mark**

APOLLOTV

**Standard Character Mark**

No

**Registration Number**

4951891

**Date Registered**

2016/05/03

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

1Global Media, Inc. CORPORATION VIRGINIA 2201 Cooperative Way, Suite  
600 Herndon VIRGINIA 20171

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Internet  
broadcasting services; Broadband broadcasting services, namely,  
broadcasting radio, television, cable radio and cable television  
programs and filmed entertainment via broadband communications  
networks. First Use: 2013/04/01. First Use In Commerce: 2013/04/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TV" APART FROM THE  
MARK AS SHOWN.

**Description of Mark**

The mark consists of the stylized wording "APPOLLO TV" in black  
lettering with the design of three sound waves emanating from the top  
right of the letter "O" and over the working "TV" with the first wave  
in the color red, the middle wave in orange and the top wave in  
yellow.

**Print: Sep 28, 2017**

**86219935**

**Colors Claimed**

The color(s) Black, Red, Orange and Yellow is/are claimed as a feature of the mark.

**Filing Date**

2014/03/13

**Examining Attorney**

KEAN, AMY

**Attorney of Record**

Carol L. Druzbeck

apollon  TV

**Print: Sep 28, 2017**

**77777675**

**DESIGN MARK**

**Serial Number**

77777675

**Status**

REGISTERED

**Word Mark**

PROFILED.COM

**Standard Character Mark**

No

**Registration Number**

3971167

**Date Registered**

2011/05/31

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

SW PARTNERS LLP LIMITED PARTNERSHIP ENGLAND HOLMFIRTH KNOWLE HOUSE,  
MELTHAM WEST YORKSHIRE HD9 4DT ENGLAND

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S:  
Advertising; Advertising and Business management consultancy;  
Advertising and business services, namely, securing airtime on all  
forms of media communications stations, systems, networks, and  
services for the purpose of promoting the goods and services of  
others; Creating and updating advertising material; Design of  
advertising material for others; Advertising services provided over  
the internet or via a data base; Advertising services relating to the  
provision of business, namely, advertising, marketing and promotional  
services related to all industries for the purpose of facilitating  
networking and socializing opportunities for business purposes;  
providing advertising space on billboards, in kiosks, periodicals,  
newspapers and magazines; Rental of advertising space on the internet;  
Arrangement of advertising, namely, the promotion of products and  
services of third parties through sponsoring arrangements and license  
agreements relating to international sports' events; Business  
development and management, namely, Business management consultancy as

well as development of processes for the analysis and the implementation of strategy plans and management projects; Business services relating to marketing and promotion, namely, promotion and marketing services and related consulting; Compilation of business directories; Compilation of commercial information directories for publication on the internet; Dissemination, production and updating of advertising material and matter; Providing advertising and commercial information services provided by the internet; Marketing services, namely, business marketing services, direct marketing services, consumer marketing research; On-line advertising on a computer network; Promotion of business opportunities; Promotion of business, namely, General business networking referral services, namely, promoting the goods and services of others by passing business leads and referrals among group members Promotional advertising services; Providing business information, also via internet, cable network or other forms of data transfer; Providing business marketing information; Providing information about business and commercial information via a global computer network or the internet; Providing an online commercial information directory on the internet; Business information services provided on line from a computer database or network or from the internet; Business advisory services, consultancy and information; Electronic billboard advertising; Advertising via electronic media and specifically the internet; Providing an Internet website portal featuring links to music-related merchandise for retail purposes. First Use: 2009/10/05. First Use In Commerce: 2009/10/05.

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Providing access to databases on the internet; Broadcasting and transmission of information via networks or the internet, namely, broadcasting of radio and television programmes, audio and video broadcasting services over the Internet, internet broadcasting services, video broadcasting services via internet, internet broadcasting services; Communications via a global computer network or the internet; Data transmission and data broadcasting, namely, electronic data transmission, electronic transmission of voice, data, and images by television and video broadcasting; Electronic data transmission over a global remote data processing network, including the internet; Internet access services; Internet access provider services; Providing internet chat rooms, namely, Chat room services for social networking and Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; Providing user access to the internet; Telecommunication access services; Providing on-line communications links which transfer the web site user to other local and global web pages; Consultancy, advisory and information services in the field of broadcasting and electronic transmission of messages and data. First Use: 2009/10/05. First Use In Commerce: 2009/10/05.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer network services, namely, providing search engines for obtaining data



on a global computer network; Creating electronically stored web pages for online services and the internet; Creation of internet web sites; Design, creation, hosting and maintenance of internet sites for third parties; Designing and developing web pages on the internet for others; Designing websites for advertising purposes; Development of computer based networks; Hosting of digital content on the internet; Hosting of internet sites for third parties; Internet web site design services; Operating search engines, namely, provision of internet search engines and search engine optimization; Providing search engines for the internet; Provision of an Internet platform for social networking services; Webpage design and development services for others; Website design and development services for others; Website hosting services; Computer and website advisory services, consultancy and information, namely, computer programming, computer security and computer software consultancy and providing technical information regarding computer networks and websites. First Use: 2009/10/05. First Use In Commerce: 2009/10/05.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Providing an internet website portal in the field of music; Providing an Internet website portal in the field of entertainment, cultural and sporting events; Providing an Internet news portal featuring links to news stories and articles in the field of current events. First Use: 2009/10/05. First Use In Commerce: 2009/10/05.

**Foreign Country Name**

UNITED KINGDOM

**Foreign Priority**

FOREIGN PRIORITY CLAIMED

**Foreign Application Number**

2517459

**Foreign Filing Date**

2009/05/28

**Foreign Registration Number**

2517495

**Foreign Registration Date**

2009/10/23

**Foreign Expiration Date**

2019/05/28

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

**Print: Sep 28, 2017**

**77777675**

2009/07/09

**Examining Attorney**

KIM, JANICE

**Attorney of Record**

Norton R. Townsley

**PROFILED.COM**

**Print: Sep 28, 2017**

**85031309**

**DESIGN MARK**

**Serial Number**

85031309

**Status**

SECTION 8-ACCEPTED

**Word Mark**

SULTANATE

**Standard Character Mark**

Yes

**Registration Number**

3943313

**Date Registered**

2011/04/12

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

CHOY, CHONG TECK INDIVIDUAL MALAYSIA P.O.BOX 396, SERIA, KB1133 SERIA  
BRUNEI DARUSSALAM

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Audio and video broadcasting services over the Internet; Broadcasting of video and audio programming over the Internet; Broadcasting services and provision of telecommunication access to video and audio content provided via a video-on-demand service via the Internet; Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Communications services, namely, transmitting streamed sound and audiovisual recordings via the Internet; Data communication by electronic mail; Digital network telecommunications services; E-mail data services; Electronic messaging; Electronic transmission of messages and data; Information transmission services via digital networks; Information transmission via electronic communications networks; Interactive delivery of video over digital networks; Internet broadcasting services; Providing access to databases; Providing access to digital music websites on the Internet; Providing

Internet access; Providing internet chatrooms; Providing multiple use access to global computer information networks for the transfer and dissemination of a wide range of information; Providing on-line communications links which transfer the web site user to other local and global web pages; Providing user access to a global computer network; Provision of access to data or documents stored electronically in central files for remote consultation; Streaming of audio, visual and audiovisual material via a global computer network; Streaming of video material on the Internet; Telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet; Telecommunication services, namely, transmission of webcasts; Telecommunications by e-mail; Telecommunications services, namely, personal communication services; Telephony communication services; Transfer of data by telecommunications; Transmission and distribution of data or audio visual images via a global computer network or the internet; Transmission of database information via telecommunications networks; Transmission of information by electronic communications networks; Transmission of sound, video and information; Video broadcasting; Video broadcasting services over the Internet or other communications network, namely, electronically transmitting video clips; Video on demand transmissions; Video transmission over digital networks; Web casting services. First Use: 1999/07/15. First Use In Commerce: 1999/07/15.

**Prior Registration(s)**

3637941;3740047;3788632;AND OTHERS

**Filing Date**

2010/05/05

**Examining Attorney**

PINO, BRIAN

SULTANATE

**Print: Sep 28, 2017**

**85396324**

**DESIGN MARK**

**Serial Number**

85396324

**Status**

REGISTERED

**Word Mark**

RESEARCHGATE

**Standard Character Mark**

No

**Registration Number**

4440677

**Date Registered**

2013/11/26

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

ResearchGate GmbH CORPORATION FED REP GERMANY Invalidenstr. 115 Berlin  
FED REP GERMANY 10115

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Providing on-line forums for social networking; providing on-line forums for scientific, academic and industrial research, the use of information and telecommunication technology in scientific, academic and industrial research, journals, papers, books and other printed or electronic publications, bibliographic matters and citation in scientific, academic and industrial research, electronic and distance learning, technology, software development, internet services and internet services development, mobile services and mobile services development; Providing on-line forums for transmission of messages among computer users; Computer-aided transmission of messages; Providing access to computer databases; Internet based telecommunication services, namely, transmission of text, audio, voice, data, graphics, notifications and video; Broadcasting of video, audio, television, radio and audiovisual presentation programs via the internet; broadcasting services, namely, transmission of electronic advertising programs and media advertising communications via digital

**Print: Sep 28, 2017**

**85396324**

communications networks. First Use: 2011/03/00. First Use In Commerce: 2011/03/00.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Publishing of electronic publications. First Use: 2011/03/00. First Use In Commerce: 2011/03/00.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Hosting on-line web facilities for others for conducting interactive discussions; Computer services, namely, creating an on-line community for registered users to engage in social networking services; Hosting of digital content on the internet; Development, maintenance and updating of a telecommunication network search engine; Providing search engines for the internet; Computer software consulting; Computer software design and development; Computer software rental; application service provider, namely, hosting computer software applications of others; Designing websites for advertising purposes. First Use: 2011/03/00. First Use In Commerce: 2011/03/00.

**Foreign Country Name**

ERPNTMNTY TM OFC

**Foreign Registration Number**

009783051

**Foreign Registration Date**

2011/07/15

**Foreign Expiration Date**

2021/03/03

**Description of Mark**

The mark consists of a gray rectangle with the letters "RESEARCHGATE", vertically centered, where the letters "RESEARCH" are white and the letters "GATE" are green.

**Colors Claimed**

The color(s) gray, white, and green is/are claimed as a feature of the mark.

**Filing Date**

2011/08/12

**Examining Attorney**

DIXON, JENNIFER

**Attorney of Record**

John M. Kim



**ResearchGate**

**Print: Sep 28, 2017**

**85503256**

**DESIGN MARK**

**Serial Number**

85503256

**Status**

REGISTERED

**Word Mark**

MARC

**Standard Character Mark**

Yes

**Registration Number**

4186779

**Date Registered**

2012/08/07

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Eat2eat Pte Ltd LIMITED LIABILITY COMPANY SINGAPORE 25-01 Straits  
Trading Building, 9 Battery Road Singapore SINGAPORE 049910

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Internet  
broadcasting services; cellular telephone communication;  
communications by computer terminals; communications by telephone;  
communications by fiber optic networks; computer aided transmission of  
messages and images; electronic mail; electronic message sending;  
paging services; information about telecommunication; telephone  
communication services; rental of access time to global computer  
networks for access to databases. First Use: 2000/11/17. First Use  
In Commerce: 2000/11/17.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Creating,  
maintaining and hosting a web site with interactive databases,  
editorial content and digitized graphics; hosting the computer web  
sites of others; web design services and consultancy; computer  
software advisory and design services for facilitating global computer  
(communications) network business transactions; computer software

**Print: Sep 28, 2017**

**85503256**

design; computer systems analysis; maintenance of computer software; consultancy and advisory services in computer software and the design and development of computer hardware; computer programming; computer security consultancy relating to computers and the global computer (communications) network environment; professional consultancy services relating to computers and computer software; and rental of computer software. First Use: 2000/11/17. First Use In Commerce: 2000/11/17.

**Filing Date**

2011/12/23

**Examining Attorney**

CORWIN, CHARLOTTE

**Attorney of Record**

Heather A. Sapp

MaRc

**Print: Sep 28, 2017**

**86632571**

**DESIGN MARK**

**Serial Number**

86632571

**Status**

REGISTERED

**Word Mark**

CARVUE

**Standard Character Mark**

Yes

**Registration Number**

4991342

**Date Registered**

2016/07/05

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Carvue Holdings Limited CORPORATION UNITED KINGDOM Unit 5 Kingfisher Court, Hambridge Road Newbury, Berkshire UNITED KINGDOM RG145SJ

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Downloadable computer software for retail business management;  
computer application software for desktop and notebook computers,  
tablet computers, mobile telephones , namely, software for the purpose  
of managing the business activities of an automotive repair shop and  
automotive sales business; computer software platforms for the purpose  
of managing the business activities of an automotive repair shop and  
automotive sales business; computer software for the purpose of  
managing the business activities of an automotive repair shop and  
automotive sales business; computer software programs for the purpose  
of managing the business activities of an automotive repair shop and  
automotive sales business, data communications software for the  
purpose of managing the business activities of an automotive repair  
shop and automotive sales business; data processing software for  
retail business management, including the business activities of an  
automotive repair shop and automotive sales business ; computer  
software for the purpose of managing the business activities of an

automotive repair shop and automotive sales business; computer programs for the purpose of managing the business activities of an automotive repair shop and automotive sales business; downloadable computer software for the purpose of managing the business activities of an automotive repair shop and automotive sales business; Computer hardware. First Use: 2014/09/09. First Use In Commerce: 2014/09/09.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Rental of advertising space on websites; provision of space on websites for advertising goods and services; advertisement and publicity services by television, radio, mail; advertising; advertising by transmission of on-line publicity for third parties through electronic communications networks; advertising on the internet for others; brand consultancy services; brand creation services for others; brand positioning services; business strategy development and business planning services; computerized data processing services; computerized database management; stock control services; vehicle fleet fuel management. First Use: 2014/09/09. First Use In Commerce: 2014/09/09.

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Transmission of information by electronic communications networks; providing access to a computer database; providing access to databases on the Internet; audiovisual communication services, namely, transmitting streamed sound and audiovisual recordings via the Internet; broadband and narrowband radio communication services; broadcasting of video and audio programming over the Internet; call recording services; collection and delivery of messages by electronic mail; communication by electronic computer terminals; data communication by electronic mail; data streaming; electronic data transmission and data broadcasting, namely, Internet broadcasting, text messaging and e-mail distribution; electronic advertising namely, electronic communication methods between businesses and other businesses or consumers; electronic and telecommunication transmission services, namely, text messaging services; electronic transmission of computer programs via the Internet; information, consultancy and advisory services relating to telecommunications; international electronic data transfer; providing multiple-user access to a global computer information network. First Use: 2014/09/09. First Use In Commerce: 2014/09/09.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software as a Service featuring software for retail business management, including the business activities of an automotive repair shop and automotive sales business; computer software design for others; application service provider, namely, hosting computer software applications of others; computer and software consultancy services; computer hardware and software consultancy; computer software consultancy services;

computer software consultation; computer software integration into multiple systems and networks; computer software maintenance services; computer software technical support services, namely, troubleshooting of computer software problems; consultancy in the field of computer networks using mixed software environments; creation, maintenance and adaptation of software; customization of computer software; design, and writing of computer software; design, maintenance and updating of computer software; development of interactive multimedia software; development of computer software for internet providers and internet users; installation and customization of computer applications software; installation of software; installation, maintenance and updating of computer software; maintenance of and updating of computer software; providing non-downloadable computer software for retail business management, including the business activities of an automotive repair shop and automotive sales business; research and consultancy services relating to computer software; software authoring; software consultancy services; software consulting services; software customization services; software design; software design for others; computer hardware and software consultancy; consultancy and advice on computer software and hardware; consultancy in the field of computer hardware and computer software; consultancy in the field of computer hardware; design of computer hardware; design and development of computer hardware; designing and implementing network web pages for others; creation of internet web sites; web hosting services; web page design services; web site design and creation services; web site hosting services; creating and maintaining web sites; design of web pages; graphic design, and writing of computer software for web pages on the internet; web site design; creating and maintaining web sites for others; computer services, namely, cloud hosting provider services; consultancy services in the field of cloud computing; providing virtual computer systems and virtual computer environments and communities through cloud computing; technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of cloud computing and application systems; computer services, namely, domain forwarding services. First Use: 2014/09/09. First Use In Commerce: 2014/09/09.

**Filing Date**

2015/05/18

**Examining Attorney**

CLAYTON, CHERYL

**Attorney of Record**

Natalie A. Remien

CARVUE



**Print: Sep 28, 2017**

**87249219**

**DESIGN MARK**

**Serial Number**

87249219

**Status**

REGISTERED

**Word Mark**

APHMAU

**Standard Character Mark**

No

**Registration Number**

5259698

**Date Registered**

2017/08/08

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

BLUJAY STUDIOS, INC. CORPORATION WASHINGTON 3216 162nd PL SE BELLEVUE  
WASHINGTON 98008

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Streaming of audio and video materials on the Internet; Broadcasting services, namely, uploading, posting, showing displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other communications network; Telecommunications, namely, digital network telecommunication services; Digital and electronic transmission of voice, data, sound, images, audio, video content and message; Streaming of video programs via the Internet; Providing online access to computer networks, computer databases, the Internet, online bulletin boards, and electronic sites featuring virtual worlds, servers, virtual worlds including user generated characters, and libraries of text, graphics and audio-visual and multimedia information and entertainment; Providing online electronic bulletin board services and chat rooms; Providing of an online service enabling physically remote players of electronic games to communicate with selected players, namely, providing an online forum for discussing computer games, providing an online forum for trading goods

for use in computer games; Broadcasting via the Internet, mobile phone networks and other telecommunications networks, namely, audio and video broadcasting, radio broadcasting, wireless broadcasting; Providing online chat rooms for transmission of messages among computer users concerning topics; Internet communication services, namely, transmission of voice audio and visual images by telecommunications networks, transmission of data via the Internet; Communication services for the transmission of advertising, images, text and data, information, voices, sound and data, namely, transfer of data via the Internet telecommunications; Provision access to a website or interactive community for users to share personal news, data, information, content, photos, audio and video, interests, activities and opinions and/or to receive feedback others. First Use: 2016/09/22. First Use In Commerce: 2016/09/22.

**Description of Mark**

The mark consists of THE WORD "APHMAU" IN STYLIZED LETTERS ACCOMPANIED BY TWO STARS AND THE FACE OF A CARTOON FEMALE CAT.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2016/11/28

**Examining Attorney**

PARK, JENNY

**Attorney of Record**

SUNNY S. NASSIM

APHMAU



**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87514254 - BAIDU APOLLO - VM82889  
**Sent:** 9/28/2017 2:03:17 PM  
**Sent As:** ECOM124@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON 9/28/2017 FOR U.S. APPLICATION SERIAL NO. 87514254**

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

**(1) READ THE LETTER** by clicking on this link or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **9/28/2017**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). A response transmitted through TEAS must be received before midnight **Eastern Time** of the last day of the response period.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

**(3) QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Andrea P. Butler/  
Trademark Attorney  
Law Office 124  
571-272-7491  
[andrea.butler@uspto.gov](mailto:andrea.butler@uspto.gov)

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle

private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:abutler \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	52	0	52	51	0:01	*ba{v}du*[bi,ti] not dead[ld]
02	1	0	1	1	0:01	*ba{"yie"}do*[bi,ti] not dead[ld]
03	16	0	16	16	0:01	*ba{"yie"}\$do*[bi,ti] not dead[ld]
04	49	N/A	0	0	0:01	*ba{"yie"}\$du*[bi,ti] not dead[ld]
05	3	0	3	2	0:01	*ba{"yie"}\$du*[bi,ti] not dead[ld] not 1
06	17	0	17	17	0:01	*by\$du*[bi,ti] not dead[ld]
07	1	0	1	1	0:01	*buy\$du*[bi,ti] not dead[ld]
08	7	0	7	7	0:01	*buy\$do*[bi,ti] not dead[ld]
09	53	0	53	53	0:01	*by\$do*[bi,ti] not dead[ld]
10	5641	N/A	0	0	0:01	*ba{"iey"}*[bi,ti] not dead[ld]
11	643	N/A	0	0	0:01	*ap{v}ll*[bi,ti] not dead[ld]
12	2112	N/A	0	0	0:01	*ap{v}l*[bi,ti] not dead[ld]
13	12	0	12	12	0:01	10 and (11 or 12)
14	324	0	324	312	0:02	11 and "009"[cc]
15	42	0	42	38	0:02	11 and "012"[cc] not 14
16	30	0	30	26	0:01	11 and "035"[cc] not 14 not 15
17	2112	N/A	77	77	0:01	12 not dead[ld]
18	95	0	95	95	0:01	*apolo*[bi,ti] not dead[ld]
19	122	0	122	102	0:01	apollo[fm] not dead[ld]
20	1	0	1	1	0:01	apolo[fm] not dead[ld]

Session started 9/28/2017 8:48:53 AM

Session finished 9/28/2017 9:57:14 AM

Total search duration 0 minutes 22 seconds

Session duration 68 minutes 21 seconds

Default NEAR limit=1 ADJ limit=1

Sent to TICS as Serial Number: 87514254

Baidu Apollo

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87514254

Filing Date: 07/03/2017

**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	<u>Baidu Apollo</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Baidu Apollo
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
EMAIL ADDRESS	creatingip@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	038
	Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction



*IDENTIFICATION	with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services
*FILING BASIS	SECTION I(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
*TRANSLATION (if applicable)	The wording Baidu has no meaning in a foreign language.
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
SIGNIFICANCE OF MARK	Baidu appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Baidu has no meaning in a foreign language.
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	XIANG, HAILONG
DOCKET/REFERENCE NUMBER	VM82889
*STREET	FLAT C, 29/F, TOWER 3, DISCOVERY PARK
*CITY	TSUEN WAN, NT
*COUNTRY	Hong Kong
*EMAIL ADDRESS	creatingip@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/xhl/
* SIGNATORY'S NAME	XIANG, HAILONG
* SIGNATORY'S POSITION	Director
* DATE SIGNED	07/03/2017

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87514254

Filing Date: 07/03/2017

#### To the Commissioner for Trademarks:

**MARK:** Baidu Apollo (Standard Characters, see mark)  
The mark in your application is Baidu Apollo.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (Ltd.) legally organized under the laws of China, having an address of  
BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING  
China  
creatingip@gmail.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 038: Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services  
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### Translation

The wording Baidu has no meaning in a foreign language.

#### Significance of wording, letter(s), or numeral(s)

Baidu appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Baidu has no meaning in a foreign language.

The applicant's current Correspondence Information:

XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT, Hong Kong  
creatingip@gmail.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

The docket/reference number is VM82889.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

#### **Declaration**

##### **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

##### **AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

#### **Declaration Signature**

Signature: /xhl/ Date: 07/03/2017

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

Payment Sale Number: 87514254

Payment Accounting Date: 07/03/2017

Serial Number: 87514254

Internet Transmission Date: Mon Jul 03 05:46:43 EDT 2017

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-201707030546434

91532-87514254-590b156621ffd4a98a1604f2c

5313225cd3d91f1846afcb679784eb84929c9a2c

-CC-10356-20170703054214815111

Baidu Apollo

## **Exhibit 3**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

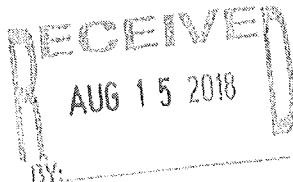
## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688



Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

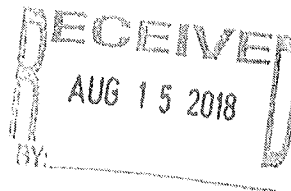
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

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The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



## United States Patent and Trademark Office

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Refine Search  (\$pol\$)[BI] and (baidu)[ALL]

Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 66 occ: 1451

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88027400		APOLONG	TSDR	LIVE
6	88027396		APOLONG	TSDR	LIVE
7	88027395		APOLONG	TSDR	LIVE
8	88027393		APOLONG	TSDR	LIVE
9	87873650		BIENAPOLLO	TSDR	LIVE
10	87873649		BIENAPOLLO	TSDR	LIVE
11	87672716		APOLLO PILOT	TSDR	LIVE
12	87672714		APOLLO PILOT	TSDR	LIVE
13	87672712		APOLLO PILOT	TSDR	LIVE
14	87672710		APOLLO PILOT	TSDR	LIVE
15	87672708		APOLLO PILOT	TSDR	LIVE
16	87672707		APOLLO PILOT	TSDR	LIVE
17	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
18	87677545		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87677544		APOLLO COMPUTING UNIT	TSDR	LIVE
20	87672706		APOLLO PILOT	TSDR	LIVE
21	87873651		BIENAPOLLO	TSDR	LIVE
22	87873606		EMAPOLLO	TSDR	LIVE
23	87873605		EMAPOLLO	TSDR	LIVE
24	87873604		EMAPOLLO	TSDR	LIVE
25	87873601		COMAPOLLO	TSDR	LIVE
26	87873596		COMAPOLLO	TSDR	LIVE

27	87873595		COMAPOLLO	TSDR	LIVE
28	87895688		APOLLAI	TSDR	LIVE
29	87895680		APOLLAI	TSDR	LIVE
30	87895672		APOLLAI	TSDR	LIVE
31	87873641		BYAPOLLO	TSDR	LIVE
32	87873640		BYAPOLLO	TSDR	LIVE
33	87873637		BYAPOLLO	TSDR	LIVE
34	87798333		CAR-POLLO	TSDR	LIVE
35	87798332		CAR-POLLO	TSDR	LIVE
36	87798331		CAR-POLLO	TSDR	LIVE
37	87798330		ULTRAPOLLO	TSDR	LIVE
38	87798328		ULTRAPOLLO	TSDR	LIVE
39	87798327		ULTRAPOLLO	TSDR	LIVE
40	87798325		DATAPOLLO	TSDR	LIVE
41	87798318		DATAPOLLO	TSDR	LIVE
42	87798316		DATAPOLLO	TSDR	LIVE
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44	87789924		TEAM APOLLO	TSDR	LIVE
45	87789917		TEAM APOLLO	TSDR	LIVE
46	87514258		<b>BAIDU</b> APOLLO	TSDR	LIVE
47	87514218		<b>BAIDU</b> APOLLO	TSDR	LIVE
48	87515130		APOLLO	TSDR	LIVE
49	87515123		APOLLO	TSDR	LIVE
50	87515121		APOLLO	TSDR	LIVE
51	87873594		FOREAPOLLO	TSDR	LIVE
52	87873592		FOREAPOLLO	TSDR	LIVE
53	87873590		FOREAPOLLO	TSDR	LIVE
54	87515111		APOLLO	TSDR	LIVE
55	87514261		<b>BAIDU</b> APOLLO	TSDR	LIVE
56	87514254		<b>BAIDU</b> APOLLO	TSDR	LIVE
57	87759024		LEAPOLLO	TSDR	LIVE
58	87720768		APOLLIANCE	TSDR	LIVE
59	87720763		APOLLONEER	TSDR	LIVE
60	87514209		<b>BAIDU</b> APOLLO	TSDR	LIVE
61	87515109		APOLLO	TSDR	LIVE
62	87672715		APOLLO PILOT	TSDR	LIVE
63	87515105		APOLLO	TSDR	LIVE
64	87515127		APOLLO	TSDR	LIVE
65	87515119		APOLLO	TSDR	LIVE
66	87514208		<b>BAIDU</b> APOLLO	TSDR	LIVE

ESTTA Tracking number: **ESTTA921682**

Filing date: **09/12/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	09/12/2018
Address	40 Valleyview Dr., Ancaster Ontario, L9G2A5 CANADA
Correspondence information	Timur E. Slonim Attorney of Record Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. 666 Third Avenue New York, NY 10017 UNITED STATES teslonim@mintz.com, ipdocketingBOS@mintz.com, mmims@mintz.com 212-692-6704

### Applicant Information

Application No	87514261	Publication date	05/15/2018
Opposition Filing Date	09/12/2018	Opposition Period Ends	09/12/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA		

### Goods/Services Affected by Opposition


Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Attachments	85895773#TMSN.png( bytes ) Opposition Baidu Apollo 87-514-261.PDF(115943 bytes ) Exhibits 1-4.pdf(2539968 bytes )
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Signature	/Timur E. Slonim/
Name	Timur E. Slonim
Date	09/12/2018

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

In the Matter of Application Serial No. 87/514,261

for BAIDU APOLLO

Published in the *Official Gazette* on May 15, 2018

---

Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/514,261
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

---

**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/514,261 for the proposed mark BAIDU APOLLO (“Proposed BAIDU APOLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on May 15, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:



**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/514,261 under Trademark Act Section 1(b) on July 3, 2017 to register the proposed mark BAIDU APOLLO for “Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing” in International Class 042 (“Application”). (Ex. 2) The mark BAIDU APOLLO was published in the *Official Gazette* on May 15, 2018.
3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.

5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others, all of which are redirected to www.arroware.ca website.
7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, recombuc.com, betakit.com, alphi.com, rfi.fr, digitlife.fr, and dutchcowboys.nl.
9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, facebook.com, twitter.com, and youtube.com, consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.

10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.  
(Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into its Proposed BAIDU APOLLO Mark
13. Applicant's Proposed BAIDU APOLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed BAIDU APOLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed BAIDU APOLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 66 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, BAIDU APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing,

organizing, modifying, book marking, transmission, storage and sharing of data and information,” “file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files,” “electronic, electric, and digital transmission of voice, data, images, signals, and messages,” “communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks,” and “computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest.” It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant’s APOLLO Family of Marks is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant’s APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer’s MYAPOLLO Mark.
19. Upon information and belief, Applicant intends to use its Proposed BAIDU APOLLO Mark in connection with “Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing” as fully recited in the Application. Proposed

BAIDU APOLLO Mark is part of the APOLLO Family of Marks. For example, in another Application No. 87/514,254 applicant seeks to register BAIDU APOLLO mark for “Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services; all the aforesaid services in the field of driverless cars and autonomous cars.”

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.

22. The services identified by Applicant's Proposed BAIDU APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer's MYAPOLLO Mark.
23. The services identified by Applicant's Proposed BAIDU APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer's MYAPOLLO Mark.
24. The services identified by Applicant's Proposed BAIDU APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.
25. Applicant's Proposed BAIDU APOLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed BAIDU APOLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/514,261 for the mark BAIDU APOLLO under Section 2(d) of the Trademark Act.

## **COUNT TWO**

### **LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use BAIDU APOLLO mark for each and every good and service recited in the Application when it was filed on July 3, 2017.

Dated: September 12, 2018

Respectfully submitted,

By: T. Slonim  
Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)  
Attorneys for *Opposer Arroware Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on September 12, 2018 to:

**creatingip@gmail.com**

Mr. Hailong Xiang  
Baidu Online Network Technology (Beijing) Co., Ltd.  
Flat C 29 F Tower 3 Discovery Park  
Tsuen Wan NT,  
Hong Kong



---

Timur E. Slonim



# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER  
COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES,  
TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT  
BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE  
TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF  
GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



United States Patent and Trademark Office

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# MYAPOLLO

**Word Mark** MY APOLLO  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85895773

**Filing Date** April 4, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 30, 2013

**Registration Number** 4668175

**Registration Date** January 6, 2015

**Owner** (REGISTRANT) Arroware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5

**Attorney of Record** Timur E. Slonim

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>							

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TSDR now includes a Post Registration Maintenance Tab that appears as a third tab next to the "Status" and "Document" tabs for registered marks. The tab will not appear if the mark is not registered.

The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store, transmit, and display images or graphics, audio, video, and other multimedia content between registered users via global telecommunications networks, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent TIMUR E SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

Assignment Abstract Of Title Information - Click to Load

## Proceedings - Click to Load



## **Exhibit 2**



United States Patent and Trademark Office

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## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Sep 11 04:51:02 EDT 2018

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Please logout when you are done to release system resources allocated for you.

List At: 

OR

to record: 
**Record 55 out of 66**
[TSDR](#)
[ASSIGN Status](#)
[TTAB Status](#)

( Use the "Back" button of the Internet Browser to return to TESS)

# Baidu Apollo

**Word Mark** BAIDU APOLLO

**Translations** The wording "Baidu" has no meaning in a foreign language.

**Goods and Services** IC 042. US 100 101. G & S: Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 87514261

**Filing Date** July 3, 2017

**Current Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** May 15, 2018

**Owner** (APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

Live/Dead  
Indicator      LIVE

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TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	Top	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Generated on: This page was generated by TSDR on 2018-09-11 15:19:40 EDT

Mark: BAIDU APOLLO

Baidu Apollo

US Serial Number: 87514261

Application Filing Date: Jul. 03, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 14, 2018

Publication Date: May 15, 2018

## Mark Information

Mark Literal Elements: BAIDU APOLLO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Translation: The wording "Baidu" has no meaning in a foreign language.

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

International Class(es): 042 - Primary Class

U.S. Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

Owner Address: BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING  
CHINA

Legal Entity Type: limited company (ltd.)

State or Country CHINA  
Where Organized:

## Attorney/Correspondence Information

Attorney of Record

Docket Number: VM82891

Correspondent

Correspondent XIANG, HAILONG  
Name/Address: FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT  
HONG KONG

Correspondent e-mail: [creatingip@gmail.com](mailto:creatingip@gmail.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 14, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 15, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 15, 2018	PUBLISHED FOR OPPOSITION	
Apr. 25, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 10, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 22, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 22, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 22, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 04, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 04, 2017	NON-FINAL ACTION E-MAILED	6325
Oct. 04, 2017	NON-FINAL ACTION WRITTEN	76581
Sep. 27, 2017	ASSIGNED TO EXAMINER	76581
Jul. 11, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 06, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information

TM Attorney: BUTLER, ANDREA P

Law Office LAW OFFICE 124  
Assigned:

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 12, 2018

## Proceedings

Summary

Number of 1  
Proceedings:

Type of Proceeding: Extension of Time

Proceeding Number: 87514261

Filing Date: Jun 14, 2018

Status: Extension of Time to Oppose Filed

Status Date: Jun 14, 2018

Interlocutory  
Attorney:

Defendant

Name: Baidu Online Network Technology (Beijing) Co., Ltd.

Correspondent HAILONG XIANG  
Address: FLAT C 29 F TOWER 3 DISCOVERY PARK  
TSUEN WAN NT HONG KONG

Correspondent e-mail: [creatingip@gmail.com](mailto:creatingip@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
BAIDU APOLLO	Request For Extension of Time to File Opposition	<u>87514261</u>	

**Potential Opposer(s)**

Name: Arroware Industries, Inc.

Correspondent TIMUR E SLONIM  
Address: MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC  
666 THIRD AVENUE  
NEW YORK NY , 10017  
UNITED STATES

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com) , [mmims@mintz.com](mailto:mmims@mintz.com) , [ipdocketingBOS@mintz.com](mailto:ipdocketingBOS@mintz.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 14, 2018	
2	EXT GRANTED	Jun 19, 2018	

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, May 15, 2018 00:53 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87514261: BAIDU APOLLO: Docket/Reference No. VM82891

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**TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87514261  
**Mark:** BAIDU APOLLO  
**International Class(es):** 042  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** VM82891

The mark identified above has been published in the Trademark Official Gazette (TMOG) on May 15, 2018.

**To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-05-15&serialNumber=87514261>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

**Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87514261&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87514261&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87514261&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87514261&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Apr 25, 2018

## NOTICE OF PUBLICATION

- |                                      |  |
|--------------------------------------|--|
| 1. Serial No.:<br>87-514,261         | 2. Mark:<br>BAIDU APOLLO<br>(STANDARD CHARACTER MARK)      |
| 3. International Class(es):<br>42    |  |
| 4. Publication Date:<br>May 15, 2018 | 5. Applicant:<br>BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

[creatingip@gmail.com](mailto:creatingip@gmail.com)



---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, April 25, 2018 04:37 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87514261: BAIDU APOLLO: Docket/Reference No. VM82891

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87514261) is scheduled to publish in the *Official Gazette* on May 15, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87514261>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPPostPubQuery@uspto.gov](mailto:TMPPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87514261	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BUTLER, ANDREA P	L.O. ASSIGNED	N60-NOT FOUND

**PUB INFORMATION**

RUN DATE	04/11/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	04/10/2018		
LITERAL MARK ELEMENT	BAIDU APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BAIDU APOLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,
ENTITY	99-limited company (ltd.)

CITIZENSHIP		China	
<b>GOODS AND SERVICES</b>			
INTERNATIONAL CLASS		042	
DESCRIPTION TEXT		Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing	
<b>GOODS AND SERVICES CLASSIFICATION</b>			
INTERNATIONAL CLASS	042	FIRST USE DATE	NONE
		FIRST USE IN COMMERCE DATE	NONE
CLASS STATUS		6-ACTIVE	
<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>			
CHANGE IN REGISTRATION		NO	
TRANSLATION		The wording Baidu has no meaning in a foreign language.	
<b>PROSECUTION HISTORY</b>			
DATE	ENT CD	ENT TYPE	ENT NUM
04/10/2018	CNSA	P	010
03/22/2018	TEME	I	009
03/22/2018	CRFA	I	008
03/22/2018	TROA	I	007
10/04/2017	GNRN	O	006
10/04/2017	GNRT	F	005
10/04/2017	CNRT	R	004
09/27/2017	DOCK	D	003
07/11/2017	NWOS	I	002
07/06/2017	NWAP	I	001
<b>CURRENT CORRESPONDENCE INFORMATION</b>			
ATTORNEY		NONE	
CORRESPONDENCE ADDRESS		XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG	
DOMESTIC REPRESENTATIVE		NONE	

Baidu Apollo

## Note To The File

Serial Number: 87514261

BAIDU APOLLO

Date: 04/10/2018 12:04 pm

Created by: Andrea Butler

=====

refusals withdrawn

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87514261	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BUTLER, ANDREA P	L.O. ASSIGNED	N60-NOT FOUND

**PUB INFORMATION**

RUN DATE	03/23/2018		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/22/2018		
LITERAL MARK ELEMENT	BAIDU APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	BAIDU APOLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,
ENTITY	99-limited company (ltd.)

CITIZENSHIP		China					
<b>GOODS AND SERVICES</b>							
INTERNATIONAL CLASS		042					
DESCRIPTION TEXT		Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing					
<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	042	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>							
CHANGE IN REGISTRATION				NO			
TRANSLATION				The wording Baidu has no meaning in a foreign language.			
<b>PROSECUTION HISTORY</b>							
DATE	ENT CD	ENT TYPE	DESCRIPTION			ENT NUM	
03/22/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED			009	
03/22/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE			008	
03/22/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED			007	
10/04/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED			006	
10/04/2017	GNRT	F	NON-FINAL ACTION E-MAILED			005	
10/04/2017	CNRT	R	NON-FINAL ACTION WRITTEN			004	
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER			003	
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM			002	
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM			001	
<b>CURRENT CORRESPONDENCE INFORMATION</b>							
ATTORNEY				NONE			
CORRESPONDENCE ADDRESS				XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG			
DOMESTIC REPRESENTATIVE				NONE			

Baidu Apollo



## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87514261
LAW OFFICE ASSIGNED	LAW OFFICE 124
<b>MARK SECTION</b>	
MARK	<a href="https://tmng-al.uspto.gov/resting2/api/img/87514261/large">https://tmng-al.uspto.gov/resting2/api/img/87514261/large</a>
LITERAL ELEMENT	BAIDU APOLLO
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
Please see the actual argument text attached within the Evidence section.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
ORIGINAL PDF FILE	<a href="#">evi_10178255132-20180322052525381737_180314_VM82891_USPTO_FOA-ES.pdf</a>
CONVERTED PDF FILE(S) (3 pages)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514261\xml4\ROA0002.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514261\xml4\ROA0003.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514261\xml4\ROA0004.JPG</a>
ORIGINAL PDF FILE	<a href="#">evi_10178255132-20180322052525381737_79208292.pdf</a>
CONVERTED PDF FILE(S) (3 pages)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514261\xml4\ROA0005.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514261\xml4\ROA0006.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514261\xml4\ROA0007.JPG</a>
ORIGINAL PDF FILE	<a href="#">evi_10178255132-20180322052525381737_79208293.pdf</a>
CONVERTED PDF FILE(S) (3 pages)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514261\xml4\ROA0008.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514261\xml4\ROA0009.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\875\142\87514261\xml4\ROA0010.JPG</a>
DESCRIPTION OF EVIDENCE FILE	arguments responding to the office action
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
INTERNATIONAL CLASS	042
DESCRIPTION	

Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

FILING BASIS	Section 1(b)
--------------	--------------

## GOODS AND/OR SERVICES SECTION (proposed)

INTERNATIONAL CLASS	042
---------------------	-----

## TRACKED TEXT DESCRIPTION

Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Motor vehicle inspections; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Motor vehicle parts design services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Product research and development; Consulting services in the field of software as a service (SAAS); Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Customized software development in the field of traffic and transportation; Vehicle roadworthiness testing; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Rental of web servers; Research, development, design and upgrading of computer software

## FINAL DESCRIPTION

Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

FILING BASIS	Section 1(b)
--------------	--------------

## SIGNATURE SECTION

DECLARATION SIGNATURE	/xhl/
-----------------------	-------

SIGNATORY'S NAME	XIANG, HAILONG
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SIGNATORY'S POSITION	Director
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DATE SIGNED	03/22/2018
-------------	------------

RESPONSE SIGNATURE	/xhl/
--------------------	-------

SIGNATORY'S NAME	XIANG, HAILONG
------------------	----------------

SIGNATORY'S POSITION	Director
----------------------	----------

DATE SIGNED	03/22/2018
-------------	------------

AUTHORIZED SIGNATORY	YES
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## FILING INFORMATION SECTION

SUBMIT DATE	Thu Mar 22 05:32:50 EDT 2018
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TEAS STAMP	USPTO/ROA-XXX.XX.XXX.XXX- 20180322053250651947-8751 4261-51046c723a813ce50f14
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9baea59cc51d2ba3c77828e4  
ad24326654b43961b85b4-N/A  
-N/A-20180322052525381737

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
PTO Form 1597 (Rev 10/2011)  
OMB No. 0651-0050 (Exp 09/26/2020)

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **87514261** BAIDU APOLLO(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87514261/large>) has been amended as follows:

### ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

### EVIDENCE

Evidence in the nature of arguments responding to the office action has been attached.

#### Original PDF file:

[evi\\_10178255132-20180322052525381737 . 180314 VM82891 USPTO FOA-ES.pdf](#)

#### Converted PDF file(s) ( 3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

#### Original PDF file:

[evi\\_10178255132-20180322052525381737 . 79208292.pdf](#)

#### Converted PDF file(s) ( 3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

#### Original PDF file:

[evi\\_10178255132-20180322052525381737 . 79208293.pdf](#)

#### Converted PDF file(s) ( 3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 042 for Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a**

**collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** Advanced product research in the field of artificial intelligence; ~~Computer services, namely, cloud hosting provider services; Motor vehicle inspections; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Motor vehicle parts design services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Product research and development; Consulting services in the field of software as a service (SAAS); Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Customized software development in the field of traffic and transportation; Vehicle roadworthiness testing; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Rental of web servers; Research, development, design and upgrading of computer software~~

Class 042 for Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

**Filing Basis: Section 1(b), Intent to Use:** **For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**SIGNATURE(S)**

**Declaration Signature**

**DECLARATION:** The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

**STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU:** If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; **for a collective trademark, collective service mark, collective membership mark application, or certification mark application,** the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; **for a certification mark application,** the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

**STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)**

**COLLECTIVE/CERTIFICATION MARK APPLICATION:** If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b),

1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: ***for a trademark or service mark application***, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; ***for a collective trademark, collective service mark, collective membership mark, or certification mark application***, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; ***for a certification mark application***, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /xhl/ Date: 03/22/2018  
Signatory's Name: XIANG, HAILONG  
Signatory's Position: Director

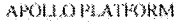
**Response Signature**

Signature: /xhl/ Date: 03/22/2018  
Signatory's Name: XIANG, HAILONG  
Signatory's Position: Director

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.



Serial Number: 87514261  
Internet Transmission Date: Thu Mar 22 05:32:50 EDT 2018  
TEAS Stamp: USPTO/ROA-XXX.XX.XXX.XXX-201803220532506  
51947-87514261-51046c723a813ce50f149baea  
a59ce51d2ba3c77828e4ad24326654b43961b85b  
4-N/A-N/A-20180322052525381737

In response to the refusal under Section 2(d) of the Act because of a likelihood of confusion

with the marks in U.S. Registration Nos. 4957418 for “”, 4942945 for

“”, and 5142764 for “” (same owners); 2411996 for

“”, 2411997 for “”, 3000815 for “APOLLO

HOSTING”, 3589886 for “”, 5059837 for “”; as well as Application Nos. 87029796, 87158698, 87264546, 87264565, 87562314, 87153415, 87265958, 87265862, 79208293, and 79208292, the Applicant submits as follows:

For the prior marks of Application Nos. 79208292 and 79208293, the Applicant respectfully submits that the applications of these cited prior marks are no longer active and abandoned on 21 December 2017 because the applicant failed to respond or filed a late response to an Office action. Printouts of the details of these two cited prior marks are attached for your information. They should therefore no longer block the subject application.

As for the rest of the cited prior marks, the Applicant respectfully submits that the Applicant’s mark “Baidu Apollo” is not confusingly similar to the cited prior marks (hereinafter referred to as “the cited prior marks”).

First, the Applicant’s mark differs greatly in overall commercial impression from the cited prior marks. The only common element shared by the Applicant’s mark and the cited prior marks is the word “APOLLO”. However, we submit that marks must be compared in their entireties to evaluate the potential for confusion, as the law requires. Here, the commercial impression of Applicant’s mark is not derived solely from the word “APOLLO”. In the Applicant’s mark, it begins with the word “Baidu” which represents the Applicant. “Baidu” appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as applied to the services listed in the application, no geographical significance, nor any meaning in a foreign language. It is distinctive in relation to the applied-for services. In contrast, such word or similar word is absent in the cited prior marks. Taking into consideration of the fact that the general consumers in general pay more attention to the beginning of a trademark than the end, the Applicant’s mark gives a different commercial impression than the cited prior marks. The Applicant’s mark is therefore visually, phonetically and conceptually different from the cited prior mark when viewed in their entirety and no confusion will arise. The present application should not be barred from



registration.



To further differentiate the Applicant's mark from the cited prior marks, the Applicant has amended the Applicant's services as follows:

Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing.


After the amendment of the Applicant's services, even if you insist that the Applicant's mark

is similar to the cited prior marks in U.S. Registration Nos. 4957418 for ""

4942945 for "" , and 5142764 for "" (same owners);

2411996 for "" , 2411997 for "" , 3000815 for

"APOLLO HOSTING", 3589886 for "" , 5059837 for "" and

Application No. 87158698 (now registered) for "" , the Applicant's services are not similar to the services of the cited prior marks. All the aforementioned cited prior marks are registered in respect of computer-related services and software-related services,

but none of the Applicant's services after amendment is related to computer-related services, software-related services.

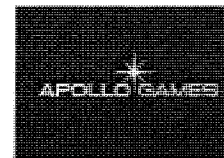
Please re-consider and waive the above cited prior marks.

As for the pending prior marks of Application Nos. 87029796, 87264546, 87264565, 87562314, 87153415, 87265958 and 87265862, the Applicant requests suspension of the present application pending the final outcomes of the pending prior marks.



Generated on: This page was generated by TSDR on 2018-03-16 04:51:37 EDT

Mark: APOLLO GAMES



US Serial Number: 79208292

Application Filing Date: Jan. 10, 2017

Register: Principal

Mark Type: Trademark, Service Mark

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 16, 2018

Date Abandoned: Dec. 21, 2017

## Mark Information

Mark Literal Elements: APOLLO GAMES

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color Drawing: Yes

Color(s) Claimed: The color(s) black, shades of grey, yellow, orange and shades of orange is/are claimed as a feature of the mark.

Disclaimer: "GAMES"

Design Search Code(s): 01.01.05 - Stars - one or more stars with seven or more points

## Related Properties Information

International Registration Number: 1346319

International Registration Date: Jan. 10, 2017

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Games software; software programs for video games; interactive video game programs; cartridges for computer games; cartridges for video games; educational software; application software; community software; computer telephony software; interactive computer software; communication software; programs for computers; software; electronic components for gambling machines; games cartridges for use with electronic games apparatus; automated teller machines; computers and computer hardware; communications servers computer hardware; virtual private network hardware; network access server hardware; local operating network hardware; computer networking hardware; computer hardware for use in computer-assisted software engineering; juke boxes

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 66(a)

For: Games; sports games; manipulative games; mechanical games; musical games; electronic games; parlor games; board games; quiz games; apparatus for games; arcade games; skill and action games; electronic hand-held game units; handheld computer games;

lottery wheels; lottery tickets; slot machines; automatic gaming machines; coin-operated amusement machines; bill-operated gaming equipment; LCD game machines; counters for games; amusement apparatus for use in arcades; arcade game machines

**International Class(es):** 028 - Primary Class

**U.S Class(es):** 022, 023, 038, 050

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Retail services in relation to computer hardware; wholesale services in relation to computer hardware; wholesale services in relation to computer software; retail services in relation to computer software

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Computer hardware and telecommunication apparatus installation, maintenance and repair; maintenance services relating to computer hardware

**International Class(es):** 037 - Primary Class

**U.S Class(es):** 100, 103, 106

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Gambling; operating lotteries; prize draws lotteries; organising and conducting lotteries; games equipment rental; casino services; providing casino facilities; leasing of casino games; providing casino facilities gambling; providing amusement arcade services; video arcade services; casino, gaming and gambling services; provision of instruction relating to computer programming

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Software as a service SaaS; rental of software; computer software design; installation and maintenance of computer programs; updating of computer software; computer software research; troubleshooting of computer hardware and software problems; configuring computer hardware using software; design and development of video game software; platform as a service PaaS; design of computer hardware; consultancy in the field of computers; rental of computer hardware; computer hardware development; diagnosing computer hardware problems using software; software development, programming and implementation; providing information, advice and consultancy services in the field of computer software; research in the field of computer hardware; consultancy in the design and development of computer hardware

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 66(a)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** Yes

**Currently 66A:** Yes

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Eagle Investment SICAV plc, acting on behalf of ITT FUND

**Owner Address:** Alpine House, Naxxar Road  
SGN 9032 San Gwann  
MALTA

**Legal Entity Type:** PUBLIC LIMITED COMPANY

**State or Country:** MALTA  
**Where Organized:**

## Attorney/Correspondence Information

**Attorney of Record:** None

**Correspondent**

**Correspondent** JUDr. Pavel Hrásek  
**Name/Address:** Týnská 1053/21  
CZ-110 00 Praha 1  
CZECH REPUBLIC

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Jan. 16, 2018	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Jan. 16, 2018	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jul. 08, 2017	REFUSAL PROCESSED BY IB	
Jun. 21, 2017	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jun. 20, 2017	REFUSAL PROCESSED BY MPU	72589
Jun. 13, 2017	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jun. 12, 2017	NON-FINAL ACTION WRITTEN	81855
Jun. 03, 2017	APPLICATION FILING RECEIPT MAILED	
May 30, 2017	ASSIGNED TO EXAMINER	81855
May 30, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 25, 2017	SN ASSIGNED FOR SECT 66A APPL FROM IB	

**International Registration Information (Section 66a)**

<b>International Registration Number:</b> 1346319	<b>International Registration Date:</b> Jan. 10, 2017
<b>Priority Claimed Flag:</b> Yes	<b>Date of Section 67 Priority Claim:</b> Jul. 11, 2016
<b>Intl. Registration Status:</b> REQUEST FOR EXTENSION OF PROTECTION PROCESSED	<b>Date of International Registration Status:</b> May 25, 2017
<b>Notification of Designation Date:</b> May 25, 2017	<b>Date of Automatic Protection:</b> Nov. 25, 2018
<b>International Registration Renewal Date:</b> Jan. 10, 2027	
<b>First Refusal Flag:</b> Yes	

**TM Staff and Location Information****TM Staff Information**

**TM Attorney:** HOFFMAN, DAVID AARON

**Law Office Assigned:** LAW OFFICE 107

**File Location**

**Current Location:** TMEG LAW OFFICE 107 - EXAMINING ATTORNEY ASSIGNED

**Date in Location:** Jan. 16, 2018

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Mark: APOLLO GAMES

**APOLLO GAMES**

US Serial Number: 79208293

Application Filing Date: Jan. 10, 2017

Register: Principal

Mark Type: Trademark, Service Mark

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 16, 2018

Date Abandoned: Dec. 21, 2017

## Mark Information

Mark Literal Elements: APOLLO GAMES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "GAMES"

## Related Properties Information

International Registration Number: 1346320

International Registration Date: Jan. 10, 2017

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Games software; software programs for video games; interactive video game programs; cartridges for computer games; cartridges for video games; educational software; application software; community software; computer telephony software; interactive computer software; communication software; programs for computers; software; electronic components for gambling machines; games cartridges for use with electronic games apparatus; automated teller machines; computers and computer hardware; communications servers computer hardware; virtual private network hardware; network access server hardware; local operating network hardware; computer networking hardware; computer hardware for use in computer-assisted software engineering; juke boxes

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 66(a)

For: Games; sports games; manipulative games; mechanical games; musical games; electronic games; parlor games; board games; quiz games; apparatus for games; arcade games; skill and action games; electronic hand-held game units; handheld computer games; lottery wheels; lottery tickets; slot machines; automatic gaming machines; coin-operated amusement machines; bill-operated gaming equipment; LCD game machines; counters for games; amusement apparatus for use in arcades; arcade game machines

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 66(a)

For: Retail services in relation to computer hardware; wholesale services in relation to computer hardware; wholesale services in relation to computer software; retail services in relation to computer software

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 66(a)

For: Computer hardware and telecommunication apparatus installation, maintenance and repair; maintenance services relating to computer hardware

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 66(a)

For: Gambling; operating lotteries; prize draws lotteries; organising and conducting lotteries; games equipment rental; casino services; providing casino facilities; leasing of casino games; providing casino facilities gambling; providing amusement arcade services; video arcade services; casino, gaming and gambling services; provision of instruction relating to computer programming

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 66(a)

For: Software as a service SaaS; rental of software; computer software design; installation and maintenance of computer programs; updating of computer software; computer software research; troubleshooting of computer hardware and software problems; configuring computer hardware using software; design and development of video game software; platform as a service PaaS; design of computer hardware; consultancy in the field of computers; rental of computer hardware; computer hardware development; diagnosing computer hardware problems using software; software development, programming and implementation; providing information, advice and consultancy services in the field of computer software; research in the field of computer hardware; consultancy in the design and development of computer hardware

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

### Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

### Current Owner(s) Information

Owner Name: Eagle Investment SICAV plc, acting on behalf of ITT FUND

Owner Address: Alpine House, Naxxar Road  
SGN 9032 San Gwann  
MALTA

Legal Entity Type: PUBLIC LIMITED COMPANY

State or Country: MALTA  
Where Organized:

### Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: JUDr. Pavel Hrásek  
Týnská 1053/21  
CZ-110 00 Praha 1  
CZECH REPUBLIC

Domestic Representative - Not Found

### Prosecution History

Date

Description

Proceeding Number

Jan. 16, 2018	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Jan. 16, 2018	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jul. 08, 2017	REFUSAL PROCESSED BY IB	
Jun. 21, 2017	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jun. 20, 2017	REFUSAL PROCESSED BY MPU	72629
Jun. 13, 2017	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jun. 12, 2017	NON-FINAL ACTION WRITTEN	81855
Jun. 03, 2017	APPLICATION FILING RECEIPT MAILED	
May 30, 2017	ASSIGNED TO EXAMINER	81855
May 30, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 25, 2017	SN ASSIGNED FOR SECT 66A APPL FROM IB	

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### International Registration Information (Section 66a)

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<p><b>International Registration Number:</b> 1346320</p> <p><b>Priority Claimed Flag:</b> Yes</p> <p><b>Intl. Registration Status:</b> REQUEST FOR EXTENSION OF PROTECTION PROCESSED</p> <p><b>Notification of Designation Date:</b> May 25, 2017</p> <p><b>International Registration Renewal Date:</b> Jan. 10, 2027</p> <p><b>First Refusal Flag:</b> Yes</p>	<p><b>International Registration Date:</b> Jan. 10, 2017</p> <p><b>Date of Section 67 Priority Claim:</b> Jul. 11, 2016</p> <p><b>Date of International Registration Status:</b> May 25, 2017</p> <p><b>Date of Automatic Protection:</b> Nov. 25, 2018</p>
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### TM Staff and Location Information

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<b>TM Staff Information</b>	
<p><b>TM Attorney:</b> HOFFMAN, DAVID AARON</p>	<p><b>Law Office Assigned:</b> LAW OFFICE 107</p>
<b>File Location</b>	
<p><b>Current Location:</b> TMEG LAW OFFICE 107 - EXAMINING ATTORNEY ASSIGNED</p>	<p><b>Date in Location:</b> Jan. 16, 2018</p>

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com)))

**Subject:** U.S. TRADEMARK APPLICATION NO. 87514261 - BAIDU APOLLO - VM82891

**Sent:** 10/4/2017 1:34:37 PM

**Sent As:** ECOM124@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION  
SERIAL NO. 87514261

MARK: BAIDU  
APOLLO

**\*87514261\***

CORRESPONDENT  
ADDRESS:  
XIANG, HAILONG  
FLAT C, 29/F,  
TOWER 3, DISCOVERY  
PARK  
TSUEN WAN, NT  
HONG KONG

CLICK HERE TO RESPOND TO THIS  
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[VIEW YOUR APPLICATION FILE](#)

APPLICANT: BAIDU  
ONLINE NETWORK  
TECHNOLOGY  
(BEIJING ETC.)

CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:  
VM82891

CORRESPONDENT  
E-MAIL ADDRESS:

[creatingip@gmail.com](mailto:creatingip@gmail.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

**ISSUE/MAILING DATE: 10/4/2017**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**Summary of Issues**

- Refusal under Section 2(d) – Likelihood of Confusion
- Notice of Prior Pending applications as possible bar to registration

**Section 2(d) – Likelihood of Confusion**

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 4957418, 4942945, and 5142764 (same owners); 2411996, 2411997, 3000815, 3589886 and 5059837. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* *See* the attached registrations.



Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterro Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

The applicant's mark is BAIDU APOLLO for "Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing".

The registrant's marks are APOLLO, APOLLO with design and APOLLO PLATFORM for "software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships".

The registrant's marks are APOLLO INTERACTIVE (with design) and APOLLO INTERACTIVE for "computer services, namely, designing, implementing, creating and maintaining web sites for others".

The registrant's mark is APOLLO HOSTING for "hosting the websites of others on a computer server for a global computer network".

The registrant's mark is APOLLO WORLD CLASS FIRE SOLUTIONS for, in part, "computer software and system design; design services; engineering; industrial design; material testing; research and development of new products; technical research; technical project studies; all relating to fire, heat and smoke alarm and detection systems and fire extinguishing apparatus and providing advice, information and consultation services in the field of all the aforesaid services"

The registrant's mark is APOLLO HOME for "Installation and maintenance of residential home information technology network software".

#### The Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB

1988)); TMEP §1207.01(b).

The applicant's mark is BAIDU APOLLO. The registrant's marks are APOLLO, APOLLO (with design), APOLLO PLATFORM, APOLLO INTERACTIVE, APOLLO HOSTING, APOLLO WORLD CLASS FIRE SOLUTIONS and APOLLO HOME. The applicant and registrants share the term APOLLO. Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. See *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

Moreover, while the applicant's mark also contains the term BAIDU, adding a term to a registered mark generally does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). See *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1269 (TTAB 2009) (finding TITAN and VANTAGE TITAN confusingly similar); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002, 2004 (TTAB 1988) (finding MACHO and MACHO COMBOS confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Lastly, while the registrant's marks may contain a design element or disclaimed descriptive/generic wording, these differences do not obviate the refusal. First, although marks must be compared in their entireties, the word portion generally may be considered the dominant and most significant feature of a mark because consumers will request the goods and/or services using the wording. See *Bond v. Taylor*, 119 USPQ2d 1049, 1055 (TTAB 2016) (citing *In re Vitterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908, 1911 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). For this reason, greater weight is often given to the word portion of marks when determining whether marks are confusingly similar. *In re Vitterra Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Second, although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Vitterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party's goods and/or services is typically less significant or less dominant when comparing marks. See *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d at 1060, 224 USPQ at 752; TMEP §1207.01(b)(viii), (c)(ii). Thus, the term APOLLO is more significant in the registrants' APOLLO marks.

#### The Goods/Services

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i).

The respective goods and/or services need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The applicant's services are "Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing".

The registrant's (APOLLO, APOLLO with design and APOLLO PLATFORM) services are "software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity

reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships”.

The above registrant’s software identifies several types of software used by automotive dealerships to manage customer information, for marketing and advertising and generally manage the activities associated with dealership operation and customer satisfaction, as well as general advertising and marketing services. The applicant also provides software and services that may be used by automotive dealerships or others for the same purpose. In particular, “Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing”.

The registrant’s (APOLLO INTERACTIVE (with design) and APOLLO INTERACTIVE) for “computer services, namely, designing, implementing, creating and maintaining web sites for others”. The applicant’s services also include “creating, maintaining, designing and implementing websites”. While the applicant’s services specify several fields of use, the registrant’s identification does not contain any such limitation, thus it is presumed to encompass all services of the type described, including those in applicant’s more narrow identification. *See, e.g., Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015); *In re N.A.D., Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000).

The registrant’s mark is APOLLO HOSTING for “hosting the websites of others on a computer server for a global computer network”. The applicant’s services also include “cloud hosting provider” services. Both identifications are broad and are without limitation.

The registrant’s mark is APOLLO WORLD CLASS FIRE SOLUTIONS for, in part, “computer software and system design; design services; engineering; industrial design; material testing; research and development of new products; technical research; technical project studies; all relating to fire, heat and smoke alarm and detection systems and fire extinguishing apparatus and providing advice, information and consultation services in the field of all the aforesaid services”. The applicant also provides “product research and development services” and “research, development, design and upgrading of computer software”, but without limitation to a particular field or type of user.

The registrant’s mark is APOLLO HOME for “Installation and maintenance of residential home information technology network software”. The applicant’s services similarly include “providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles”.

Given the similarities of the marks and the same/related services, confusion as to source is likely and therefore, registration is refused under Trademark Act Section 2(d) based on a likelihood of confusion.

Although applicant’s mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

#### **Prior Pending Applications**

The filing dates of pending U.S. Application Serial Nos. 87029796, 87158698, 87264546, 87264565, 87562314, 87153415, 87265958, 87265862, 79208293, and 79208292 precede applicant’s filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant’s mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant’s response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant’s mark and the marks in the referenced applications. Applicant’s election not to submit arguments at this time in no way limits applicant’s right to address this issue later if a refusal under Section 2(d) issues.

#### **General Response Information**

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To

respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see “Responding to Office Actions” on the USPTO’s website.

If applicant does not respond to this Office action within six months of the issue/mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. *See* 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. *See* 37 C.F.R. §§2.6(a)(15)(ii), 2.66(b)(1).

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner’s amendment by telephone or e-mail without incurring this additional fee.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. *See* TMEP §§705.02, 709.06.

/Andrea P. Butler/  
Trademark Attorney  
Law Office 124  
571-272-7491  
andrea.butler@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**Print: Oct 4, 2017**

**86671682**

**DESIGN MARK**

**Serial Number**

86671682

**Status**

REGISTERED

**Word Mark**

APOLLO

**Standard Character Mark**

Yes

**Registration Number**

4942945

**Date Registered**

2016/04/19

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Team Velocity Marketing, LLC LIMITED LIABILITY COMPANY VIRGINIA 13825  
Sunrise Valley Drive, Suite 150 Herndon VIRGINIA 20171

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including

**Print: Oct 4, 2017**

**86671682**

contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships. First Use: 2015/08/00. First Use In Commerce: 2015/08/00.

**Filing Date**

2015/06/23

**Examining Attorney**

SANDER, DREW

**Attorney of Record**

Wade Savoy

APOLLO

**Print: Oct 4, 2017**

**86671690**

**DESIGN MARK**

**Serial Number**

86671690

**Status**

REGISTERED

**Word Mark**

APOLLO PLATFORM

**Standard Character Mark**

Yes

**Registration Number**

4957418

**Date Registered**

2016/05/10

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Team Velocity Marketing, LLC LIMITED LIABILITY COMPANY VIRGINIA 13825  
Sunrise Valley Drive Suite 150 Herndon VIRGINIA 20171

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including



**Print: Oct 4, 2017**

**86671690**

contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships. First Use: 2015/08/00. First Use In Commerce: 2015/08/00.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PLATFORM" APART FROM THE MARK AS SHOWN.

**Filing Date**

2015/06/23

**Examining Attorney**

SANDER, DREW

**Attorney of Record**

Wade Savoy

# APOLLO PLATFORM

**Print: Oct 4, 2017**

**86787740**

**DESIGN MARK**

**Serial Number**

86787740

**Status**

REGISTERED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Registration Number**

5142764

**Date Registered**

2017/02/14

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Team Velocity Marketing, LLC LIMITED LIABILITY COMPANY VIRGINIA 13825  
Sunrise Valley Drive, Suite 150 Herndon VIRGINIA 20171

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including

**Print: Oct 4, 2017**

**86787740**

contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships. First Use: 2015/08/00. First Use In Commerce: 2015/08/00.

**Description of Mark**

The mark consists of a stylized representation of the word "APOLLO" with the final letter "O" replaced by the silhouette of a crescent moon.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2015/10/14

**Examining Attorney**

NUNLEY, CHRISTOPHER M

**Attorney of Record**

Wade Savoy

A P O L L O



**Print: Oct 4, 2017**

**87158698**

**DESIGN MARK**

**Serial Number**

87158698

**Status**

STATEMENT OF USE - TO EXAMINER

**Word Mark**

APOLLO

**Standard Character Mark**

Yes

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

NAPTBI, LLC LIMITED LIABILITY COMPANY NEW YORK 1840 Western Ave.  
Albany NEW YORK 12203

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Compiling and analyzing statistics, data and other sources of information regarding public transportation for business purposes; Data processing services in the field of public transportation; Outsource service provider in the field of business analytics regarding public transportation; Statistical analysis and reporting services for business purposes regarding public transportation; Analyzing and compiling business data regarding public transportation; Business data analysis regarding public transportation; Business data analysis services in the field of public transportation; Business research and data analysis services in the field of public transportation; Collection and analysis of quality metric data for schools, municipalities, local, state and federal agencies for business purposes for public transportation. First Use: 2017/01/20. First Use In Commerce: 2017/01/20.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Providing on-line non-downloadable software for schools, municipalities, and local, state and federal agencies to use in benchmarking and improving performance management, enhancing operations, and improving efficiency in the area of public transportation; Providing on-line non-downloadable software for scientific analysis of data related to

**Print: Oct 4, 2017**

**87158698**

public transportation planning, operations and consumption of services; Providing on-line non-downloadable software for visualization of data representing the delivery and consumption of public transportation services; Providing on-line non-downloadable software for diagnosing, assessing, organizing, planning and determining proper courses of actions concerning compliance with federal, state and local laws, regulations and rules, alignment with local policies and procedures in the field of public transportation and education; Providing on-line non-downloadable software for the field of data warehousing and dissemination, to manage transactional data, provide statistical analysis, and produce notifications and reports in the field of public transportation; Providing a website featuring non-downloadable software for scientific analysis of data related to public transportation planning, operations and consumption of services and the visualization of data representing the delivery and consumption of public transportation services. First Use: 2017/01/20. First Use In Commerce: 2017/01/20.

**Filing Date**

2016/09/01

**Examining Attorney**

SPILS, CAROL

**Attorney of Record**

Daniel M. Novick

APOLLO



**Print: Oct 4, 2017**

**87029796**

**DESIGN MARK**

**Serial Number**

87029796

**Status**

SUSPENSION LETTER - MAILED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Apollo Fire Detectors Limited COMPANY UNITED KINGDOM 36 Brookside Road  
Havant, Hampshire UNITED KINGDOM PO91JR

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Fire and smoke detection apparatus, devices and instruments, namely,  
fire and smoke detectors; fire and smoke detecting installations,  
namely, fire and smoke detectors; fire and smoke alarm apparatus,  
devices and instruments, namely, fire and smoke alarms; heat detecting  
apparatus, devices and instruments, namely, heat detectors;  
combination fire, heat and smoke alarm and detecting apparatus,  
devices and instruments, namely, fire, heat, and smoke detectors;  
audio visual fire, heat and smoke alarm apparatus, devices and  
instruments, namely, acoustic sound alarms; loop powered visual fire  
alarm apparatus, devices and instruments, namely, electronic alarms  
with visual warning elements; fire warning beacons and lighting in the  
nature of luminous beacons; fire alarm sounders and base sounders in  
the nature of fire alarms; fire alarm visual indicators and fire alarm  
visual indicator bases; fire alarm sounder visual indicators and fire  
alarm sounder visual indicators; fire alarm bells; fire break-glass  
call points and units; fire extinguishing apparatus, namely, fire  
extinguishers; fire and heat resistant electric cables; fire and heat  
resistant electric cables; computer hardware and downloadable software  
for fire and smoke alarm system loop load calculation and to simulate  
a fire control panel; downloadable publications in the nature of  
newsletters in the field of security and fire safety".

**Goods/Services**

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: Installation, maintenance and repair of fire, heat and smoke alarm and detection apparatus, equipment, devices and instruments; installation, maintenance and repair of fire extinguishing apparatus; installation, maintenance and repair of fire, heat and smoke protection and safety apparatus and devices; installation, maintenance and repair of fire and heat resistant electric cables; advice, information and consulting services relating to all the aforesaid services.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Design services, namely, the design of hardware and software in fire, heat, and smoke alarm detection apparatus and systems; engineering services in the field of heat, smoke and fire detection; industrial design in the field of heat, smoke and fire detection; computer software and system design in the field of heat, smoke and fire detection; material testing in the field of heat, smoke and fire detection; research and development for others in the field of fire, heat, and smoke alarm and detection apparatus and systems; technical research in the field of heat, smoke and fire detection; technical project studies in the nature of conducting scientific feasibility studies in the field of heat, smoke and fire detection; chemical analysis and research, all relating to fire, heat and smoke alarm and detection apparatus and systems; non-downloadable software for operating alarms and contacting first responders in case of emergency; information, advisory and consultancy services in relation to all the aforesaid services.

**Goods/Services**

Class Status -- ACTIVE. IC 016. US 002 005 022 023 029 037 038 050. G & S: Manuals and technical publications in the field of fire prevention, safety and security.

**Foreign Country Name**

UNITED KINGDOM

**Foreign Priority**

FOREIGN PRIORITY CLAIMED

**Foreign Application Number**

UK0000314962

**Foreign Filing Date**

2016/02/12

**Foreign Country Name**

UNITED KINGDOM

**Foreign Priority**

FOREIGN PRIORITY CLAIMED

**Print: Oct 4, 2017**

**87028796**

**Foreign Application Number**

UK0000314962

**Foreign Filing Date**

2016/02/12

**Description of Mark**

The mark consists of The mark consists of the literal element "APOLLO" shown in red with a design of a sunrise illustrated by a blue curving line above the "APO" in the mark. Toward the right of the blue line is a red circle meant to represent the sun, and the blue line creates rays above the circle.

**Colors Claimed**

The color(s) red and blue is/are claimed as a feature of the mark.

**Filing Date**

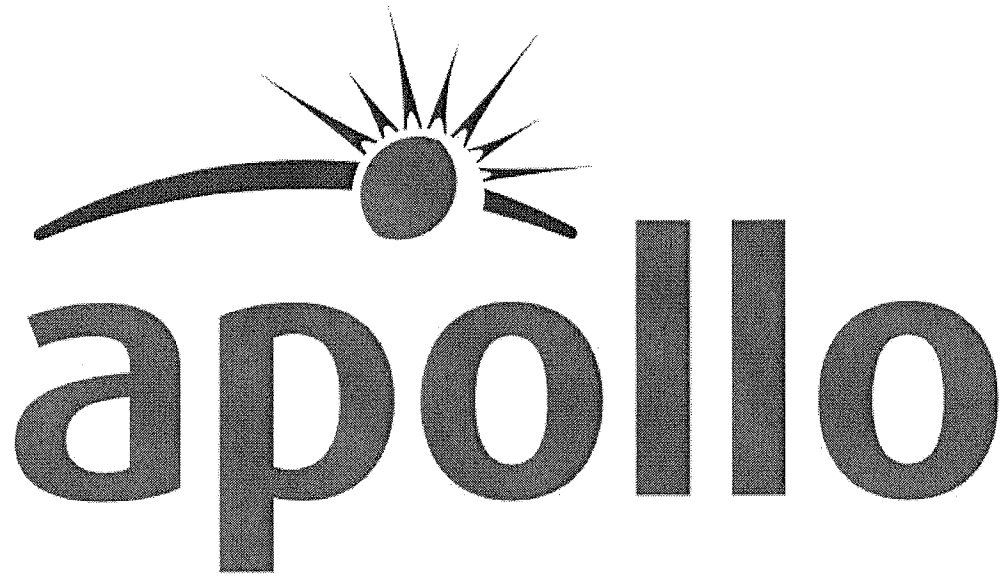
2016/05/09

**Examining Attorney**

FRIEDMAN, LESLEE A

**Attorney of Record**

John H. Weber



**Print: Oct 4, 2017**

**79208293**

**DESIGN MARK**

**Serial Number**

79208293

**Status**

NON-FINAL ACTION - MAILED

**Word Mark**

APOLLO GAMES

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Eagle Investment SICAV plc, acting on behalf of ITT FUND PUBLIC  
LIMITED COMPANY MALTA Alpine House, Naxxar Road SGN 9032 San Gwann  
MALTA

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Games software; software programs for video games; interactive video  
game programs; cartridges for computer games; cartridges for video  
games; educational software; application software; community software;  
computer telephony software; interactive computer software;  
communication software; programs for computers; software; electronic  
components for gambling machines; games cartridges for use with  
electronic games apparatus; automated teller machines; computers and  
computer hardware; communications servers computer hardware; virtual  
private network hardware; network access server hardware; local  
operating network hardware; computer networking hardware; computer  
hardware for use in computer-assisted software engineering; juke  
boxes.

**Goods/Services**

Class Status -- ACTIVE. IC 028. US 022 023 038 050. G & S: Games;  
sports games; manipulative games; mechanical games; musical games;  
electronic games; parlor games; board games; quiz games; apparatus for  
games; arcade games; skill and action games; electronic hand-held game  
units; handheld computer games; lottery wheels; lottery tickets; slot  
machines; automatic gaming machines; coin-operated amusement machines;  
bill-operated gaming equipment; LCD game machines; counters for games;

amusement apparatus for use in arcades; arcade game machines.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail services in relation to computer hardware; wholesale services in relation to computer hardware; wholesale services in relation to computer software; retail services in relation to computer software.

**Goods/Services**

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: Computer hardware and telecommunication apparatus installation, maintenance and repair; maintenance services relating to computer hardware.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Gambling; operating lotteries; prize draws lotteries; organising and conducting lotteries; games equipment rental; casino services; providing casino facilities; leasing of casino games; providing casino facilities gambling; providing amusement arcade services; video arcade services; casino, gaming and gambling services; provision of instruction relating to computer programming.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software as a service SaaS; rental of software; computer software design; installation and maintenance of computer programs; updating of computer software; computer software research; troubleshooting of computer hardware and software problems; configuring computer hardware using software; design and development of video game software; platform as a service PaaS; design of computer hardware; consultancy in the field of computers; rental of computer hardware; computer hardware development; diagnosing computer hardware problems using software; software development, programming and implementation; providing information, advice and consultancy services in the field of computer software; research in the field of computer hardware; consultancy in the design and development of computer hardware.

**Priority Date**

2016/07/11

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GAMES" APART FROM THE MARK AS SHOWN.

**Filing Date**

2017/01/10

**Examining Attorney**

HOFFMAN, DAVID

# APOLLO GAMES

Print: Oct 4, 2017

87153415

**DESIGN MARK**

**Serial Number**

87153415

**Status**

FINAL REFUSAL - MAILED

**Word Mark**

APOLLOVUE

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

APOLLO MEDICAL OPTICS INC. CORPORATION TAIWAN 2F, NO 43 LN 188,  
RUIGUANG RD NEIHU DIST, TAIPEI TAIWAN 114

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S: Computer software development tools; Computer software for application and database integration; Computer software for controlling self-service terminals; Computer software for processing digital images; Computer software for wireless content delivery; Computer graphics software; Computer operating software; Downloadable cloud-computing software for medical diagnostic and surgical apparatus for medical purpose, specifically cancer research; X-ray apparatus not for medical purposes. First Use: 2015/01/19. First Use In Commerce: 2015/01/19.

**Goods/Services**

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Medical apparatus for detecting cancer; Medical diagnostic apparatus for detecting cancer; Medical imaging apparatus; Medical imaging apparatus incorporating medical imaging software; Medical radiation apparatus; Medical X-ray apparatus; Electromagnetic medical diagnostic imaging apparatus; Radiological apparatus for medical purposes; X-ray apparatus for medical purposes; X-ray apparatus for medical use. First Use: 2015/01/19. First Use In Commerce: 2015/01/19.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Cloud computing



**Print: Oct 4, 2017**

**87153415**

featuring software for use medical diagnostic and surgical apparatus for medical purpose, specifically cancer research; Computer software design; Computer software design, computer programming, and maintenance of computer software; Computer software development; Computer software development and computer programming development for others; Computer software development, computer programming and maintenance of computer software for medical diagnostic and surgical apparatus for medical purpose, specifically cancer research; Computer programming and software design; Copying of computer software; Developing and updating computer software; Installation of computer software; Maintenance of computer software; Updating of computer software for others. First Use: 2015/01/19. First Use In Commerce: 2015/01/19.

**Filing Date**

2016/08/29

**Examining Attorney**

LIU, PHILIP

**Attorney of Record**

JOANNA Y. TSAI

# ApolloVue

**Print: Oct 4, 2017**

**87264546**

**DESIGN MARK**

**Serial Number**

87264546

**Status**

SUSPENSION LETTER - MAILED

**Word Mark**

APOLLO

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Meteor Development Group, Inc. CORPORATION DELAWARE 140 10th Street  
San Francisco CALIFORNIA 94103

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Computer software for software application development. First Use:  
2016/02/01. First Use In Commerce: 2016/04/01.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational  
services, namely, conducting seminars, conferences, workshops, and  
online training in the field of computers and software application  
development. First Use: 2016/03/31. First Use In Commerce:  
2016/03/31.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer  
services, namely, software-as-a-service (SaaS) services and  
platform-as-a-service (PaaS) services featuring software and platforms  
for software applications in the field of computers and software  
application development. First Use: 2016/02/01. First Use In  
Commerce: 2016/04/01.

**Filing Date**

2016/12/11

**Examining Attorney**

**Print: Oct 4, 2017**

**87264546**

MARESCA, MEREDITH

**Attorney of Record**

Ted D. Karr

APOLLO

**Print: Oct 4, 2017**

**87264565**

**DESIGN MARK**

**Serial Number**

87264565

**Status**

SUSPENSION LETTER - MAILED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Meteor Development Group, Inc. CORPORATION DELAWARE 140 10th Street  
San Francisco CALIFORNIA 94103

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Computer software for software application development. First Use:  
2016/02/01. First Use In Commerce: 2016/04/01.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Educational  
services, namely, conducting seminars, conferences, workshops, and  
online training in the field of computers and software application  
development. First Use: 2016/03/31. First Use In Commerce:  
2016/03/31.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer  
services, namely, software-as-a-service (SaaS) services and  
platform-as-a-service (PaaS) services featuring software and platforms  
for software applications in the field of computers and software  
application development. First Use: 2016/02/01. First Use In  
Commerce: 2016/04/01.

**Description of Mark**

The mark consists of the word APOLLO with an incomplete circle around  
the letter A with a dot at the end of the upper end of the partial  
circle.

**Print: Oct 4, 2017**

**87264565**

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2016/12/11

**Examining Attorney**

MARESCA, MEREDITH

**Attorney of Record**

Ted D. Karr

**© APOLLO**



**Print: Oct 4, 2017**

**87265862**

**DESIGN MARK**

**Serial Number**

87265862

**Status**

SUSPENSION LETTER - MAILED

**Word Mark**

APOLLO CLIENT

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Meteor Development Group, Inc. CORPORATION DELAWARE 140 10th Street  
San Francisco CALIFORNIA 94103

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Computer software for software application development. First Use:  
2016/02/01. First Use In Commerce: 2016/04/20.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer  
services, namely, software-as-a-service (SaaS) services and  
platform-as-a-service (PaaS) services featuring software and platforms  
for software applications in the field of computers and software  
application development. First Use: 2016/02/01. First Use In  
Commerce: 2016/04/20.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CLIENT" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2016/12/12

**Examining Attorney**

MARESCA, MEREDITH

**Attorney of Record**

**Print: Oct 4, 2017**

**87265862**

Ted D. Karr

# APOLLO CLIENT

**Print: Oct 4, 2017**

**87265958**

**DESIGN MARK**

**Serial Number**

87265958

**Status**

SUSPENSION LETTER - MAILED

**Word Mark**

APOLLO OPTICS

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Meteor Development Group, Inc. CORPORATION DELAWARE 140 10th Street  
San Francisco CALIFORNIA 94103

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Computer software for software application development. First Use:  
2016/08/01. First Use In Commerce: 2016/08/01.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer  
services, namely, software-as-a-service (SaaS) services and  
platform-as-a-service (PaaS) services featuring software and platforms  
for software applications in the field of computers and software  
application development. First Use: 2016/08/01. First Use In  
Commerce: 2016/08/01.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS" APART FROM THE  
MARK AS SHOWN.

**Filing Date**

2016/12/12

**Examining Attorney**

MARESCA, MEREDITH

**Attorney of Record**

**Print: Oct 4, 2017**

**87265958**

Ted D. Karr

# APOLLO OPTICS

**Print: Oct 4, 2017**

**87562314**

**DESIGN MARK**

**Serial Number**

87562314

**Status**

NEW APPLICATION - RECORD INITIALIZED NOT ASSIGNED TO EXAMINER

**Word Mark**

APOLLO ENGINE

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Meteor Development Group, Inc. CORPORATION DELAWARE 140 10TH Street  
San Francisco CALIFORNIA 94103

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Computer software for software application development.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Computer  
services, namely, software-as-a-service (SaaS) services and  
platform-as-a-service (PaaS) services featuring software and platforms  
for software applications in the field of computers and software  
application development.

**Filing Date**

2017/08/09

**Examining Attorney**

UNKNOWN

**Attorney of Record**

Ted D. Karr

# APOLLO ENGINE



**Print: Oct 4, 2017**

**75713564**

**DESIGN MARK**

**Serial Number**

75713564

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO INTERACTIVE

**Standard Character Mark**

No

**Registration Number**

2411996

**Date Registered**

2000/12/12

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

APOLLO INTERACTIVE, INC. CORPORATION CALIFORNIA 8556 Hayden Place  
Culver City CALIFORNIA 90232

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: computer services, namely, designing, implementing, creating and maintaining web sites for others. First Use: 1997/11/00. First Use In Commerce: 1997/11/00.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERACTIVE" APART FROM THE MARK AS SHOWN.

**Filing Date**

1999/05/25

**Examining Attorney**

CADY, JAMES

**Attorney of Record**

ROCHELLE D. ALPERT



**Print: Oct 4, 2017**

**75713569**

**DESIGN MARK**

**Serial Number**

75713569

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO INTERACTIVE

**Standard Character Mark**

No

**Registration Number**

2411997

**Date Registered**

2000/12/12

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

APOLLO INTERACTIVE, INC CORPORATION CALIFORNIA 8556 HAYDEN PLACE  
Culver City CALIFORNIA 90232

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: computer services, namely, designing, implementing, creating and maintaining web sites for others. First Use: 1996/01/12. First Use In Commerce: 1996/01/12.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERACTIVE" APART FROM THE MARK AS SHOWN.

**Filing Date**

1999/10/30

**Examining Attorney**

CADY, JAMES

**Attorney of Record**

ROCHELLE D. ALPERT

# **APOLLO INTERACTIVE**

**Print: Oct 4, 2017**

**78312921**

**TYPED DRAWING**

**Serial Number**

78312921

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO HOSTING

**Standard Character Mark**

No

**Registration Number**

3000815

**Date Registered**

2005/09/27

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

The Endurance International Group, Inc CORPORATION DELAWARE 10  
Corporate Drive Burlington MASSACHUSETTS 01803

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Hosting the  
websites of others on a computer server for a global computer network.  
First Use: 1999/09/21. First Use In Commerce: 1999/09/21.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOSTING" APART FROM  
THE MARK AS SHOWN.

**Filing Date**

2003/10/13

**Examining Attorney**

FERRAIUOLO, DOMINIC J.

**Attorney of Record**

Robert J. English

**Print: Oct 4, 2017**

**77360933**

**DESIGN MARK**

**Serial Number**

77360933

**Status**

PARTIAL SECTION 8 & 15 ACCEPTED AND ACKNOWLEDGED

**Word Mark**

APOLLO WORLD CLASS FIRE SOLUTIONS

**Standard Character Mark**

No

**Registration Number**

3589886

**Date Registered**

2009/03/17

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

Apollo Fire Detectors Limited LIMITED COMPANY (LTD.) UNITED KINGDOM 36  
Brookside Road Havant, Hampshire UNITED KINGDOM PO91JR

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Fire and smoke detection apparatus, devices and instruments; fire and  
smoke detecting installations; fire and smoke alarm apparatus, devices  
and instruments; heat detecting apparatus, devices and instruments;  
combination fire, heat and smoke alarm and detecting apparatus,  
devices and instruments; fire break-glass call points and units,  
namely, manually activated emergency alarm call points and alarm pull  
stations; [ fire extinguishing apparatus; ] fire, heat and smoke  
protection and safety apparatus and devices, namely, smoke detectors,  
heat detectors, multi-sensor combined smoke and heat detectors, flame  
detectors and photo-electric beam detectors; [ fire and heat resistant  
electric cables; ] parts and fittings for all the aforesaid goods.

**Goods/Services**

Class Status -- SECTION 8 - CANCELLED. IC 037. US 100 103 106. G &  
S: [ Installation, maintenance and repair of fire, heat and smoke  
alarm and detection apparatus, equipment, devices and instruments;

installation, maintenance and repair of fire extinguishing apparatus; installation, maintenance and repair of fire, heat and smoke protection and safety apparatus and devices; installation, maintenance and repair of fire and heat resistant electric cables; advice, information and consulting services relating to all the aforesaid services ].

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: [ Chemical analysis and research; ] computer software and system design; design services; engineering; industrial design; material testing; research and development of new products; technical research; technical project studies; all relating to fire, heat and smoke alarm and detection systems and fire extinguishing apparatus and providing advice, information and consultation services in the field of all the aforesaid services.

**Foreign Country Name**

UNITED KINGDOM

**Foreign Registration Number**

2437694

**Foreign Registration Date**

2006/11/06

**Foreign Expiration Date**

2016/11/06

**Foreign Country Name**

UNITED KINGDOM

**Foreign Registration Number**

2437694

**Foreign Registration Date**

2006/11/06

**Foreign Expiration Date**

2016/11/06

**Prior Registration(s)**

3104088

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FIRE" APART FROM THE MARK AS SHOWN.

**Description of Mark**

The mark consists of the words "apollo" and fire are in red and the words "world", "class" and "solutions" are in purple.

**Print: Oct 4, 2017**

**77360933**

**Colors Claimed**

The color(s) red and purple is/are claimed as a feature of the mark.

**Filing Date**

2007/12/28

**Examining Attorney**

CLARKE, AISHA

**Attorney of Record**

Ronald E. Shapiro



**apollo**

**WORLD CLASS FIRE SOLUTIONS**

**Print: Oct 4, 2017**

**86043073**

**DESIGN MARK**

**Serial Number**

86043073

**Status**

REGISTERED

**Word Mark**

APOLLO HOME

**Standard Character Mark**

Yes

**Registration Number**

5059837

**Date Registered**

2016/10/11

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Apollo Heating and Air Conditioning, Inc. CORPORATION OHIO 1730  
Tennessee Avenue Cincinnati OHIO 45229

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Home warranty services, namely, arranging for repairs and replacement of major home systems, appliances and parts thereof provided by others pursuant to service agreements; providing referrals for general building contractors and handyman service providers. First Use: 2016/08/05. First Use In Commerce: 2016/08/05.

**Goods/Services**

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: Electrical contracting services; installation of smart technology systems; electric appliance installation and repair; handyman service, namely, general building repair and maintenance services; air duct cleaning services; residential mechanical contractor services; installation and maintenance of residential home information technology network hardware; HVAC services, namely, installation and replacement service for heating, ventilating and air conditioning systems; HVAC contractor services; plumbing services. First Use: 2016/08/05. First Use In

**Print: Oct 4, 2017**

**86043073**

Commerce: 2016/08/05.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Installation and maintenance of residential home information technology network software. First Use: 2016/08/05. First Use In Commerce: 2016/08/05.

**Prior Registration(s)**

4076423

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOME" APART FROM THE MARK AS SHOWN.

**Filing Date**

2013/08/20

**Examining Attorney**

DESAI, BRIN

**Attorney of Record**

Roger H. Bora

APOLLO HOME

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87514261 - BAIDU APOLLO - VM82891  
**Sent:** 10/4/2017 1:34:38 PM  
**Sent As:** ECOM124@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **10/4/2017** FOR U.S. APPLICATION SERIAL NO. 87514261

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

**(1) READ THE LETTER** by clicking on this link or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **10/4/2017**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). A response transmitted through TEAS must be received before midnight **Eastern Time** of the last day of the response period.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

**(3) QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Andrea P. Butler/  
Trademark Attorney  
Law Office 124  
571-272-7491  
[andrea.butler@uspto.gov](mailto:andrea.butler@uspto.gov)

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle

private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:abutler \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	52	0	52	51	0:01	*ba{v}du*[bi,ti] not dead[ld]
02	1	0	1	1	0:01	*ba{"yie"}do*[bi,ti] not dead[ld]
03	16	0	16	16	0:01	*ba{"yie"}\$do*[bi,ti] not dead[ld]
04	49	N/A	0	0	0:01	*ba{"yie"}\$du*[bi,ti] not dead[ld]
05	3	0	3	2	0:01	*ba{"yie"}\$du*[bi,ti] not dead[ld] not 1
06	17	0	17	17	0:01	*by\$du*[bi,ti] not dead[ld]
07	1	0	1	1	0:01	*buy\$du*[bi,ti] not dead[ld]
08	7	0	7	7	0:01	*buy\$do*[bi,ti] not dead[ld]
09	53	0	53	53	0:01	*by\$do*[bi,ti] not dead[ld]
10	5641	N/A	0	0	0:01	*ba{"iey"}*[bi,ti] not dead[ld]
11	643	N/A	0	0	0:01	*ap{v}ll*[bi,ti] not dead[ld]
12	2112	N/A	0	0	0:01	*ap{v}l*[bi,ti] not dead[ld]
13	12	0	12	12	0:01	10 and (11 or 12)
14	324	0	324	312	0:02	11 and "009"[cc]
15	42	0	42	38	0:02	11 and "012"[cc] not 14
16	30	0	30	26	0:01	11 and "035"[cc] not 14 not 15
17	2112	N/A	77	77	0:01	12 not dead[ld]
18	95	0	95	95	0:01	*apolo*[bi,ti] not dead[ld]
19	122	0	122	102	0:01	apollo[fm] not dead[ld]
20	1	0	1	1	0:01	apollo[fm] not dead[ld]

Session started 9/28/2017 8:48:53 AM

Session finished 9/28/2017 9:57:29 AM

Total search duration 0 minutes 22 seconds

Session duration 68 minutes 36 seconds

Default NEAR limit=1ADJ limit=1

Sent to TIGRS as Serial Number: 87514261

Baidu Apollo



## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87514261

Filing Date: 07/03/2017

**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	Baidu Apollo
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Baidu Apollo
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
EMAIL ADDRESS	creatingip@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	042
	Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine;

<b>*IDENTIFICATION</b>	Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of <b>motor vehicles, driverless cars, automobiles and structural parts therefore</b> ; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing
<b>*FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	The wording Baidu has no meaning in a foreign language.
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/ LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>SIGNIFICANCE OF MARK</b>	Baidu appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Baidu has no meaning in a foreign language.
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	XIANG, HAILONG
<b>DOCKET/REFERENCE NUMBER</b>	VM82891
<b>*STREET</b>	FLAT C, 29/F, TOWER 3, DISCOVERY PARK
<b>*CITY</b>	TSUEN WAN, NT
<b>*COUNTRY</b>	Hong Kong
<b>*EMAIL ADDRESS</b>	creatingip@gmail.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	1

<b>FEE PER CLASS</b>	225
<b>*TOTAL FEE PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/xhl/
<b>* SIGNATORY'S NAME</b>	XIANG, HAILONG
<b>* SIGNATORY'S POSITION</b>	Director
<b>* DATE SIGNED</b>	07/03/2017

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87514261

Filing Date: 07/03/2017

#### To the Commissioner for Trademarks:

**MARK:** Baidu Apollo (Standard Characters, see mark)  
The mark in your application is Baidu Apollo.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (Ltd.) legally organized under the laws of China, having an address of

BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING  
China  
creatingip@gmail.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 042: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing  
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### Translation

The wording Baidu has no meaning in a foreign language.

#### Significance of wording, letter(s), or numeral(s)

Baidu appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Baidu has no meaning in a foreign language.

The applicant's current Correspondence Information:

XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT, Hong Kong  
creatingip@gmail.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's

attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

The docket/reference number is VM82891.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

#### **Declaration**

##### **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

##### **AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

#### **Declaration Signature**

Signature: /xhl/ Date: 07/03/2017

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

Payment Sale Number: 87514261

Payment Accounting Date: 07/03/2017

Serial Number: 87514261

Internet Transmission Date: Mon Jul 03 06:12:11 EDT 2017

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-201707030612117

37266-87514261-590c3b9c1ce6fde4f841d217b

290ba94695954d4ba75fd77995d78ff98f4a-C

C-10378-20170703055639547435

Baidu Apollo



## **Exhibit 3**



UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

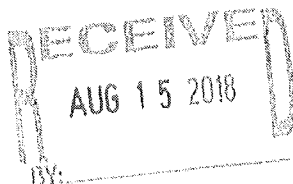
In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Votre référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

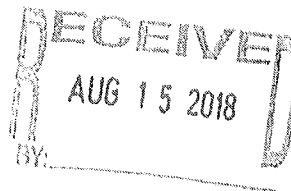
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



## United States Patent and Trademark Office

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**(This page: 1 ~ 66)**

Refine Search  (\$pol\$)[BI] and (baidu)[ALL]

Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 66 occ: 1451

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88027400		APOLONG	TSDR	LIVE
6	88027396		APOLONG	TSDR	LIVE
7	88027395		APOLONG	TSDR	LIVE
8	88027393		APOLONG	TSDR	LIVE
9	87873650		BIENAPOLLO	TSDR	LIVE
10	87873649		BIENAPOLLO	TSDR	LIVE
11	87672716		APOLLO PILOT	TSDR	LIVE
12	87672714		APOLLO PILOT	TSDR	LIVE
13	87672712		APOLLO PILOT	TSDR	LIVE
14	87672710		APOLLO PILOT	TSDR	LIVE
15	87672708		APOLLO PILOT	TSDR	LIVE
16	87672707		APOLLO PILOT	TSDR	LIVE
17	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
18	87677545		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87677544		APOLLO COMPUTING UNIT	TSDR	LIVE
20	87672706		APOLLO PILOT	TSDR	LIVE
21	87873651		BIENAPOLLO	TSDR	LIVE
22	87873606		EMAPOLLO	TSDR	LIVE
23	87873605		EMAPOLLO	TSDR	LIVE
24	87873604		EMAPOLLO	TSDR	LIVE
25	87873601		COMAPOLLO	TSDR	LIVE
26	87873596		COMAPOLLO	TSDR	LIVE

27	87873595		COMAPOLLO	TSDR	LIVE
28	87895688		APOLLAI	TSDR	LIVE
29	87895680		APOLLAI	TSDR	LIVE
30	87895672		APOLLAI	TSDR	LIVE
31	87873641		BYAPOLLO	TSDR	LIVE
32	87873640		BYAPOLLO	TSDR	LIVE
33	87873637		BYAPOLLO	TSDR	LIVE
34	87798333		CAR-POLLO	TSDR	LIVE
35	87798332		CAR-POLLO	TSDR	LIVE
36	87798331		CAR-POLLO	TSDR	LIVE
37	87798330		ULTRAPOLLO	TSDR	LIVE
38	87798328		ULTRAPOLLO	TSDR	LIVE
39	87798327		ULTRAPOLLO	TSDR	LIVE
40	87798325		DATAPOLLO	TSDR	LIVE
41	87798318		DATAPOLLO	TSDR	LIVE
42	87798316		DATAPOLLO	TSDR	LIVE
43	87789926		TEAM APOLLO	TSDR	LIVE
44	87789924		TEAM APOLLO	TSDR	LIVE
45	87789917		TEAM APOLLO	TSDR	LIVE
46	87514258		<b>BAIDU</b> APOLLO	TSDR	LIVE
47	87514218		<b>BAIDU</b> APOLLO	TSDR	LIVE
48	87515130		APOLLO	TSDR	LIVE
49	87515123		APOLLO	TSDR	LIVE
50	87515121		APOLLO	TSDR	LIVE
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52	87873592		FOREAPOLLO	TSDR	LIVE
53	87873590		FOREAPOLLO	TSDR	LIVE
54	87515111		APOLLO	TSDR	LIVE
55	87514261		<b>BAIDU</b> APOLLO	TSDR	LIVE
56	87514254		<b>BAIDU</b> APOLLO	TSDR	LIVE
57	87759024		LEAPOLLO	TSDR	LIVE
58	87720768		APOLLIANCE	TSDR	LIVE
59	87720763		APOLLONEER	TSDR	LIVE
60	87514209		<b>BAIDU</b> APOLLO	TSDR	LIVE
61	87515109		APOLLO	TSDR	LIVE
62	87672715		APOLLO PILOT	TSDR	LIVE
63	87515105		APOLLO	TSDR	LIVE
64	87515127		APOLLO	TSDR	LIVE
65	87515119		APOLLO	TSDR	LIVE
66	87514208		<b>BAIDU</b> APOLLO	TSDR	LIVE

ESTTA Tracking number: **ESTTA921707**

Filing date: **09/12/2018**

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	Arroware Industries, Inc
Granted to Date of previous extension	09/12/2018
Address	40 Valleyview Drive Ancaster, L9G2A5 CANADA

Correspondence information	Timur E. Slonim Attorney of Record Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. 666 Third Avenue New York, NY 10017 UNITED STATES teslonim@mintz.com, ipdocketingBOS@mintz.com, mmims@mintz.com 212-692-6704
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### Applicant Information

Application No	87515111	Publication date	05/15/2018
Opposition Filing Date	09/12/2018	Opposition Period Ends	09/12/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA		

### Goods/Services Affected by Opposition


Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefor
--

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

### Mark Cited by Opposer as Basis for Opposition



U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Attachments	85895773#TMSN.png( bytes ) Opposition Apollo 87-515-111.PDF(105795 bytes ) Exhibits 1 -4.pdf(2594913 bytes )
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Signature	/Timur E. Slonim/
Name	Timur E. Slonim
Date	09/12/2018

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

In the Matter of Application Serial No. 87/515,111

for APOLLO

Published in the *Official Gazette* on May 15, 2018

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Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/515,111
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

---

**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/515,111 for the proposed mark APOLLO (“Proposed APOLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on May 15, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1)  
Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/515,111 under Trademark Act Section 1(b) on July 3, 2017 to register the proposed mark APOLLO for “Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefor” in International Class 035 (“Application”). (Ex. 2)  
The mark APOLLO was published in the *Official Gazette* on May 15, 2018.
3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous

domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others, all of which are redirected to [www.arroware.ca](http://www.arroware.ca) website.

7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, [recombu.com](http://recombu.com), [betakit.com](http://betakit.com), [alphr.com](http://alphr.com), [rfi.fr](http://rfi.fr), [digitlife.fr](http://digitlife.fr), and [dutchcowboys.nl](http://dutchcowboys.nl).
9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, [facebook.com](http://facebook.com), [twitter.com](http://twitter.com), and [youtube.com](http://youtube.com), consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.
10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and

HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.

(Ex. 3)

11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into its Proposed APOLLO Mark
13. Applicant's Proposed APOLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed APOLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed APOLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 66 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, BAIDU APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information," "file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files," "electronic, electric, and digital

transmission of voice, data, images, signals, and messages,” “communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks,” and “computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest.” It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant’s APOLLO Family of Marks is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant’s APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer’s MYAPOLLO Mark.
19. Upon information and belief, Applicant intends to use its Proposed APOLLO Mark in connection with “Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefor” as fully recited in the Application. Proposed APOLLO Mark is part of the APOLLO Family of Marks. For example, in another Application No. 87/515,121 applicant seeks to register APOLLO mark for “Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning

topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations.”

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant’s Proposed APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer’s MYAPOLLO Mark.
23. The services identified by Applicant’s Proposed APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer’s MYAPOLLO Mark.

24. The services identified by Applicant's Proposed APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.
25. Applicant's Proposed APOLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed APOLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/515,111 for the mark APOLLO under Section 2(d) of the Trademark Act.

## **COUNT TWO**

### **LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use APOLLO mark for each and every good and service recited in the Application when it was filed on July 3, 2017.

Dated: September 12, 2018

Respectfully submitted,

By:



---

Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)  
*Attorneys for Opposer Arroware Industries,  
Inc.*



CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on September 12, 2018 to:

**creatingip@gmail.com**

Mr. Hailong Xiang  
Baidu Online Network Technology (Beijing) Co., Ltd.  
Flat C 29 F Tower 3 Discovery Park  
Tsuen Wan NT,  
Hong Kong



---

Timur E. Slonim

# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES, TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



United States Patent and Trademark Office

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[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) [List At:](#)  [OR](#) [Jump](#) to record:  **Record 116 out of 187**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# MYAPOLLO

**Word Mark** MY APOLLO  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85895773

**Filing Date** April 4, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 30, 2013

**Registration Number** 4668175

**Registration Date** January 6, 2015

**Owner** (REGISTRANT) Arroware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5

**Attorney of Record** Timur E. Slonim

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>							

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The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

STATUS DOCUMENTS MAINTENANCE

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Mark: MY APOLLO

MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share images or graphics, audio, video, and other multimedia content between registered users via global telephones, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent TIMUR E SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

**Assignment Abstract Of Title Information - Click to Load**



## Proceedings - Click to Load

## **Exhibit 2**



## United States Patent and Trademark Office

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## Trademarks &gt; Trademark Electronic Search System (TESS)

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Word Mark	APOLLO
Goods and Services	IC 035. US 100 101 102. G & S: Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefor
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	87515111
Filing Date	July 3, 2017
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	May 15, 2018
Owner	(APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

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Generated on: This page was generated by TSDR on 2018-09-11 15:17:47 EDT

Mark: APOLLO



US Serial Number: 87515111

Application Filing Date: Jul. 03, 2017

Filed as TEAS Yes

Plus:

Currently TEAS Yes

Plus:

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 13, 2018

Publication Date: May 15, 2018

## Mark Information

Mark Literal APOLLO

Elements:

Standard Character No

Claim:

Mark Drawing 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Type:

Color(s) Claimed: Color is not claimed as a feature of the mark.

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefor

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

Owner Address: BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING  
CHINA

Legal Entity Type: limited company (Ltd.)

State or Country CHINA  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Docket Number: VM82894

### Correspondent

Correspondent XIANG, HAILONG  
Name/Address: FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT  
HONG KONG

Correspondent e-mail: [creatingip@gmail.com](mailto:creatingip@gmail.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 13, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 15, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 15, 2018	PUBLISHED FOR OPPOSITION	
Apr. 25, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 05, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 13, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 13, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 13, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 04, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 04, 2017	NON-FINAL ACTION E-MAILED	6325
Oct. 04, 2017	NON-FINAL ACTION WRITTEN	76581
Sep. 27, 2017	ASSIGNED TO EXAMINER	76581
Jul. 11, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 06, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: BUTLER, ANDREA P

Law Office LAW OFFICE 124  
Assigned:

### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 12, 2018

## Proceedings

### Summary

Number of 1  
Proceedings:

### Type of Proceeding: Extension of Time

Proceeding Number: 87515111

Filing Date: Jun 13, 2018

Status: Extension of Time to Oppose Filed

Status Date: Jun 13, 2018

Interlocutory  
Attorney:

### Defendant

Name: BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ) CO., LTD.

Correspondent HAILONG XIANG  
Address: FLAT C 29/F TOWER 3 DISCOVERY PARK  
TSUEN WAN NT HONG KONG

Correspondent e-mail: [creatingip@gmail.com](mailto:creatingip@gmail.com)

mail: \_\_\_\_\_

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
APOLLO	Request For Extension of Time to File Opposition	<u>87515111</u>	
<b>Potential Opposer(s)</b>			

**Name:** Arroware Industries, Inc

**Correspondent** TIMUR E SLONIM

**Address:** MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P C  
666 THIRD AVENUE  
NEW YORK NY , 10017  
UNITED STATES

**Correspondent e-mail:** [teslonim@mintz.com](mailto:teslonim@mintz.com) , [mmims@mintz.com](mailto:mmims@mintz.com) , [ipdocketingBOS@mintz.com](mailto:ipdocketingBOS@mintz.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 13, 2018	
2	EXT GRANTED	Jun 19, 2018	

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, May 15, 2018 00:53 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87515111: APOLLO (Stylized/Design): Docket/Reference No. VM82894

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**TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87515111  
**Mark:** APOLLO (Stylized/Design)  
**International Class(es):** 035  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** VM82894

The mark identified above has been published in the Trademark Official Gazette (TMOG) on May 15, 2018.

**To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-05-15&serialNumber=87515111>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

**Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87515111&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87515111&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87515111&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87515111&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P. O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Apr 25, 2018

## NOTICE OF PUBLICATION

- |                                      |  |
|--------------------------------------|--|
| 1. Serial No.:<br>87-515,111         | 2. Mark:<br>APOLLO<br>(STYLIZED/DESIGN)                    |
| 3. International Class(es):<br>35    |  |
| 4. Publication Date:<br>May 15, 2018 | 5. Applicant:<br>BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

[creatingip@gmail.com](mailto:creatingip@gmail.com)

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, April 25, 2018 04:37 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87515111: APOLLO (Stylized/Design): Docket/Reference No. VM82894

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87515111) is scheduled to publish in the *Official Gazette* on May 15, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87515111>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87515111	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BUTLER, ANDREA P	L.O. ASSIGNED	N60-NOT FOUND

**PUB INFORMATION**

RUN DATE	04/06/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	04/05/2018		
LITERAL MARK ELEMENT	APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	APOLLO
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,

ENTITY		99-limited company (ltd.)					
CITIZENSHIP		China					
<b>GOODS AND SERVICES</b>							
INTERNATIONAL CLASS		035					
DESCRIPTION TEXT		Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore					
<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>							
CHANGE IN REGISTRATION				NO			
COLORS CLAIMED STATEMENT				Color is not claimed as a feature of the mark.			
<b>PROSECUTION HISTORY</b>							
DATE	ENT CD	ENT TYPE	DESCRIPTION				ENT NUM
04/05/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER				010
03/13/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED				009
03/13/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE				008
03/13/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED				007
10/04/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED				006
10/04/2017	GNRT	F	NON-FINAL ACTION E-MAILED				005
10/04/2017	CNRT	R	NON-FINAL ACTION WRITTEN				004
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER				003
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM				002
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM				001
<b>CURRENT CORRESPONDENCE INFORMATION</b>							
ATTORNEY				NONE			
CORRESPONDENCE ADDRESS				XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG			
DOMESTIC REPRESENTATIVE				NONE			

apollo

## Note To The File

Serial Number: 87515111  
Date: 04/05/2018 11:29 am  
Created by: Andrea Butler



Do Not Print

- Description of the Mark

## Note To The File

Serial Number: 87515111  
Date: 04/05/2018 11:28 am  
Created by: Andrea Butler



refusals withdrawn

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87515111	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BUTLER, ANDREA P	L.O. ASSIGNED	N60-NOT FOUND

**PUB INFORMATION**

RUN DATE	03/14/2018		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/13/2018		
LITERAL MARK ELEMENT	APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	APOLLO
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,



ENTITY		99-limited company (ltd.)	
CITIZENSHIP		China	
<b>GOODS AND SERVICES</b>			
INTERNATIONAL CLASS		035	
DESCRIPTION TEXT		Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore	
<b>GOODS AND SERVICES CLASSIFICATION</b>			
INTERNATIONAL CLASS	035	FIRST USE DATE	NONE
		FIRST USE IN COMMERCE DATE	NONE
CLASS STATUS		6-ACTIVE	
<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>			
CHANGE IN REGISTRATION		NO	
COLORS CLAIMED STATEMENT		Color is not claimed as a feature of the mark.	
DESCRIPTION OF MARK		The mark consists of the stylized wording apollo.	
<b>PROSECUTION HISTORY</b>			
DATE	ENT CD	ENT TYPE	DESCRIPTION
03/13/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED
03/13/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE
03/13/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED
10/04/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED
10/04/2017	GNRT	F	NON-FINAL ACTION E-MAILED
10/04/2017	CNRT	R	NON-FINAL ACTION WRITTEN
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM
<b>CURRENT CORRESPONDENCE INFORMATION</b>			
ATTORNEY		NONE	
CORRESPONDENCE ADDRESS		XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG	
DOMESTIC REPRESENTATIVE		NONE	

apollo

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87515111
LAW OFFICE ASSIGNED	LAW OFFICE 124
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/87515111/large
LITERAL ELEMENT	APOLLO
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO

### ARGUMENT(S)

#### RESPONSE TO OFFICE ACTION

This is in response to the Office Action dated October 4, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

#### REMARKS

#### **I. No Likelihood of Confusion With Marks Subject to Cited Registrations and Application**

The Examining Attorney has refused registration of Application Serial No. 87/515111 for the mark APOLLO (with infinity design) ("Applicant's Mark") owned by Baidu Online Network Technology (Beijing) Co., Ltd ("Applicant"), depicted below:

Mark	Serial No.	Goods
*See attached PDF for image*	87/515111	<u>Class 035</u> : Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory

information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties

The Examining Attorney has concluded pursuant to Section 2(d) of the Trademark Act that Applicant's Mark is likely to be confused with the following marks (the "Cited Marks"):

Mark	Reg. No.	Goods
APOLLO	2,770,579	Class 035: Providing office and business management services in the travel field for others; dissemination of advertising for others in the hotel and travel industries via an on-line electronic communication network; marketing services for others in the hotel and travel industries via an on-line electronic communications network
*See attached PDF for image*	3,922,904	Class 035: Advertising on the Internet for others; Advertising services, namely, creating corporate and brand identity for others; Advertising, marketing and promotion services; Design of internet advertising; Internet advertising services; On-line advertising and marketing services
APOLLO INTERACTIVE	3,976,893	Class 035: Advertising on the Internet for others; Advertising services, namely, creating corporate and brand identity for others; Advertising, marketing and promotion services; Design of internet advertising; Internet advertising services; On-line advertising and marketing services

*A. All of the Marks Differ in Appearance*

In the instant action, the Examining Attorney stated that, "[t]he literal portion of the applicant's APOLLO and the registrant's APOLLO marks are identical. The applicant shares the term APOLLO with the APOLLO INTERACTIVE marks. Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression."

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant's mark or to the stylized cited marks, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account "the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression." *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). "All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar." *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

1. The Cited Design Mark

Here, the commercial impression of Applicant's Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter "p" and the first "o" in the term APOLLO combine to form an infinity symbol (∞). The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. *See* Infinity Symbol." Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol](https://en.wikipedia.org/wiki/Infinity_symbol), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as "infinity" such that it shapes the overall commercial impression of Applicant's mark.

In specific regard to Applicant's Mark as compared to the cited design mark, the differences in the design elements, when considered in conjunction with the words obviates confusion. *See, generally*, TMEP § 1207.01. The comparison of composite marks is to be done on a case-by-case basis, and an Examining Attorney should not rely upon any mechanical rules. *See, e.g., In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL and design of large, double-letter RR configuration and registered mark RACEGIRL, even when used on in-part identical goods); *In re White Rock Distilleries Inc.*, 92 USPQ2d 1282 (TTAB 2009) (holding VOLTA for vodka infused with caffeine, and TERZA VOLTA and vine shoot design for wines, not likely to cause confusion).

When viewed in their entirety, Applicant's Mark has a very different appearance, meaning and commercial impression from the cited design mark. As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. The cited design mark does not share the infinity design and is rendered with a design different from Applicant's Mark. When the marks are compared in their entireties, as they must be, Applicant's Mark differs greatly in overall commercial impression from the cited design mark. As a result, confusion between Applicant's Mark and the cited design mark is unlikely.

1. The Cited Standard-Character Marks

In specific reference to a comparison of Applicant's Mark with the cited standard-character marks, if a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983). As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. This is the very sort of stylized pictorial representation that distinguishes a design-formative mark from standard-character marks. Because of its distinctive, highly stylized character, Applicant's mark has a commercial impression that is overall different than the commercial impressions of the cited standard-character marks. Accordingly, confusion between Applicant's Mark and the standard character cited marks is unlikely.

B. The Applicant Amends the Identification of Services

The identification of goods in the instant application is:

Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and

ordered by telecommunication or the electronic way; Sales promotion for third parties

Applicant requests that it be amended in the following manner (added text in bold, deleted text struck through):

Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ~~ordered by telecommunication or the electronic way; Sales promotion for third parties~~

Accordingly, the amended identification of goods would be:

Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore

*C. The Services, as Amended, Are Likewise Dissimilar*

In a likelihood of confusion analysis, "if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board's dismissal of opposer's likelihood-of-confusion claim, noting "there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source" though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB's holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods).

Applicant's services, as amended, are "*Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; for vehicles.*" The Cited Mark all concern advertising services. Consumer consultation services specifically related to vehicles are distinctly different from advertising services. A purchaser of the former would not expect the provider to likewise provide the latter. Because these services serve entirely different purposes, purchasers will not mistakenly believe that the emanate from the same source and, accordingly, there is no likelihood of confusion.

**II. There Is No Likelihood of Confusion With the Cited Prior Application**

The examining attorney indicates that the mark subject to application no. 87/158698 (APOLLO), if registered, could pose a likelihood of confusion with Applicant's Mark. For the reasons discussed in Section I, *supra*, Applicant submits that the commercial impression of the relevant marks are different and, therefore, there is no likelihood of confusion. Likewise, the services are dissimilar. Applicant's Mark concerns consumer consulting services in connection with vehicles, whereas the cited prior application concerns analytical services in connection with public transportation. Because the marks are dissimilar and the services are dissimilar, there is no likelihood of confusion.

**III. Conclusion**

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

# EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_20620511710-20180313083845878714 . Exhibit A.pdf
CONVERTED PDF FILE(S) (5 pages)	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0004.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0005.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0006.JPG
ORIGINAL PDF FILE	evi_1-20620511710-20180313083845878714 . 87-515111 Response.pdf
CONVERTED PDF FILE(S) (8 pages)	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0007.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0008.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0009.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0010.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0011.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0012.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0013.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515111\xml4\ROA0014.JPG
DESCRIPTION OF EVIDENCE FILE	Office Action Response Exhibit A to Office Action Response

# GOODS AND/OR SERVICES SECTION (current)

INTERNATIONAL CLASS	035
DESCRIPTION	
Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties	
FILING BASIS	Section 1(b)

# GOODS AND/OR SERVICES SECTION (proposed)

INTERNATIONAL CLASS	035
TRACKED TEXT DESCRIPTION	
Advertisement via mobile phone networks; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via	

internet, the cable network or other forms of data transfer; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties

#### FINAL DESCRIPTION

Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore

#### FILING BASIS

Section 1(b)

#### SIGNATURE SECTION

#### RESPONSE SIGNATURE

/Anthony E. Rufo/

#### SIGNATORY'S NAME

Anthony E. Rufo

#### SIGNATORY'S POSITION

Attorney of record, New York bar member

#### DATE SIGNED

03/13/2018

#### AUTHORIZED SIGNATORY

YES

#### FILING INFORMATION SECTION

#### SUBMIT DATE

Tue Mar 13 08:54:44 EDT 2018

#### TEAS STAMP

USPTO/ROA-XXX.XXX.XXX.XX-  
20180313085444874256-8751  
5111-510efdb306969bb27c3a  
31fa3385e2a6e8a6c872921cc  
da563f35d2b7f38196-N/A-N/  
A-20180313083845878714

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PTO Form 1557 (Rev 10/2011)

OMB No. 0651-0050 (Exp 09/20/2020)

### Response to Office Action

#### To the Commissioner for Trademarks:

Application serial no. **87515111** APOLLO (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/87515111/large>) has been amended as follows:

#### ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

#### RESPONSE TO OFFICE ACTION

This is in response to the Office Action dated October 4, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

#### REMARKS

#### **I. No Likelihood of Confusion With Marks Subject to Cited Registrations and Application**

The Examining Attorney has refused registration of Application Serial No. 87/515111 for the mark APOLLO (with infinity design) ("Applicant's Mark") owned by Baidu Online Network Technology (Beijing) Co., Ltd ("Applicant"), depicted below:

Mark	Serial No.	Goods



*See attached PDF for image*	87/515111	<u>Class 035</u> : Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties
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*See attached PDF for image*	3,922,904	<u>Class 035</u> : Advertising on the Internet for others; Advertising services, namely, creating corporate and brand identity for others; Advertising, marketing and promotion services; Design of internet advertising; Internet advertising services; On-line advertising and marketing services
APOLLO INTERACTIVE	3,976,893	<u>Class 035</u> : Advertising on the Internet for others; Advertising services, namely, creating corporate and brand identity for others; Advertising, marketing and promotion services; Design of internet advertising; Internet advertising services; On-line advertising and marketing services

A. All of the Marks Differ in Appearance

In the instant action, the Examining Attorney stated that, “[t]he literal portion of the applicant’s APOLLO and the registrant’s APOLLO marks are identical. The applicant shares the term APOLLO with the APOLLO INTERACTIVE marks. Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression.”

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant’s mark or to the stylized cited marks, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account “the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). “All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

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*In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

1. The Cited Design Mark

Here, the commercial impression of Applicant’s Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter “p” and the first “o” in the term APOLLO combine to form an infinity symbol (∞). The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. *See* Infinity Symbol.” Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol](https://en.wikipedia.org/wiki/Infinity_symbol), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as “infinity” such that it shapes the overall commercial impression of Applicant’s mark.

In specific regard to Applicant’s Mark as compared to the cited design mark, the differences in the design elements, when considered in conjunction with the words obviates confusion. *See, generally*, TMEP § 1207.01. The comparison of composite marks is to be done on a case-by-case basis, and an Examining Attorney should not rely upon any mechanical rules. *See, e.g., In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL and design of large, double-letter RR configuration and registered mark RACEGIRL, even when used on in-part identical goods); *In re White Rock Distilleries Inc.*, 92 USPQ2d 1282 (TTAB 2009) (holding VOLTA for vodka infused with caffeine, and TERZA VOLTA and vine shoot design for wines, not likely to cause confusion).

When viewed in their entirety, Applicant’s Mark has a very different appearance, meaning and commercial impression from the cited design mark. As discussed above, the overall commercial impression of Applicant’s Mark is shaped by the inclusion of the infinity design. The cited design mark does not share the infinity design and is rendered with a design different from Applicant’s Mark. When the marks are compared in their entireties, as they must be, Applicant’s Mark differs greatly in overall commercial impression from the cited design mark. As a result, confusion between Applicant’s Mark and the cited design mark is unlikely.

1. The Cited Standard-Character Marks

In specific reference to a comparison of Applicant's Mark with the cited standard-character marks, if a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983). As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. This is the very sort of stylized pictorial representation that distinguishes a design-formative mark from standard-character marks. Because of its distinctive, highly stylized character, Applicant's mark has a commercial impression that is overall different than the commercial impressions of the cited standard-character marks. Accordingly, confusion between Applicant's Mark and the standard character cited marks is unlikely.

*B. The Applicant Amends the Identification of Services*

The identification of goods in the instant application is:

Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties

Applicant requests that it be amended in the following manner (added text in bold, deleted text struck through):

Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by ~~telecommunication or the electronic way; Sales promotion for third parties~~

Accordingly, the amended identification of goods would be:

Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore

*C. The Services, as Amended, Are Likewise Dissimilar*

In a likelihood of confusion analysis, "if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board's dismissal of opposer's likelihood-of-confusion claim, noting "there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source" though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB's holding that contemporaneous use of RITZ for cooking and

wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods).

Applicant's services, as amended, are "*Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; for vehicles.*" The Cited Mark all concern advertising services. Consumer consultation services specifically related to vehicles are distinctly different from advertising services. A purchaser of the former would not expect the provider to likewise provide the latter. Because these services serve entirely different purposes, purchasers will not mistakenly believe that the emanate from the same source and, accordingly, there is no likelihood of confusion.

## **II. There Is No Likelihood of Confusion With the Cited Prior Application**

The examining attorney indicates that the mark subject to application no. 87/158698 (APOLLO), if registered, could pose a likelihood of confusion with Applicant's Mark. For the reasons discussed in Section I, *supra*, Applicant submits that the commercial impression of the relevant marks are different and, therefore, there is no likelihood of confusion. Likewise, the services are dissimilar. Applicant's Mark concerns consumer consulting services in connection with vehicles, whereas the cited prior application concerns analytical services in connection with public transportation. Because the marks are dissimilar and the services are dissimilar, there is no likelihood of confusion.

## **III. Conclusion**

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

### **EVIDENCE**

Evidence in the nature of Office Action Response Exhibit A to Office Action Response has been attached.

#### **Original PDF file:**

[evi\\_20620511710-20180313083845878714 . Exhibit A.pdf](#)

#### **Converted PDF file(s) ( 5 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

#### **Original PDF file:**

[evi\\_1-20620511710-20180313083845878714 . 87-515111 Response.pdf](#)

#### **Converted PDF file(s) ( 8 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 035 for Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial

purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** Advertisement via mobile phone networks; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties

Class 035 for Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**SIGNATURE(S)**

**Response Signature**

Signature: /Anthony E. Rufo/ Date: 03/13/2018

Signatory's Name: Anthony E. Rufo

Signatory's Position: Attorney of record, New York bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 87515111

Internet Transmission Date: Tue Mar 13 08:54:44 EDT 2018

TEAS Stamp: USPTO/ROA-XXX.XXX.XXX.XX-201803130854448

74256-87515111-510efdb306969bb27c3a31fa3

385e2a6e8a6c872921ccda563f35d2b7f38196-N

/A-N/A-20180313083845878714

# **Exhibit A**

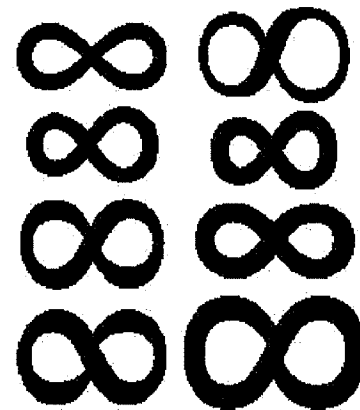
WIKIPEDIA

# Infinity symbol

The **infinity symbol** ∞ (sometimes called the lemniscate) is a mathematical symbol representing the concept of infinity.

## Contents

- History
- Usage
- Modern symbolism
- Graphic design
- Encoding
- See also
- References



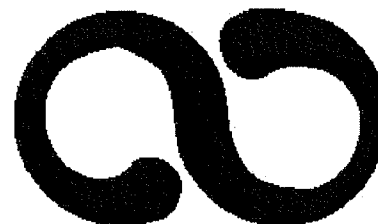
The ∞ symbol in several typefaces

## History



John Wallis introduced the infinity symbol to mathematical literature.

The shape of a sideways figure eight has a long pedigree; for instance, it appears in the cross of Saint Boniface, wrapped around the bars of a Latin cross.<sup>[1]</sup> However, John Wallis is credited with introducing the infinity symbol with its mathematical meaning in 1655, in his *De sectionibus conicis*.<sup>[1][2][3][4]</sup> Wallis did not explain his choice of this symbol, but it has been conjectured to be a variant form of a Roman numeral for 1,000 (originally CIO, also CO), which was sometimes used to mean "many", or of the Greek letter ω (omega), the last letter in the Greek alphabet.<sup>[5]</sup>



Symbol used by Euler to denote infinity

Leonhard Euler used an open variant of the symbol<sup>[6]</sup> in order to denote "absolutus infinitus". Euler freely performed various operations on infinity, such as taking its logarithm. This symbol is not used anymore, and is not encoded as a separate character in Unicode.

## Usage

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In mathematics, the infinity symbol is used more often to represent a potential infinity,<sup>[1]</sup> rather than to represent an actually infinite quantity such as the ordinal numbers and cardinal numbers (which use other notations). For instance, in the mathematical notation for summations and limits such as

$$\sum_{n=0}^{\infty} \frac{1}{2^n} = \lim_{x \rightarrow \infty} \frac{2^x - 1}{2^{x-1}} = 2,$$

the infinity sign is conventionally interpreted as meaning that the variable grows arbitrarily large (towards infinity) rather than actually taking an infinite value.

The infinity symbol may also be used to represent a point at infinity, especially when there is only one such point under consideration. This usage includes, for instance, the infinite point of a projective line,<sup>[7]</sup> and the point added to a topological space *T* to form its one-point compactification *T*<sub>∞</sub>.<sup>[8]</sup>

In areas other than mathematics, the infinity symbol may take on other related meanings; for instance, it has been used in bookbinding to indicate that a book is printed on acid-free paper and will therefore be long-lasting.<sup>[9]</sup>

## Modern symbolism

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In modern mysticism, the infinity symbol has become identified with a variation of the ouroboros, an ancient image of a snake eating its own tail that has also come to symbolize the infinite, and the ouroboros is sometimes drawn in figure-eight form to reflect this identification, rather than in its more traditional circular form.<sup>[10]</sup>

In the works of Vladimir Nabokov, including *The Gift* and *Pale Fire*, the figure-eight shape is used symbolically to refer to the Möbius strip and the infinite, for instance in these books' descriptions of the shapes of bicycle tire tracks and of the outlines of half-remembered people. The poem after which *Pale Fire* is entitled explicitly refers to "the miracle of the lemniscate".<sup>[11]</sup>

## Graphic design

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The well known shape and meaning of the infinity symbol have made it a common typographic element of graphic design. For instance, the Métis flag, used by the Canadian Métis people in the early 19th century, is based around this symbol.<sup>[12]</sup> In modern commerce, corporate logos featuring this symbol have been used by, among others, Room for PlayStation Portable, Microsoft Visual Studio, Fujitsu, and CoorsTek.

## Encoding

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The symbol is encoded in Unicode at U+221E ∞ INFINITY and in LaTeX as `\infty`: ∞.

The Unicode set of symbols also includes several variant forms of the infinity symbol, that are less frequently available in fonts: U+29DC ∞ INCOMPLETE INFINITY (HTML `&#10716;`; • ISOTech entity ∞), U+29DD ∞ TIE OVER INFINITY (HTML `&#10717;`) and U+29DE ∞ INFINITY NEGATED WITH VERTICAL BAR (HTML `&#10718;`) in block Miscellaneous Mathematical Symbols-B.<sup>[13]</sup> The acid-free paper symbol mentioned above is encoded separately as U+267E ☹ PERMANENT PAPER SIGN (HTML `&#9854;`).

## See also

- History of mathematical notation

## References

- Barrow, John D. (2008), "Infinity: Where God Divides by Zero", *Cosmic Imagery: Key Images in the History of Science* (<https://books.google.com/books?id=uRg6iN10JCIC&pg=PA339>), W. W. Norton & Company, pp. 339–340, ISBN 9780393061772
- De sectionibus conicis nova methodo expositis tractatus - John Wallis - Google Boeken* ([https://books.google.com/books?id=03M\\_AAAAcAAJ&pg=PP5](https://books.google.com/books?id=03M_AAAAcAAJ&pg=PP5)), Books.google.com. Retrieved 2013-12-01. See e.g. Prop. 1, p. 4.
- Scott, Joseph Frederick (1981), *The mathematical work of John Wallis, D.D., F.R.S., (1616-1703)* (<https://books.google.com/books?id=XX9PKytw8g8C&pg=PA24>) (2 ed.), American Mathematical Society, p. 24, ISBN 0-8284-0314-7
- Martin-Löf, Per (1990), "Mathematics of infinity", *COLOG-88 (Tallinn, 1988)*, *Lecture Notes in Computer Science*, 417, Berlin: Springer, pp. 146–197, doi:10.1007/3-540-52335-9\_54 ([https://doi.org/10.1007/3-540-52335-9\\_54](https://doi.org/10.1007/3-540-52335-9_54)), MR 1064143 (<https://www.ams.org/mathscinet-getitem?mr=1064143>)
- Clegg, Brian (2003), *A brief history of infinity: the quest to think the unthinkable*, Robinson, ISBN 9781841196503
- See for instance Cor. 1 p. 174 in: Leonhard Euler. *Variae observationes circa series infinitas*. *Commentarii academiae scientiarum Petropolitanae* 9, 1744, pp. 160-188. [1] (<http://eulerarchive.maa.org/docs/originals/E072.pdf>)



The infinity symbol appears on several cards of the Rider–Waite tarot deck

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10. O'Flaherty, Wendy Doniger (1986), *Dreams, Illusion, and Other Realities* (<https://books.google.com/books?id=vhNNrX3bmo4C&pg=PA243>), University of Chicago Press, p. 243, ISBN 9780226618555. The book also features this image on its cover.
11. Toker, Leona (1989), *Nabokov: The Mystery of Literary Structures* ([https://books.google.com/books?id=Jud1q\\_NrqpcC&pg=PA159](https://books.google.com/books?id=Jud1q_NrqpcC&pg=PA159)), Cornell University Press, p. 159, ISBN 9780801422119
12. Healy, Donald T.; Orenski, Peter J. (2003), *Native American Flags*, University of Oklahoma Press, p. 284, ISBN 9780806135564
13. "Unicode chart (pdf)" (<http://www.unicode.org/charts/PDF/U2980.pdf>) (PDF). Retrieved 2013-12-01.

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Retrieved from "[https://en.wikipedia.org/w/index.php?title=Infinity\\_symbol&oldid=826781676](https://en.wikipedia.org/w/index.php?title=Infinity_symbol&oldid=826781676)"

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mark:	APOLLO (with infinity design)	To be filed electronically
Applicant:	Baidu Online Network Technology (Beijing) Co., Ltd	
Serial No.:	87/515111	

**RESPONSE TO OFFICE ACTION**

This is in response to the Office Action dated October 4, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

**REMARKS**

**I. No Likelihood of Confusion With Marks Subject to Cited Registrations and Application**

The Examining Attorney has refused registration of Application Serial No. 87/515111 for the mark APOLLO (with infinity design) (“Applicant’s Mark”) owned by Baidu Online Network Technology (Beijing) Co., Ltd (“Applicant”), depicted below:

Mark	Serial No.	Goods
*See attached PDF for image*	87/515111	<u>Class 035</u> : Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services

		of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties
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The Examining Attorney has concluded pursuant to Section 2(d) of the Trademark Act that Applicant's Mark is likely to be confused with the following marks (the "Cited Marks"):

Mark	Reg. No.	Goods
APOLLO	2,770,579	<u>Class 035</u> : Providing office and business management services in the travel field for others; dissemination of advertising for others in the hotel and travel industries via an on-line electronic communication network; marketing services for others in the hotel and travel industries via an on-line electronic communications network
*See attached PDF for image*	3,922,904	<u>Class 035</u> : Advertising on the Internet for others; Advertising services, namely, creating corporate and brand identity for others; Advertising, marketing and promotion services; Design of internet advertising; Internet advertising services; On-line advertising and marketing services
APOLLO INTERACTIVE	3,976,893	<u>Class 035</u> : Advertising on the Internet for others; Advertising services, namely, creating corporate and brand identity for others; Advertising, marketing and promotion services; Design of internet advertising; Internet advertising services; On-line advertising and marketing services

*A. All of the Marks Differ in Appearance*

In the instant action, the Examining Attorney stated that, "[t]he literal portion of the applicant's APOLLO and the registrant's APOLLO marks are identical. The applicant shares the

term APOLLO with the APOLLO INTERACTIVE marks. Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression.”

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant’s mark or to the stylized cited marks, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account “the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). “All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

#### 1. The Cited Design Mark

Here, the commercial impression of Applicant’s Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of

the letter “p” and the first “o” in the term APOLLO combine to form an infinity symbol ( $\infty$ ). The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. *See* Infinity Symbol.” Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol](https://en.wikipedia.org/wiki/Infinity_symbol), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as “infinity” such that it shapes the overall commercial impression of Applicant’s mark.

In specific regard to Applicant’s Mark as compared to the cited design mark, the differences in the design elements, when considered in conjunction with the words obviates confusion. *See, generally*, TMEP § 1207.01. The comparison of composite marks is to be done on a case-by-case basis, and an Examining Attorney should not rely upon any mechanical rules. *See, e.g., In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL and design of large, double-letter RR configuration and registered mark RACEGIRL, even when used on in-part identical goods); *In re White Rock Distilleries Inc.*, 92 USPQ2d 1282 (TTAB 2009) (holding VOLTA for vodka infused with caffeine, and TERZA VOLTA and vine shoot design for wines, not likely to cause confusion).

When viewed in their entirety, Applicant’s Mark has a very different appearance, meaning and commercial impression from the cited design mark. As discussed above, the overall commercial impression of Applicant’s Mark is shaped by the inclusion of the infinity design. The cited design mark does not share the infinity design and is rendered with a design different from Applicant’s Mark. When the marks are compared in their entireties, as they must be, Applicant’s Mark differs greatly in overall commercial impression from the cited design mark. As a result, confusion between Applicant’s Mark and the cited design mark is unlikely.

1. The Cited Standard-Character Marks

In specific reference to a comparison of Applicant's Mark with the cited standard-character marks, if a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983). As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. This is the very sort of stylized pictorial representation that distinguishes a design-formative mark from standard-character marks. Because of its distinctive, highly stylized character, Applicant's mark has a commercial impression that is overall different than the commercial impressions of the cited standard-character marks. Accordingly, confusion between Applicant's Mark and the standard character cited marks is unlikely.

B. *The Applicant Amends the Identification of Services*

The identification of goods in the instant application is:

Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties

Applicant requests that it be amended in the following manner (added text in bold, deleted text struck through):

~~Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties~~

Accordingly, the amended identification of goods would be:

Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore

*C. The Services, as Amended, Are Likewise Dissimilar*

In a likelihood of confusion analysis, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board’s dismissal of opposer’s likelihood-of-confusion claim, noting “there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same



source" though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB's holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods).

Applicant's services, as amended, are "*Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; for vehicles.*" The Cited Mark all concern advertising services. Consumer consultation services specifically related to vehicles are distinctly different from advertising services. A purchaser of the former would not expect the provider to likewise provide the latter. Because these services serve entirely different purposes, purchasers will not mistakenly believe that the emanate from the same source and, accordingly, there is no likelihood of confusion.

## **II. There Is No Likelihood of Confusion With the Cited Prior Application**

The examining attorney indicates that the mark subject to application no. 87/158698 (APOLLO), if registered, could pose a likelihood of confusion with Applicant's Mark. For the reasons discussed in Section I, *supra*, Applicant submits that the commercial impression of the relevant marks are different and, therefore, there is no likelihood of confusion. Likewise, the services are dissimilar. Applicant's Mark concerns consumer consulting services in connection with vehicles, whereas the cited prior application concerns analytical services in connection with

public transportation. Because the marks are dissimilar and the services are dissimilar, there is no likelihood of confusion.

### **III. Conclusion**

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87515111 - APOLLO - VM82894  
**Sent:** 10/4/2017 2:20:51 PM  
**Sent As:** ECOM124@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
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[Attachment - 9](#)  
[Attachment - 10](#)  
[Attachment - 11](#)

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION  
SERIAL NO. 87515111

MARK: APOLLO

**\*87515111\***

**CORRESPONDENT**

**ADDRESS:**

XIANG, HAILONG  
FLAT C, 29/F,  
TOWER 3, DISCOVERY  
PARK  
TSUEN WAN, NT  
HONG KONG

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**APPLICANT:** BAIDU  
ONLINE NETWORK  
TECHNOLOGY  
(BEIJING ETC.

**CORRESPONDENT'S  
REFERENCE/DOCKET**

**NO:**

VM82894

**CORRESPONDENT**

**E-MAIL ADDRESS:**

[creatingip@gmail.com](mailto:creatingip@gmail.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

## ISSUE/MAILING DATE: 10/4/2017

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### Summary of Issues

- Refusal under Section 2(d) – Likelihood of Confusion
- Notice of prior pending application as possible bar to registration

### **Section 2(d) – Likelihood of Confusion**

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 2770579, 3922904 and 3976893. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* *See* the attached registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterro Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

The applicant's mark is APOLLO (stylized) for "Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties".

The registrant's mark is APOLLO INTERACTIVE (with design) and APOLLO for "Advertising on the Internet for others; Advertising services, namely, creating corporate and brand identity for others; Advertising, marketing and promotion services; Design of internet advertising; Internet advertising services; On-line advertising and marketing services."

The registrant's mark is APOLLO for, in relevant part, "providing office and business management services in the travel field for others; dissemination of advertising for others in the hotel and travel industries via an on-line electronic communication network; marketing services for others in the hotel and travel industries via an on-line electronic communications network; Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; Information compilation, storage and retrieval services in the field of travel accommodations for others; providing on-line databases and travel directory databases in the field of travel accommodations".

### The Marks

Marks are compared in their entirety for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). "Similarity in any one of these elements may be sufficient to find the marks confusingly similar." *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB

2014) (citing *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988)); TMEP §1207.01(b).

The applicant's mark is APOLLO in stylized form. The registrant's marks are APOLLO and APOLLO INTERACTIVE. The literal portion of the applicant's APOLLO and the registrant's APOLLO marks are identical. The applicant shares the term APOLLO with the APOLLO INTERACTIVE marks. Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. See *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

While the applicant's mark contains stylization and one of the registrant's marks contains a design element, these differences do not obviate the refusal. For a composite mark containing both words and a design, the word portion may be more likely to indicate the origin of the goods and/or services because it is that portion of the mark that consumers use when referring to or requesting the goods and/or services. *Bond v. Taylor*, 119 USPQ2d 1049, 1055 (TTAB 2016) (citing *In re Vittera Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908, 1911 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although such marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Vittera Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Lastly, while the registrant's marks, APOLLO INTERACTIVE, contain additional descriptive wording, it does not obviate the refusal. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Vittera Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party's goods and/or services is typically less significant or less dominant when comparing marks. See *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat'l Data Corp.*, 753 F.2d at 1060, 224 USPQ at 752; TMEP §1207.01(b)(viii), (c)(ii). Thus the wording APOLLO is the dominant term in the mark which is the same as the only term in the applicant's mark.

#### The Goods/Services

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. See *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) ("[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods."); TMEP §1207.01(a)(i).

The respective goods and/or services need only be "related in some manner and/or if the circumstances surrounding their marketing are such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source." *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

The applicant's services are "Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties".

The registrant's (APOLLO INTERACTIVE (with design) and APOLLO) services are "Advertising on the Internet for others; Advertising services, namely, creating corporate and brand identity for others; Advertising, marketing and promotion services; Design of internet advertising; Internet advertising services; On-line advertising and marketing services." The applicant's services include the identical identification "on-line advertising and marketing services". Moreover, the applicant identifies a number of broad advertising and promotional identifications which are encompassed by the registrant's broad "advertising, marketing and promotion services".

The registrant's (APOLLO Reg. No. 2770579) services are, in relevant part, "providing office and business management services in the travel field for others; dissemination of advertising for others in the hotel and travel industries via an on-line electronic communication network;

marketing services for others in the hotel and travel industries via an on-line electronic communications network; Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; Information compilation, storage and retrieval services in the field of travel accommodations for others; providing on-line databases and travel directory databases in the field of travel accommodations". The applicant's identification includes "providing business information", compilation of information and advertising identifications. The applicant's services are written broadly so as to encompass the registrant's more field specific identification.

Given the similarities of the marks and the same services, confusion as to source is likely and therefore, registration is refused under Trademark Act Section 2(d) based on a likelihood of confusion.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

#### **Prior Pending Application**

The filing date of pending U.S. Application Serial No. 87158698 precedes applicant's filing date. See attached referenced application. If the mark in the referenced application registers, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the mark in the referenced application. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

#### **General Response Information**

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see "[Responding to Office Actions](#)" on the USPTO's website.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. See 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. See 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. See 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. See 37 C.F.R. §§2.6(a)(15)(ii), 2.66(b)(1).

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

/Andrea P. Butler/  
Trademark Attorney  
Law Office 124  
571-272-7491  
andrea.butler@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**Print: Oct 4, 2017**

**87158698**

**DESIGN MARK**

**Serial Number**

87158698

**Status**

STATEMENT OF USE - TO EXAMINER

**Word Mark**

APOLLO

**Standard Character Mark**

Yes

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

NAPTBI, LLC LIMITED LIABILITY COMPANY NEW YORK 1840 Western Ave.  
Albany NEW YORK 12203

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Compiling and analyzing statistics, data and other sources of information regarding public transportation for business purposes; Data processing services in the field of public transportation; Outsource service provider in the field of business analytics regarding public transportation; Statistical analysis and reporting services for business purposes regarding public transportation; Analyzing and compiling business data regarding public transportation; Business data analysis regarding public transportation; Business data analysis services in the field of public transportation; Business research and data analysis services in the field of public transportation; Collection and analysis of quality metric data for schools, municipalities, local, state and federal agencies for business purposes for public transportation. First Use: 2017/01/20. First Use In Commerce: 2017/01/20.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Providing on-line non-downloadable software for schools, municipalities, and local, state and federal agencies to use in benchmarking and improving performance management, enhancing operations, and improving efficiency in the area of public transportation; Providing on-line non-downloadable software for scientific analysis of data related to



public transportation planning, operations and consumption of services; Providing on-line non-downloadable software for visualization of data representing the delivery and consumption of public transportation services; Providing on-line non-downloadable software for diagnosing, assessing, organizing, planning and determining proper courses of actions concerning compliance with federal, state and local laws, regulations and rules, alignment with local policies and procedures in the field of public transportation and education; Providing on-line non-downloadable software for the field of data warehousing and dissemination, to manage transactional data, provide statistical analysis, and produce notifications and reports in the field of public transportation; Providing a website featuring non-downloadable software for scientific analysis of data related to public transportation planning, operations and consumption of services and the visualization of data representing the delivery and consumption of public transportation services. First Use: 2017/01/20. First Use In Commerce: 2017/01/20.

**Filing Date**

2016/09/01

**Examining Attorney**

SPILS, CAROL

**Attorney of Record**

Daniel M. Novick

APOLLO

**Print: Oct 4, 2017**

**75982339**

**TYPED DRAWING**

**Serial Number**

75982339

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Registration Number**

2770579

**Date Registered**

2003/10/07

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

TRAVELPORT, LP LIMITED PARTNERSHIP DELAWARE 300 Galleria Parkway  
Atlanta GEORGIA 30339

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing office and business management services in the travel field for others; dissemination of advertising for others in the hotel and travel industries via an on-line electronic communication network; marketing services for others in the hotel and travel industries via an on-line electronic communications network. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Electronic data interchange network services, namely, providing on-line electronic bulletin boards for transmission of messages among computer users concerning travel, travel arrangements, and travel agency services; providing access time to computer databases in the field of travel arranging, booking and reservations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Arranging for ticket reservations for shows and other entertainment events; educational services, namely, conducting classes and seminars in the field of computerized booking and reservation systems and databases; training the use of computerized booking and reservation systems and databases. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Information compilation, storage and retrieval services in the field of travel accommodations for others; providing on-line databases and travel directory databases in the field of travel accommodations; travel agency services, namely, making hotel and accommodation reservations and bookings for others; computerized database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services; interactive computerized travel agency services, namely, making reservations and booking for temporary lodging-- travel agency services, namely, making reservations and bookings for temporary lodging accommodations; Travel services, namely the provision of information regarding accommodation availability and services to facilitate the booking the bookings and reservation of accommodations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Prior Registration(s)**

1268761;1907630

**Filing Date**

1999/04/30

**Examining Attorney**

WILLIAMS, IRENE D.

**Print: Oct 4, 2017**

**85079409**

**DESIGN MARK**

**Serial Number**

85079409

**Status**

SECTION 8 & 15--ACCEPTED AND ACKNOWLEDGED

**Word Mark**

APOLLO INTERACTIVE

**Standard Character Mark**

Yes

**Registration Number**

3976893

**Date Registered**

2011/06/14

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Apollo Interactive, Inc. CORPORATION CALIFORNIA 139 Illinois Street El  
Segundo CALIFORNIA 90245

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Advertising  
on the Internet for others; Advertising services, namely, creating  
corporate and brand identity for others; Advertising, marketing and  
promotion services; Design of internet advertising; Internet  
advertising services; On-line advertising and marketing services.  
First Use: 1997/00/00. First Use In Commerce: 1997/00/00.

**Prior Registration(s)**

2411996;2411997

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERACTIVE" APART  
FROM THE MARK AS SHOWN.

**Filing Date**

2010/07/07

**Print: Oct 4, 2017**

**85079409**

**Examining Attorney**  
JACKSON, STEVEN

**Attorney of Record**  
Rochelle D Alpert

APOLLO INTERACTIVE

**Print: Oct 4, 2017**

**85079445**

**DESIGN MARK**

**Serial Number**

85079445

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

APOLLO INTERACTIVE

**Standard Character Mark**

No

**Registration Number**

3922904

**Date Registered**

2011/02/22

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Apollo Interactive, Inc. CORPORATION CALIFORNIA 139 Illinois Street E1  
Segundo CALIFORNIA 90245

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Advertising  
on the Internet for others; Advertising services, namely, creating  
corporate and brand identity for others; Advertising, marketing and  
promotion services; Design of internet advertising; Internet  
advertising services; On-line advertising and marketing services.  
First Use: 2007/00/00. First Use In Commerce: 2007/00/00.

**Prior Registration(s)**

2411996;2411997

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERACTIVE" APART  
FROM THE MARK AS SHOWN.

**Description of Mark**

The mark consists of the words "apollo interactive" with orbiting  
planets.



**Print: Oct 4, 2017**

**85079445**

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

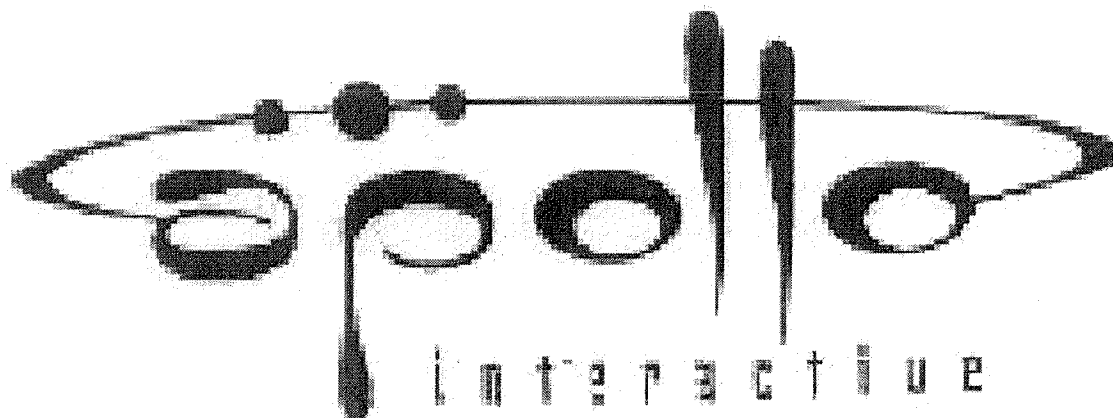
2010/07/07

**Examining Attorney**

JACKSON, STEVEN

**Attorney of Record**

Rochelle D Alpert



**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com)))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87515111 - APOLLO - VM82894  
**Sent:** 10/4/2017 2:20:52 PM  
**Sent As:** ECOM124@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **10/4/2017** FOR U.S. APPLICATION SERIAL NO. 87515111

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

**(1) READ THE LETTER** by clicking on this link or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **10/4/2017**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). A response transmitted through TEAS must be received before midnight **Eastern Time** of the last day of the response period.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

**(3) QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Andrea P. Butler/  
Trademark Attorney  
Law Office 124  
571-272-7491  
[andrea.butler@uspto.gov](mailto:andrea.butler@uspto.gov)

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle

private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:abutler \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	52	0	52	51	0:01	*ba{v}du*[bi,ti] not dead[lid]
02	1	0	1	1	0:01	*ba{"yie"}do*[bi,ti] not dead[lid]
03	16	0	16	16	0:01	*ba{"yie"}\$do*[bi,ti] not dead[lid]
04	49	N/A	0	0	0:01	*ba{"yie"}\$du*[bi,ti] not dead[lid]
05	3	0	3	2	0:01	*ba{"yie"}\$du*[bi,ti] not dead[lid] not 1
06	17	0	17	17	0:01	*by\$du*[bi,ti] not dead[lid]
07	1	0	1	1	0:01	*buy\$du*[bi,ti] not dead[lid]
08	7	0	7	7	0:01	*buy\$do*[bi,ti] not dead[lid]
09	53	0	53	53	0:01	*by\$do*[bi,ti] not dead[lid]
10	5641	N/A	0	0	0:01	*ba{"iey"}*[bi,ti] not dead[lid]
11	643	N/A	0	0	0:01	*ap{v}ll*[bi,ti] not dead[lid]
12	2112	N/A	0	0	0:01	*ap{v}l*[bi,ti] not dead[lid]
13	12	0	12	12	0:01	10 and (11 or 12)
14	324	0	324	312	0:02	11 and "009"[cc]
15	42	0	42	38	0:02	11 and "012"[cc] not 14
16	30	0	30	26	0:01	11 and "035"[cc] not 14 not 15
17	2112	N/A	77	77	0:01	12 not dead[lid]
18	95	0	95	95	0:01	*apolo*[bi,ti] not dead[lid]
19	122	0	122	102	0:01	apollo[fm] not dead[lid]
20	1	0	1	1	0:01	apolo[fm] not dead[lid]

Session started 9/28/2017 8:48:53 AM

Session finished 9/28/2017 9:58:03 AM

Total search duration 0 minutes 22 seconds

Session duration 69 minutes 10 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 87515111

apollo

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87515111

Filing Date: 07/03/2017

**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	\\TICRS\EXPORT17\IMAGEOUT 17\875\151\87515111\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	apollo
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized wording apollo.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	842 x 330
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
EMAIL ADDRESS	creatingip@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (Ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China

<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	035
*IDENTIFICATION	Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of <b>motorized vehicles, driverless cars, automobiles and structural parts therefore</b> ; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties
*FILING BASIS	SECTION I(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	XIANG, HAILONG
DOCKET/REFERENCE NUMBER	VM82894
*STREET	FLAT C, 29/F, TOWER 3, DISCOVERY PARK
*CITY	TSUEN WAN, NT
*COUNTRY	Hong Kong
*EMAIL ADDRESS	creatingip@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1



<b>FEE PER CLASS</b>	225
<b>*TOTAL FEE PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/xhl/
<b>* SIGNATORY'S NAME</b>	XIANG, HAILONG
<b>* SIGNATORY'S POSITION</b>	Director
<b>* DATE SIGNED</b>	07/03/2017

---

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87515111**

**Filing Date: 07/03/2017**

#### To the Commissioner for Trademarks:

**MARK:** apollo (stylized and/or with design, see [mark](#))

The mark in your application is apollo.

The applicant is not claiming color as a feature of the mark. The mark consists of the stylized wording apollo.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (ltd.) legally organized under the laws of China, having an address of

BAIDU CAMPUS, NO. 10

SHANGDI 10TH STREET, HAIDIAN DISTRICT

BEIJING

China

creatingip@gmail.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 035: Advertisement via mobile phone networks; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising and marketing services, namely, promoting the goods and services of others; Compilation and systemization of information into computer databases; Computerized on-line ordering featuring general consumer merchandise; On-line advertising and marketing services; Providing business information, also via internet, the cable network or other forms of data transfer; Providing purchase advisory and consulting services to consumers for the purchase of motorized vehicles, driverless cars, automobiles and structural parts therefore; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a web site featuring the ratings, reviews and recommendations on products and services for commercial purposes posted by users; Providing an online directory information service featuring information regarding vehicles in the nature of classified advertisements; Publicity and sales promotion relating to goods and services, offered and ordered by telecommunication or the electronic way; Sales promotion for third parties

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

XIANG, HAILONG

FLAT C, 29/F, TOWER 3, DISCOVERY PARK

TSUEN WAN, NT, Hong Kong

creatingip@gmail.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

The docket/reference number is VM82894.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

## Declaration

### Basis:

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

### AND/OR

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

### Declaration Signature

Signature: /xhl/ Date: 07/03/2017

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

Payment Sale Number: 87515111

Payment Accounting Date: 07/05/2017

Serial Number: 87515111

Internet Transmission Date: Mon Jul 03 21:44:55 EDT 2017

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-201707032144552

73027-87515111-590af9b344d9fb2bc55d4c882

d32f27276db8d6ddd4734912d55c32c01f646394

-CC-4426-20170703214256215474

apoll

## **Exhibit 3**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

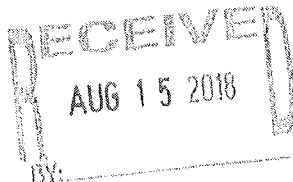
In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

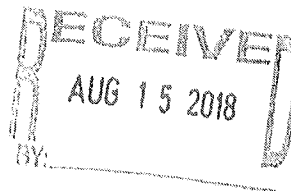
Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5



Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

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Re: SECTION 45 PROCEEDINGS

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The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



## United States Patent and Trademark Office

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**66 Records(s) found**  
**(This page: 1 ~ 66)**

Refine Search

Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 66 occ: 1451

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88027400		APOLONG	TSDR	LIVE
6	88027396		APOLONG	TSDR	LIVE
7	88027395		APOLONG	TSDR	LIVE
8	88027393		APOLONG	TSDR	LIVE
9	87873650		BIENAPOLLO	TSDR	LIVE
10	87873649		BIENAPOLLO	TSDR	LIVE
11	87672716		APOLLO PILOT	TSDR	LIVE
12	87672714		APOLLO PILOT	TSDR	LIVE
13	87672712		APOLLO PILOT	TSDR	LIVE
14	87672710		APOLLO PILOT	TSDR	LIVE
15	87672708		APOLLO PILOT	TSDR	LIVE
16	87672707		APOLLO PILOT	TSDR	LIVE
17	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
18	87677545		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87677544		APOLLO COMPUTING UNIT	TSDR	LIVE
20	87672706		APOLLO PILOT	TSDR	LIVE
21	87873651		BIENAPOLLO	TSDR	LIVE
22	87873606		EMAPOLLO	TSDR	LIVE
23	87873605		EMAPOLLO	TSDR	LIVE
24	87873604		EMAPOLLO	TSDR	LIVE
25	87873601		COMAPOLLO	TSDR	LIVE
26	87873596		COMAPOLLO	TSDR	LIVE

27	87873595		COMAPOLLO	TSDR	LIVE
28	87895688		APOLLAI	TSDR	LIVE
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30	87895672		APOLLAI	TSDR	LIVE
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33	87873637		BYAPOLLO	TSDR	LIVE
34	87798333		CAR-POLLO	TSDR	LIVE
35	87798332		CAR-POLLO	TSDR	LIVE
36	87798331		CAR-POLLO	TSDR	LIVE
37	87798330		ULTRAPOLLO	TSDR	LIVE
38	87798328		ULTRAPOLLO	TSDR	LIVE
39	87798327		ULTRAPOLLO	TSDR	LIVE
40	87798325		DATAPOLLO	TSDR	LIVE
41	87798318		DATAPOLLO	TSDR	LIVE
42	87798316		DATAPOLLO	TSDR	LIVE
43	87789926		TEAM APOLLO	TSDR	LIVE
44	87789924		TEAM APOLLO	TSDR	LIVE
45	87789917		TEAM APOLLO	TSDR	LIVE
46	87514258		<b>BAIDU</b> APOLLO	TSDR	LIVE
47	87514218		<b>BAIDU</b> APOLLO	TSDR	LIVE
48	87515130		APOLLO	TSDR	LIVE
49	87515123		APOLLO	TSDR	LIVE
50	87515121		APOLLO	TSDR	LIVE
51	87873594		FOREAPOLLO	TSDR	LIVE
52	87873592		FOREAPOLLO	TSDR	LIVE
53	87873590		FOREAPOLLO	TSDR	LIVE
54	87515111		APOLLO	TSDR	LIVE
55	87514261		<b>BAIDU</b> APOLLO	TSDR	LIVE
56	87514254		<b>BAIDU</b> APOLLO	TSDR	LIVE
57	87759024		LEAPOLLO	TSDR	LIVE
58	87720768		APOLLIANCE	TSDR	LIVE
59	87720763		APOLLONEER	TSDR	LIVE
60	87514209		<b>BAIDU</b> APOLLO	TSDR	LIVE
61	87515109		APOLLO	TSDR	LIVE
62	87672715		APOLLO PILOT	TSDR	LIVE
63	87515105		APOLLO	TSDR	LIVE
64	87515127		APOLLO	TSDR	LIVE
65	87515119		APOLLO	TSDR	LIVE
66	87514208		<b>BAIDU</b> APOLLO	TSDR	LIVE

ESTTA Tracking number: **ESTTA926027**

Filing date: **10/03/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	10/03/2018
Address	40 Valleyview Dr., Ancaster Ontario, L9G2A5 CANADA
Attorney information	TIMUR E SLONIM MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 666 THIRD AVENUE NEW YORK, NY 10017 UNITED STATES teslonim@mintz.com, ipdocketingBOS@mintz.com, kparsons@mintz.com 212-692-6704

### Applicant Information

Application No	87515121	Publication date	06/05/2018
Opposition Filing Date	10/03/2018	Opposition Period Ends	10/03/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA		

### Goods/Services Affected by Opposition

Class 038. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunications networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for	Trademark Act Section 1(b)

identified goods or services	
------------------------------	--

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Related Proceedings	Oppositions Nos. 91243592, 91243746, 91243747.
---------------------	--

Attachments	85895773#TMSN.png( bytes ) Opposition Apollo 87515121.PDF(82294 bytes ) Exs. 1,3,4.PDF(531422 bytes ) Ex. 2 Apollo 87515121.PDF(1730358 bytes )
-------------	--

Signature	/TIMUR E SLONIM/
Name	TIMUR E SLONIM
Date	10/03/2018

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

In the Matter of Application Serial No. 87/515,121

for APOLLO

Published in the *Official Gazette* on June 5, 2018

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Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/515,121
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

---

**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/515,121 for the proposed mark APOLLO (“Proposed APOLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on June 5, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/515,121 under Trademark Act Section 1(b) on July 3, 2017 to register the proposed mark APOLLO for “Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations” in International Class 038 (“Application”). (Ex. 2) The mark APOLLO was published in the *Official Gazette* on June 5, 2018.



3. Opposer's first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer's use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others, all of which are redirected to www.arroware.ca website.
7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, recombun.com, betakit.com, alphr.com, rfi.fr, digitlife.fr, and dutchcowboys.nl.

9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, facebook.com, twitter.com, and youtube.com, consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.
10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.  
(Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into the Proposed APOLLO Mark.
13. Applicant's Proposed APOLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed APOLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed APOLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 66 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO,

and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the “APOLLO Family of Marks”). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including “computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information,” “file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files,” “electronic, electric, and digital transmission of voice, data, images, signals, and messages,” “communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks,” and “computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest.” It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant’s APOLLO Family of Marks is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant’s APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer’s MYAPOLLO Mark.
19. Upon information and belief, Applicant intends to use its Proposed APOLLO Mark in connection with “Communication services, namely, transmission of voice, audio, visual

images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations” as fully recited in the Application. Proposed APOLLO Mark is part of the APOLLO Family of Marks.

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant’s Proposed APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer’s MYAPOLLO Mark.
23. The services identified by Applicant’s Proposed APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are likely to be marketed through the same or

similar retail and online outlets as the services and goods identified by Opposer's MYAPOLLO Mark.

24. The services identified by Applicant's Proposed APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.
25. Applicant's Proposed APOLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed APOLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/515,121 for the mark APOLLO under Section 2(d) of the Trademark Act.


## **COUNT TWO**

### **LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use APOLLO mark for each and every good and service recited in the Application when it was filed on July 3, 2017.

Dated: October 3, 2018

Respectfully submitted,

By:   
\_\_\_\_\_  
Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)

*Attorneys for Opposer Arroware Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on October 3, 2018 to:

ch.tm@dlapiper.com  
Keith W. Medansky  
DLA Piper LLP (US)  
PO Box 64807  
Chicago, IL 60664-0807



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Timur E. Slonim

# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER  
COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES,  
TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT  
BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE  
TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF  
GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office





United States Patent and Trademark Office

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## Trademarks &gt; Trademark Electronic Search System (TESS)

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# MYAPOLLO

**Word Mark**  
**Goods and Services**

MY APOLLO

IC 009. US 021 023 026 036 038. G &amp; S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 85895773**Filing Date** April 4, 2013**Current Basis** 1A**Original Filing Basis** 1B**Published for Opposition** July 30, 2013**Registration Number** 4668175**Registration Date** January 6, 2015**Owner** (REGISTRANT) Arroware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5**Attorney of Record** Timur E. Slonim**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>							

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TSDR now includes a Post Registration Maintenance Tab that appears as a third tab next to the "Status" and "Document" tabs for registered marks. The tab will not appear if the mark is not registered.

The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

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Generated on: This page was generated by TSDR on 2018-09-11 15:01:53 EDT

Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and retrieve images or graphics, audio, video, and other multimedia content between registered users via global telephones, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent: TIMUR E. SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

**Assignment Abstract Of Title Information - Click to Load**

## Proceedings - Click to Load

## **Exhibit 3**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

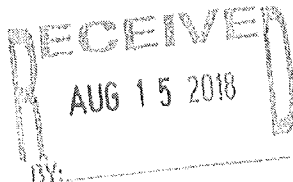


## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

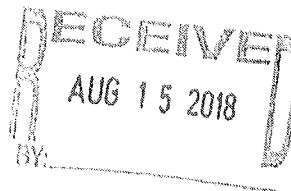
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



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Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 66 occ: 1451

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
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6	88027396		APOLONG	TSDR	LIVE
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8	88027393		APOLONG	TSDR	LIVE
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10	87873649		BIENAPOLLO	TSDR	LIVE
11	87672716		APOLLO PILOT	TSDR	LIVE
12	87672714		APOLLO PILOT	TSDR	LIVE
13	87672712		APOLLO PILOT	TSDR	LIVE
14	87672710		APOLLO PILOT	TSDR	LIVE
15	87672708		APOLLO PILOT	TSDR	LIVE
16	87672707		APOLLO PILOT	TSDR	LIVE
17	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
18	87677545		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87677544		APOLLO COMPUTING UNIT	TSDR	LIVE
20	87672706		APOLLO PILOT	TSDR	LIVE
21	87873651		BIENAPOLLO	TSDR	LIVE
22	87873606		EMAPOLLO	TSDR	LIVE
23	87873605		EMAPOLLO	TSDR	LIVE
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39	87798327		ULTRAPOLLO	TSDR	LIVE
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46	87514258		<b>BAIDU</b> APOLLO	TSDR	LIVE
47	87514218		<b>BAIDU</b> APOLLO	TSDR	LIVE
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51	87873594		FOREAPOLLO	TSDR	LIVE
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56	87514254		<b>BAIDU</b> APOLLO	TSDR	LIVE
57	87759024		LEAPOLLO	TSDR	LIVE
58	87720768		APOLLIANCE	TSDR	LIVE
59	87720763		APOLLONEER	TSDR	LIVE
60	87514209		<b>BAIDU</b> APOLLO	TSDR	LIVE
61	87515109		APOLLO	TSDR	LIVE
62	87672715		APOLLO PILOT	TSDR	LIVE
63	87515105		APOLLO	TSDR	LIVE
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65	87515119		APOLLO	TSDR	LIVE
66	87514208		<b>BAIDU</b> APOLLO	TSDR	LIVE

## **Exhibit 2**



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**Word Mark** APOLLO**Goods and Services**

IC 038. US 100 101 104. G & S: Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number**

87515121

**Filing Date**

July 3, 2017

**Current Basis**

1B

**Original Filing Basis**

1B

**Published for Opposition**

June 5, 2018

**Owner**

(APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (Ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA

**Attorney of Record**

Keith W. Medansky

Color is not claimed as a feature of the mark. The mark consists of the stylized wording "apollo".



**Description  
of Mark****Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead  
Indicator** LIVE

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Mark: APOLLO

US Serial Number: 87515121

Application Filing Date: Jul. 03, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 29, 2018

Publication Date: Jun. 05, 2018

---

## Mark Information

---

Mark Literal Elements: APOLLO

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the stylized wording "apollo".

Color(s) Claimed: Color is not claimed as a feature of the mark.

---

## Goods and Services

---

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 1(b)

---

## Basis Information (Case Level)

---

Filed Use: No  
Filed ITU: Yes  
Filed 44D: No  
Filed 44E: No

Currently Use: No  
Currently ITU: Yes  
Currently 44D: No  
Currently 44E: No

Amended Use: No  
Amended ITU: No  
Amended 44D: No  
Amended 44E: No

Filed 66A: No  
Filed No Basis: No

Currently 66A: No  
Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Owner Address:** BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING  
CHINA  
**Legal Entity Type:** limited company (Ltd.)  
**State or Country:** CHINA  
**Where Organized:**

## Attorney/Correspondence Information

**Attorney Name:** Keith W. Medansky  
**Attorney Primary Email Address:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)  
**Correspondent Name/Address:** Keith W. Medansky  
DLA Piper LLP (US)  
PO Box 64807  
Chicago, ILLINOIS 60664-0807  
UNITED STATES  
**Phone:** 312.368.4000  
**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)  
**Attorney of Record:**  
**Docket Number:** 411832-9  
**Attorney Email Authorized:** Yes  
**Correspondent:**  
**Fax:** 312.236.7516  
**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 20, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 20, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 29, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 05, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 05, 2018	PUBLISHED FOR OPPOSITION	
May 16, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 27, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 13, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 13, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 13, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 11, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 11, 2017	NON-FINAL ACTION E-MAILED	6325
Oct. 11, 2017	NON-FINAL ACTION WRITTEN	80808
Sep. 27, 2017	ASSIGNED TO EXAMINER	80808
Jul. 11, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 06, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information:**  
**TM Attorney:** BURNS, ELLEN FERRER  
**Law Office Assigned:** LAW OFFICE 116  
**File Location:**  
**Current Location:** PUBLICATION AND ISSUE SECTION  
**Date in Location:** May 03, 2018

## Proceedings

**Summary**

Number of 1  
Proceedings:

**Type of Proceeding: Extension of Time**

Proceeding Number: 87515121

Filing Date: Jul 05, 2018

Status: Extension of Time to Oppose Filed

Status Date: Jul 05, 2018

Interlocutory

Attorney:

Defendant

Name: BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ) CO., LTD.

Correspondent Xiang Hailong

Address: FLAT C 29/F TOWER 3  
DISCOVERY PARK, TSUEN WAN NT  
HONG KONG HONG KONG

Correspondent e-mail: creatingip@gmail.com

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
APOLLO	Request For Extension of Time to File Opposition	<u>87515121</u>	
Potential Opposer(s)			

Name: Travelport, LP

Correspondent ANDREW J HOLLANDER

Address: K&L GATES LLP  
1 NEWARK CENTER  
NEWARK NJ , 07102  
UNITED STATES

Correspondent e-mail: andrew.hollander@klgates.com , nwtrademarks@klgates.com , nytrademarks@klgates.com

Name: Arroware Industries, Inc.

Correspondent TIMUR E SLONIM

Address: MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC  
666 THIRD AVENUE  
NEW YORK NY , 10017  
UNITED STATES

Correspondent e-mail: teslonim@mintz.com , mmims@mintz.com , ipdocketingBOS@mintz.com

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 29, 2018	
2	EXT GRANTED	Jul 03, 2018	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jul 05, 2018	
4	EXT GRANTED	Jul 06, 2018	

## Revocation, Appointment, and/or Change of Address of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87515121
LAW OFFICE ASSIGNED	LAW OFFICE 116
ATTORNEY DOCKET NUMBER	411832-9
MARK SECTION	
MARK	APOLLO (stylized and/or with design, see <a href="https://tmng-al.uspto.gov/resting2/api/img/87515121/large">https://tmng-al.uspto.gov/resting2/api/img/87515121/large</a> )
NEW ATTORNEY INFORMATION	
STATEMENT TEXT	By submission of this request, the undersigned hereby APPOINTS the following new attorney:
NAME	Keith W. Medansky
FIRM NAME	DLA Piper LLP (US)
STREET	PO Box 64807
CITY	Chicago
STATE	Illinois
COUNTRY	United States
POSTAL/ZIP CODE	60664-0807
PHONE	312.368.4000
FAX	312.236.7516
EMAIL	ch.tm@dlapiper.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW OTHER APPOINTED ATTORNEYS	Mark I. Feldman, Hilary H. Remijas, Anthony E. Rufo, Michael A. Geller, Tracy L. Zawaski
NEW CORRESPONDENCE ADDRESS	
NAME	Keith W. Medansky
FIRM NAME	DLA Piper LLP (US)
STREET	PO Box 64807
CITY	Chicago
STATE	Illinois
COUNTRY	United States
POSTAL/ZIP CODE	60664-0807
PHONE	312.368.4000
FAX	312.236.7516

EMAIL	ch.tm@dlapiper.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	411832-9
SIGNATURE SECTION	
SIGNATURE	/Nannan Xu/
SIGNATORY NAME	Nannan Xu
SIGNATORY DATE	09/20/2018
SIGNATORY POSITION	Legal Counsel
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Sep 20 11:47:52 EDT 2018
TEAS STAMP	USPTO/RAA-XXX.XXX.XXX.XX- 20180920114752889858-8751 5109-610e610e81c89ea35e31 7e5791e59926d8afa879e2d6a e0c1d7333ab583f1ccf-N/A-N /A-20180918100512367429

## Revocation, Appointment, and/or Change of Address of Attorney/Domestic Representative

To the Commissioner for Trademarks:

**MARK:** APOLLO (stylized and/or with design, see <https://tmng-al.uspto.gov/resting2/api/img/87515121/large>)

**SERIAL NUMBER:** 87515121

**ATTORNEY DOCKET NUMBER** 411832-9

### Original Correspondence Address :

XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT  
HK  
creatingip@gmail.com

By submission of this request, the undersigned hereby APPOINTS the following new attorney: In addition, any additional previously-appointed attorneys that are currently listed in the application are replaced with the new "Other Appointed Attorneys" listed below.

### New attorney information:

Keith W. Medansky  
DLA Piper LLP (US)  
PO Box 64807  
Chicago, Illinois 60664-0807  
United States  
312.368.4000  
312.236.7516  
ch.tm@dlapiper.com (authorized)

### New Other Appointed Attorneys:

Mark I. Feldman, Hilary H. Remijas, Anthony E. Rufo, Michael A. Geller, Tracy L. Zawaski

### The following is to be used as the correspondence address:

Keith W. Medansky  
DLA Piper LLP (US)  
PO Box 64807  
Chicago, Illinois 60664-0807  
United States

312.368.4000  
312.236.7516  
ch.tm@dlapiper.com (authorized)  
The attorney docket/reference number is 411832-9.

Signature: /Nannan Xu/ Date: 09/20/2018

Signatory's Name: Nannan Xu

Signatory's Position: Legal Counsel

Serial Number: 87515121

Internet Transmission Date: Thu Sep 20 11:47:52 EDT 2018

TEAS Stamp: USPTO/RAA-XXX.XXX.XXX.XX-201809201147528

89858-87515109-610e610e81c89ea35e317e579

1e59926d8afa879c2d6ae0c1d7333ab583f1ccf-

N/A-N/A-20180918100512367429



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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, June 5, 2018 00:53 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87515121: APOLLO (Stylized/Design): Docket/Reference No. VM82896

---

**TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87515121  
**Mark:** APOLLO (Stylized/Design)  
**International Class(es):** 038  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** VM82896

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 05, 2018.

**To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-06-05&serialNumber=87515121>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

**Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87515121&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87515121&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87515121&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87515121&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

May 16, 2018

## NOTICE OF PUBLICATION

- |                                     |  |
|-------------------------------------|--|
| 1. Serial No.:<br>87-515,121        | 2. Mark:<br>APOLLO<br>(STYLIZED/DESIGN)                    |
| 3. International Class(es):<br>38   |  |
| 4. Publication Date:<br>Jun 5, 2018 | 5. Applicant:<br>BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

[creatingip@gmail.com](mailto:creatingip@gmail.com)

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, May 16, 2018 04:28 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87515121: APOLLO (Stylized/Design): Docket/Reference No. VM82896

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87515121) is scheduled to publish in the *Official Gazette* on Jun 5, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87515121>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
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**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87515121	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BURNS, ELLEN FERRER	L.O. ASSIGNED	116

**PUB INFORMATION**

RUN DATE	04/28/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	04/27/2018		
LITERAL MARK ELEMENT	APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	APOLLO
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,

ENTITY	99-limited company (ltd.)
CITIZENSHIP	China

### GOODS AND SERVICES

INTERNATIONAL CLASS	038
DESCRIPTION TEXT	Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	038	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the stylized wording apollo.

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/27/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	010
03/13/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/13/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/13/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
10/11/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
10/11/2017	GNRT	F	NON-FINAL ACTION E-MAILED	005
10/11/2017	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER	003
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE

apollo

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87515121	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BURNS, ELLEN FERRER	L.O. ASSIGNED	116

**PUB INFORMATION**

RUN DATE	03/14/2018		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/13/2018		
LITERAL MARK ELEMENT	APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	APOLLO
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
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03/13/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
10/11/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
10/11/2017	GNRT	F	NON-FINAL ACTION E-MAILED	005
10/11/2017	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER	003
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

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ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE



apollo

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87515121
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK FILE NAME	<a href="https://tmng-al.uspto.gov/resting2/api/img/87515121/large">https://tmng-al.uspto.gov/resting2/api/img/87515121/large</a>
LITERAL ELEMENT	APOLLO
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	

### RESPONSE TO OFFICE ACTION

This is in response to the Office Action dated October 11, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

### REMARKS

#### **I. No Likelihood of Confusion With Mark Subject to Cited Registration**

The Examining Attorney has refused registration of Application Serial No. 87/515121 for the mark APOLLO (with infinity design) ("Applicant's Mark") owned by Baidu Online Network Technology (Beijing) Co., Ltd ("Applicant"), concluding pursuant to Section 2(d) of the Trademark Act that Applicant's Mark is likely to be confused with the mark APOLLO (the "Cited Mark"), subject to U.S. Trademark Registration No. 2,770,579. Applicant has carefully considered the bases for refusal, and respectfully disagrees with the Examining Attorney's determination for the following reasons.

#### *A. The Marks Differ in Appearance*

The Examining Attorney stated that, "[h]ere, the marks share the identical term APOLLO. It is the entirety of each mark, and therefore the marks are identical in sound, meaning, and commercial impression."

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant's mark, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account "the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression." *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). "All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar."

*Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that

likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

Here, the commercial impression of Applicant's Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter "p" and the first "o" in the term APOLLO combine to form an infinity symbol (∞). The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. *See* Infinity Symbol." Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol#Modern\\_symbolism](https://en.wikipedia.org/wiki/Infinity_symbol#Modern_symbolism), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as "infinity" such that it shapes the overall commercial impression of Applicant's mark. The Examining Attorney points out in the Office Action that, "a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the marks could be presented in the same manner of display" (emphasis added). Applicant respectfully submits that the instant case falls outside the general application of this principle. Here, Applicant's Mark contains a very distinctive element separate and apart from the wording, specifically the infinity symbol created by combining the "p" with the "o." This is not a mere stylized font or a general design of little distinction. Rather, the infinity symbol element is just as if not more dominant a feature of Applicant's Mark as the term "APOLLO." The average consumer may perceive the infinity symbol before taking note of the wording. Thus, separate and apart from the word element, Applicant's Mark is very distinctive. If a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983).

B. *The Applicant Amends the Identification of Services*

The identification of services in the instant application is:

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services

Applicant requests that it be amended in the following manner (added text in bold, deleted text struck through):

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services **none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations**

Accordingly, the amended identification of services would be:

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely,

providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

*C. The Services, as Amended, Are Likewise Dissimilar*

The Examining Attorney states that “the identifications set forth in the application and registration have no restrictions as to nature [or] type . . .” Applicant respectfully disagrees. Indeed, all of the services associated with the Cited Mark are subject to the limiting qualifiers “travel, travel arrangements, and travel agency services” and “the field of travel arranging, booking and reservations.” Applicant’s services are not used for or by travel agents or travel agencies and have nothing to do with making travel reservations.

In a likelihood of confusion analysis, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board’s dismissal of opposer’s likelihood-of-confusion claim, noting “there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source” though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB’s holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods and their channels of trade and the high degree of consumer care likely to be exercised by the relevant consumers). In addition, the fact that certain goods or services relate to or are delivered in connection with commonly used technology does not render them similar or related – the proper question is whether the commercial nature of the goods or services are sufficiently similar to created confusion. *See Embarcadero Technologies, Inc. v. RStudio, Inc.*, 105 U.S.P.Q.2d 1825 (TTAB 2013) (precedential) (holding no likelihood of confusion between ER/STUDIO and RSTUDIO, each in connection with software, where identifications of goods and services distinguish the nature of the particular goods).

All of the services associated with the Cited Mark concern travel agents, travel agencies and making travel reservations through such agents and agencies. Applicant’s services are not used for or by travel agents or travel agencies and have nothing to do with making travel reservations. Even if the marks at issue here were identical, which Applicant does not concede, there would be no likelihood of confusion because the services at issue are unrelated.

**II. The Services at Issue Concern Sophisticated Consumers Who Exercise Care**

“[C]ircumstances suggesting care in purchasing may tend to minimize the likelihood of confusion.” TMEP § 1207.01(d)(vii). In instances where sophisticated purchasers exercising great care would purchase the relevant goods or services, there is no likelihood of confusion merely because of the similarity between the marks. *In re N.A.D., Inc.*, 754 F.2d 996, 999-1000, 224 USPQ 969, 971 (Fed. Cir. 1985) (No likelihood of confusion between NARCO and NARComed); Of course, the level of care exercised by each consumer may differ, but “[e]ven in the case of the least sophisticated purchaser” of expensive services, a purchase “will be made with some thought and research, even when made hastily.” *Primrose Ret. Cmty., LLC v. Edward Rose Senior Living, LLC*, 122 USPQ2d 1030, 1039 (TTAB 2016).

Consumers may find themselves with the need or desire to purchase travel services, such as flights, cruises, hotel rooms, and/or vacation packages quickly. Nonetheless, care is taken given that travelers must be certain to reach the correct destination, wish to enjoy their vacation

time, and generally have to book the most reasonably priced options when traveling for work. Even if made in a matter of minutes, no reasonable consumer would turn to services connected to autonomous vehicles or vehicle customization in order to book travel. Applicant's services are unrelated and are selected with care.

In light of the degree of care of the consumers that would seek out Applicant's services or those of the owner of the Cited Mark, there is no likelihood of confusion.

### III. The Services at Issue Are Provided Through Different Channels of Trade

When goods or services travel through different channels of trade, confusion is unlikely, particularly, as is the case here, where the services at issue concern sophisticated consumers that exercise a high degree of care. *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in their channels of trade and the high degree of consumer care likely to be exercised by the relevant consumers).

Here, the services at issue are offered through different trade channels. Travel agents and agency services move through different channels of trade than Applicant's services. The channels of trade here do not overlap. It is the case that when a "cited registration describes goods or services broadly, and there is no limitation as to their nature, type, channels of trade, or class of purchasers, it is presumed that the registration encompasses all goods or services of the type described, that they move in all normal channels of trade, and that they are available to all classes of purchasers." TMEP § 1207.01(a)(iii). However, that is not the case here. The cited services are specifically limited and, thus, do not encompass all possible trade channels.

### IV. Conclusion

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

### EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_20620511710-20180313103534633962 . Exhibit A.pdf
CONVERTED PDF FILE(S) (5 pages)	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515121\xml4\ROA0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515121\xml4\ROA0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515121\xml4\ROA0004.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515121\xml4\ROA0005.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515121\xml4\ROA0006.JPG
ORIGINAL PDF FILE	evi_1-20620511710-20180313103534633962 . 87-515121 Response.pdf
CONVERTED PDF FILE(S) (7 pages)	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515121\xml4\ROA0007.JPG
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	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515121\xml4\ROA0013.JPG
DESCRIPTION OF EVIDENCE FILE	Office Action Response Exhibit A to Office Action Response

### GOODS AND/OR SERVICES SECTION (current)

<b>INTERNATIONAL CLASS</b>	038
<b>DESCRIPTION</b>	
Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services	
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	038
<b>TRACKED TEXT DESCRIPTION</b>	
Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; <del>Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services</del>	
<b>FINAL DESCRIPTION</b>	
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<b>FILING BASIS</b>	Section 1(b)
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Anthony E. Rufo/
<b>SIGNATORY'S NAME</b>	Anthony E. Rufo
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York bar member
<b>DATE SIGNED</b>	03/13/2018
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Mar 13 10:53:14 EDT 2018
<b>TEAS STAMP</b>	USPTO/ROA-XXX.XXX.XXX.XX- 20180313105314556010-8751 5121-510cab6dbab7696698b0 4e21ab54bd7ddca95d7a6d5a3 f00dd74a0b1d9e47f82-N/A-N /A-20180313103534633962

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **87515121** APOLLO (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/87515121/large>) has been amended as follows:

### ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

### RESPONSE TO OFFICE ACTION

This is in response to the Office Action dated October 11, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

### REMARKS

#### **I. No Likelihood of Confusion With Mark Subject to Cited Registration**

The Examining Attorney has refused registration of Application Serial No. 87/515121 for the mark APOLLO (with infinity design) (“Applicant’s Mark”) owned by Baidu Online Network Technology (Beijing) Co., Ltd (“Applicant”), concluding pursuant to Section 2(d) of the Trademark Act that Applicant’s Mark is likely to be confused with the mark APOLLO (the “Cited Mark”), subject to U.S. Trademark Registration No. 2,770,579. Applicant has carefully considered the bases for refusal, and respectfully disagrees with the Examining Attorney’s determination for the following reasons.

##### *A. The Marks Differ in Appearance*

The Examining Attorney stated that, “[h]ere, the marks share the identical term APOLLO. It is the entirety of each mark, and therefore the marks are identical in sound, meaning, and commercial impression.”

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant’s mark, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account “the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). “All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

Here, the commercial impression of Applicant’s Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter “p” and the first “o” in the term APOLLO combine to form an infinity symbol (∞). The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic

design, including in commercial logos. See Infinity Symbol.” Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol#Modern\\_symbolism](https://en.wikipedia.org/wiki/Infinity_symbol#Modern_symbolism), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as “infinity” such that it shapes the overall commercial impression of Applicant’s mark.

The Examining Attorney points out in the Office Action that, “a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the marks could be presented in the same manner of display” (emphasis added). Applicant respectfully submits that the instant case falls outside the general application of this principle. Here, Applicant’s Mark contains a very distinctive element separate and apart from the wording, specifically the infinity symbol created by combining the “p” with the “o.” This is not a mere stylized font or a general design of little distinction. Rather, the infinity symbol element is just as if not more dominant a feature of Applicant’s Mark as the term “APOLLO.” The average consumer may perceive the infinity symbol before taking note of the wording. Thus, separate and apart from the word element, Applicant’s Mark is very distinctive. If a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer’s mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983).

*B. The Applicant Amends the Identification of Services*

The identification of services in the instant application is:

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services

Applicant requests that it be amended in the following manner (added text in bold, deleted text struck through):

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services **none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations**

Accordingly, the amended identification of services would be:

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

*C. The Services, as Amended, Are Likewise Dissimilar*

The Examining Attorney states that “the identifications set forth in the application and registration have no restrictions as to nature [or] type . . . .” Applicant respectfully disagrees. Indeed, all of the services associated with the Cited Mark are subject to the limiting qualifiers



“travel, travel arrangements, and travel agency services” and “the field of travel arranging, booking and reservations.” Applicant’s services are not used for or by travel agents or travel agencies and have nothing to do with making travel reservations.

In a likelihood of confusion analysis, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board’s dismissal of opposer’s likelihood-of-confusion claim, noting “there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source” though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB’s holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods and their channels of trade and the high degree of consumer care likely to be exercised by the relevant consumers). In addition, the fact that certain goods or services relate to or are delivered in connection with commonly used technology does not render them similar or related – the proper question is whether the commercial nature of the goods or services are sufficiently similar to created confusion. *See Embarcadero Technologies, Inc. v. RStudio, Inc.*, 105 U.S.P.Q.2d 1825 (TTAB 2013) (precedential) (holding no likelihood of confusion between ER/STUDIO and RSTUDIO, each in connection with software, where identifications of goods and services distinguish the nature of the particular goods).

All of the services associated with the Cited Mark concern travel agents, travel agencies and making travel reservations through such agents and agencies. Applicant’s services are not used for or by travel agents or travel agencies and have nothing to do with making travel reservations. Even if the marks at issue here were identical, which Applicant does not concede, there would be no likelihood of confusion because the services at issue are unrelated.

## **II. The Services at Issue Concern Sophisticated Consumers Who Exercise Care**

“[C]ircumstances suggesting care in purchasing may tend to minimize the likelihood of confusion.” TMEP § 1207.01(d)(vii). In instances where sophisticated purchasers exercising great care would purchase the relevant goods or services, there is no likelihood of confusion merely because of the similarity between the marks. *In re N.A.D., Inc.*, 754 F.2d 996, 999-1000, 224 USPQ 969, 971 (Fed. Cir. 1985) (No likelihood of confusion between NARCO and NARComed); Of course, the level of care exercised by each consumer may differ, but “[e]ven in the case of the least sophisticated purchaser” of expensive services, a purchase “will be made with some thought and research, even when made hastily.” *Primrose Ret. Cmtys., LLC v. Edward Rose Senior Living, LLC*, 122 USPQ2d 1030, 1039 (TTAB 2016).

Consumers may find themselves with the need or desire to purchase travel services, such as flights, cruises, hotel rooms, and/or vacation packages quickly. Nonetheless, care is taken given that travelers must be certain to reach the correct destination, wish to enjoy their vacation time, and generally have to book the most reasonably priced options when traveling for work. Even if made in a matter of minutes, no reasonable consumer would turn to services connected to autonomous vehicles or vehicle customization in order to book travel. Applicant’s services are unrelated and are selected with care.

In light of the degree of care of the consumers that would seek out Applicant’s services or those of the owner of the Cited Mark, there is no likelihood of confusion.

## **III. The Services at Issue Are Provided Through Different Channels of Trade**

When goods or services travel through different channels of trade, confusion is unlikely, particularly, as is the case here, where the services at issue concern sophisticated consumers that exercise a high degree of care. *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in their channels of trade and the high degree of consumer care likely to be exercised by the relevant consumers).

Here, the services at issue are offered through different trade channels. Travel agents and agency services move through different channels of trade than Applicant's services. The channels of trade here do not overlap. It is the case that when a "cited registration describes goods or services broadly, and there is no limitation as to their nature, type, channels of trade, or class of purchasers, it is presumed that the registration encompasses all goods or services of the type described, that they move in all normal channels of trade, and that they are available to all classes of purchasers." TMEP § 1207.01(a)(iii). However, that is not the case here. The cited services are specifically limited and, thus, do not encompass all possible trade channels.

#### **IV. Conclusion**

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

#### **EVIDENCE**

Evidence in the nature of Office Action Response Exhibit A to Office Action Response has been attached.

##### **Original PDF file:**

[evi\\_20620511710-20180313103534633962 . Exhibit A.pdf](#)

##### **Converted PDF file(s) ( 5 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

##### **Original PDF file:**

[evi\\_1-20620511710-20180313103534633962 . 87-515121 Response.pdf](#)

##### **Converted PDF file(s) ( 7 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

#### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

##### **Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 038 for Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification

standards of the applicant.

**Proposed:**

**Tracked Text Description:** Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; ~~Electronic, electric, and digital transmission of voice, data, images, signals, and messages;~~ Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations; ~~Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services~~

Class 038 for Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**SIGNATURE(S)**

**Response Signature**

Signature: /Anthony E. Rufo/ Date: 03/13/2018

Signatory's Name: Anthony E. Rufo

Signatory's Position: Attorney of record, New York bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 87515121

Internet Transmission Date: Tue Mar 13 10:53:14 EDT 2018

TEAS Stamp: USPTO/ROA-XXX.XXX.XXX.XX-201803131053145

56010-87515121-510cab6dbab7696698b04e21a

b54bd7ddca95d7a6d5a3f00dd74a0b1d9e47f82-

N/A-N/A-20180313103534633962

# **Exhibit A**

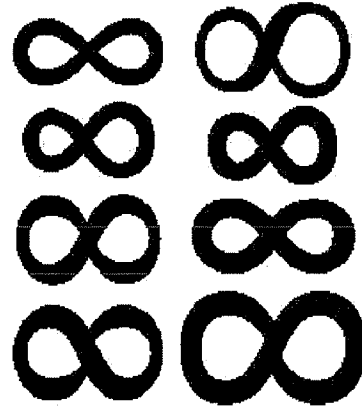
WIKIPEDIA

# Infinity symbol

The **infinity symbol**  $\infty$  (sometimes called the **lemniscate**) is a mathematical symbol representing the concept of infinity.

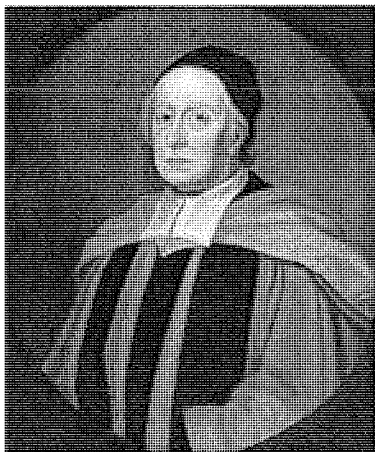
## Contents

- History
- Usage
- Modern symbolism
- Graphic design
- Encoding
- See also
- References



The  $\infty$  symbol in several typefaces

## History



John Wallis introduced the infinity symbol to mathematical literature.

The shape of a sideways figure eight has a long pedigree; for instance, it appears in the cross of Saint Boniface, wrapped around the bars of a Latin cross.<sup>[1]</sup> However, John Wallis is credited with introducing the infinity symbol with its mathematical meaning in 1655, in his *De sectionibus conicis*.<sup>[1][2][3][4]</sup> Wallis did not explain his choice of this symbol, but it has been conjectured to be a variant form of a Roman numeral for 1,000 (originally CLO, also CO), which was sometimes used to mean "many", or of the Greek letter  $\omega$  (omega), the last letter in the Greek alphabet.<sup>[5]</sup>



Symbol used by Euler to denote infinity

Leonhard Euler used an open variant of the symbol<sup>[6]</sup> in order to denote "absolutus infinitus". Euler freely performed various operations on infinity, such as taking its logarithm. This symbol is not used anymore, and is not encoded as a separate character in Unicode.

## Usage

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In mathematics, the infinity symbol is used more often to represent a potential infinity,<sup>[1]</sup> rather than to represent an actually infinite quantity such as the ordinal numbers and cardinal numbers (which use other notations). For instance, in the mathematical notation for summations and limits such as

$$\sum_{n=0}^{\infty} \frac{1}{2^n} = \lim_{x \rightarrow \infty} \frac{2^x - 1}{2^{x-1}} = 2,$$

the infinity sign is conventionally interpreted as meaning that the variable grows arbitrarily large (towards infinity) rather than actually taking an infinite value.

The infinity symbol may also be used to represent a point at infinity, especially when there is only one such point under consideration. This usage includes, for instance, the infinite point of a projective line,<sup>[7]</sup> and the point added to a topological space *T* to form its one-point compactification *T*<sub>∞</sub>.<sup>[8]</sup>

In areas other than mathematics, the infinity symbol may take on other related meanings; for instance, it has been used in bookbinding to indicate that a book is printed on acid-free paper and will therefore be long-lasting.<sup>[9]</sup>

## Modern symbolism

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In modern mysticism, the infinity symbol has become identified with a variation of the ouroboros, an ancient image of a snake eating its own tail that has also come to symbolize the infinite, and the ouroboros is sometimes drawn in figure-eight form to reflect this identification, rather than in its more traditional circular form.<sup>[10]</sup>

In the works of Vladimir Nabokov, including *The Gift* and *Pale Fire*, the figure-eight shape is used symbolically to refer to the Möbius strip and the infinite, for instance in these books' descriptions of the shapes of bicycle tire tracks and of the outlines of half-remembered people. The poem after which *Pale Fire* is entitled explicitly refers to "the miracle of the lemniscate".<sup>[11]</sup>

## Graphic design

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The well known shape and meaning of the infinity symbol have made it a common typographic element of graphic design. For instance, the Métis flag, used by the Canadian Métis people in the early 19th century, is based around this symbol.<sup>[12]</sup> In modern commerce, corporate logos featuring this symbol have been used by, among others, Room for PlayStation Portable, Microsoft Visual Studio, Fujitsu, and CoorsTek.

## Encoding

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The symbol is encoded in Unicode at U+221E ∞ INFINITY and in LaTeX as `\infty`: ∞.

The Unicode set of symbols also includes several variant forms of the infinity symbol, that are less frequently available in fonts: U+29DC ∞ INCOMPLETE INFINITY (HTML `&#10716;`; • ISOTech entity ∞), U+29DD ∞ TIE OVER INFINITY (HTML `&#10717;`) and U+29DE ∞ INFINITY NEGATED WITH VERTICAL BAR (HTML `&#10718;`) in block Miscellaneous Mathematical Symbols-B.<sup>[13]</sup> The acid-free paper symbol mentioned above is encoded separately as U+267E ☹ PERMANENT PAPER SIGN (HTML `&#9854;`).

## See also

- History of mathematical notation

## References

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- De sectionibus conicis nova methodo expositis tractatus - John Wallis - Google Boeken* ([https://books.google.com/books?id=03M\\_AAAAcAAJ&pg=PP5](https://books.google.com/books?id=03M_AAAAcAAJ&pg=PP5)). Books.google.com. Retrieved 2013-12-01. See e.g. Prop. 1, p. 4.
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- See for instance Cor. 1 p. 174 in: Leonhard Euler. *Variae observationes circa series infinitas*. *Commentarii academiae scientiarum Petropolitanae* 9, 1744, pp. 160-188. [1] (<http://eulerarchive.maa.org/docs/originals/E072.pdf>)



The infinity symbol appears on several cards of the Rider–Waite tarot deck

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mark: APOLLO (with infinity design) Applicant: Baidu Online Network Technology (Beijing) Co., Ltd Serial No.: 87/515121	To be filed electronically
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**RESPONSE TO OFFICE ACTION**

This is in response to the Office Action dated October 11, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

**REMARKS**

**I. No Likelihood of Confusion With Mark Subject to Cited Registration**

The Examining Attorney has refused registration of Application Serial No. 87/515121 for the mark APOLLO (with infinity design) (“Applicant’s Mark”) owned by Baidu Online Network Technology (Beijing) Co., Ltd (“Applicant”), concluding pursuant to Section 2(d) of the Trademark Act that Applicant’s Mark is likely to be confused with the mark APOLLO (the “Cited Mark”), subject to U.S. Trademark Registration No. 2,770,579. Applicant has carefully considered the bases for refusal, and respectfully disagrees with the Examining Attorney’s determination for the following reasons.

*A. The Marks Differ in Appearance*

The Examining Attorney stated that, “[h]ere, the marks share the identical term APOLLO. It is the entirety of each mark, and therefore the marks are identical in sound, meaning, and commercial impression.”

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant’s mark, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account “the similarity or dissimilarity of

the marks in their entireties as to appearance, sound, connotation and commercial impression.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). “All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

Here, the commercial impression of Applicant’s Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter “p” and the first “o” in the term APOLLO combine to form an infinity symbol ( $\infty$ ). The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. *See* Infinity Symbol.” Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol#Modern\\_symbolism](https://en.wikipedia.org/wiki/Infinity_symbol#Modern_symbolism), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as “infinity” such that it shapes the overall commercial impression of Applicant’s mark.

The Examining Attorney points out in the Office Action that, “a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the marks could be presented in the same manner of display” (emphasis added). Applicant respectfully submits that the instant case falls outside the general application of this principle. Here, Applicant’s Mark contains a very distinctive element separate and apart from the wording, specifically the infinity symbol created by combining the “p” with the “o.” This is not a mere stylized font or a general design of little distinction. Rather, the infinity symbol element is just as if not more dominant a feature of Applicant’s Mark as the term “APOLLO.” The average consumer may perceive the infinity symbol before taking note of the wording. Thus, separate and apart from the word element, Applicant’s Mark is very distinctive. If a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer’s mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983)

B. *The Applicant Amends the Identification of Services*

The identification of services in the instant application is:

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services

Applicant requests that it be amended in the following manner (added text in bold, deleted text struck through):

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; ~~Electronic, electric, and digital transmission of voice, data, images, signals, and messages;~~ Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; ~~Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services~~ **none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations**

Accordingly, the amended identification of services would be:

Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

*C. The Services, as Amended, Are Likewise Dissimilar*

The Examining Attorney states that “the identifications set forth in the application and registration have no restrictions as to nature [or] type . . . .” Applicant respectfully disagrees. Indeed, all of the services associated with the Cited Mark are subject to the limiting qualifiers “travel, travel arrangements, and travel agency services” and “the field of travel arranging, booking and reservations.” Applicant’s services are not used for or by travel agents or travel agencies and have nothing to do with making travel reservations.

In a likelihood of confusion analysis, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that

would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also*, *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board's dismissal of opposer's likelihood-of-confusion claim, noting "there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source" though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB's holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods and their channels of trade and the high degree of consumer care likely to be exercised by the relevant consumers). In addition, the fact that certain goods or services relate to or are delivered in connection with commonly used technology does not render them similar or related – the proper question is whether the commercial nature of the goods or services are sufficiently similar to created confusion. *See Embarcadero Technologies, Inc. v. RStudio, Inc.*, 105 U.S.P.Q.2d 1825 (TTAB 2013) (precedential) (holding no likelihood of confusion between ER/STUDIO and RSTUDIO, each in connection with software, where identifications of goods and services distinguish the nature of the particular goods).

All of the services associated with the Cited Mark concern travel agents, travel agencies and making travel reservations through such agents and agencies. Applicant's services

are not used for or by travel agents or travel agencies and have nothing to do with making travel reservations. Even if the marks at issue here were identical, which Applicant does not concede, there would be no likelihood of confusion because the services at issue are unrelated.

## **II. The Services at Issue Concern Sophisticated Consumers Who Exercise Care**

“[C]ircumstances suggesting care in purchasing may tend to minimize the likelihood of confusion.” TMEP § 1207.01(d)(vii). In instances where sophisticated purchasers exercising great care would purchase the relevant goods or services, there is no likelihood of confusion merely because of the similarity between the marks. *In re N.A.D., Inc.*, 754 F.2d 996, 999-1000, 224 USPQ 969, 971 (Fed. Cir. 1985) (No likelihood of confusion between NARCO and NARComed); Of course, the level of care exercised by each consumer may differ, but “[e]ven in the case of the least sophisticated purchaser” of expensive services, a purchase “will be made with some thought and research, even when made hastily.” *Primrose Ret. Cmty., LLC v. Edward Rose Senior Living, LLC*, 122 USPQ2d 1030, 1039 (TTAB 2016).

Consumers may find themselves with the need or desire to purchase travel services, such as flights, cruises, hotel rooms, and/or vacation packages quickly. Nonetheless, care is taken given that travelers must be certain to reach the correct destination, wish to enjoy their vacation time, and generally have to book the most reasonably priced options when traveling for work. Even if made in a matter of minutes, no reasonable consumer would turn to services connected to autonomous vehicles or vehicle customization in order to book travel. Applicant’s services are unrelated and are selected with care.

In light of the degree of care of the consumers that would seek out Applicant’s services or those of the owner of the Cited Mark, there is no likelihood of confusion.

## **III. The Services at Issue Are Provided Through Different Channels of Trade**

When goods or services travel through different channels of trade, confusion is unlikely, particularly, as is the case here, where the services at issue concern sophisticated consumers that exercise a high degree of care. *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in their channels of trade and the high degree of consumer care likely to be exercised by the relevant consumers).

Here, the services at issue are offered through different trade channels. Travel agents and agency services move through different channels of trade than Applicant's services. The channels of trade here do not overlap. It is the case that when a "cited registration describes goods or services broadly, and there is no limitation as to their nature, type, channels of trade, or class of purchasers, it is presumed that the registration encompasses all goods or services of the type described, that they move in all normal channels of trade, and that they are available to all classes of purchasers." TMEP § 1207.01(a)(iii). However, that is not the case here. The cited services are specifically limited and, thus, do not encompass all possible trade channels.

#### **IV. Conclusion**

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com)))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87515121 - APOLLO - VM82896  
**Sent:** 10/11/2017 9:25:41 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION  
SERIAL NO. 87515121**

**MARK:** APOLLO

**\*87515121\***

**CORRESPONDENT**

**ADDRESS:**

XIANG, HAILONG  
FLAT C, 29/F,  
TOWER 3, DISCOVERY  
PARK  
TSUEN WAN, NT  
HONG KONG

**CLICK HERE TO RESPOND TO THIS  
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[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

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**APPLICANT:** BAIDU  
ONLINE NETWORK  
TECHNOLOGY  
(BEIJING ETC.)

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

VM82896

**CORRESPONDENT  
E-MAIL ADDRESS:**

[creatingip@gmail.com](mailto:creatingip@gmail.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

**ISSUE/MAILING DATE:** 10/11/2017

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**Summary of Issues:**

- *Refusal: Likelihood of Confusion With Prior Registered Mark*

**TRADEMARK ACT §2(d) REFUSAL – LIKELIHOOD OF CONFUSION WITH  
PRIOR REGISTERED MARK**



Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in Registration No. 2770579 [APOLLO]. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

A likelihood of confusion determination involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are also compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Registrant owns the mark APOLLO for “*Electronic data interchange network services, namely, providing on-line electronic bulletin boards for transmission of messages among computer users concerning travel, travel arrangements, and travel agency services; providing access time to computer databases in the field of travel arranging, booking and reservations.*”

Applicant intends to use the mark APOLLO for “*Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services.*”

### **The Marks are Highly Similar**

In a likelihood of confusion determination, the marks are compared for similarities in their **appearance, sound, meaning or connotation and commercial impression**. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

Here, the marks share the identical term APOLLO. It is the entirety of each mark, and therefore the marks are identical in sound, meaning and commercial impression. It is important to note that, while the applicant's mark is in stylized form, the registrant owns its mark in typed form. A mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. *See In re Viterro Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the marks could be presented in the same manner of display. *See, e.g., In re Viterro Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that “the argument concerning a difference in type style is not viable where one party asserts rights in no particular display”).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Bay State Brewing Co.*, 117 USPQ2d 1958, 1960 (TTAB 2016) (quoting *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *In re Bay State Brewing Co.*, 117 USPQ2d at 1960 (citing *Spoons Rests, Inc. v. Morrison Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff'd per curiam*, 972 F.2d 1353 (Fed. Cir. 1992)); *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (citing *Joel Gott Wines LLC v. Rehoboth Von Gott Inc.*, 107 USPQ2d 1424, 1430 (TTAB 2013)); TMEP §1207.01(b).

Based on the essentially identical marks, consumers are likely to believe that applicant's mark represents services provided by the registrant or vice versa.

### **The Services are Overlapping and Highly Related**

With respect to applicant's and registrant's services, the question of likelihood of confusion is determined based on the description of the services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

In this case, the identifications set forth in the application and registration have no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services "travel in the same channels of trade to the same class of purchasers." *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Further, the application uses broad wording to describe the services and this wording is presumed to encompass all services of the type described, including those in registrant's more narrow identification. *See, e.g., Sw. Mgmt., Inc. v. Ocinoled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015); *In re N.A.D., Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000).

Here, the applicant and registrant each provide online facilities for interaction among users, on-line forums for transmission of messages among computer users, as well as providing access to databases. Generally, the greater degree of similarity between the applied-for mark and the registered mark, the lesser the degree of similarity between the goods and/or services of the parties is required to support a finding of likelihood of confusion. *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (citing *In re Opus One Inc.*, 60 USPQ2d 1812, 1815 (TTAB 2001)); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1636 (TTAB 2009). Therefore, the applicant's other telecommunications services, based on the essentially identical marks, and the shared services, would also raise a likelihood of confusion with registrant's services.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

## **RESPONSE GUIDELINES**

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see "[Responding to Office Actions](#)" on the USPTO's website.

Because of the legal technicalities and strict deadlines involved in the USPTO application process, applicant may wish to hire a qualified U.S. attorney specializing in trademark matters to represent applicant in this process and provide legal advice. Although the undersigned trademark examining attorney is permitted to help an applicant understand the contents of an Office action as well as the application process in general, no USPTO attorney or staff is permitted to give an applicant legal advice or statements about an applicant's legal rights. TMEP §§705.02, 709.06. For attorney referral information, applicant may consult the American Bar Association's Consumers' Guide to Legal Help or an online directory of legal professionals, such as FindLaw®. The USPTO, however, may not assist an applicant in the selection of a private attorney. 37 C.F.R. §2.11.

Please note that foreign attorneys, other than authorized Canadian attorneys, are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). *See* 37 C.F.R. §§2.17(e), 11.14(c), (e); TMEP §602.03-.03(c).

The **only** attorneys who may practice before the USPTO in trademark matters are as follows:

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state**, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories; and
- (2) **Canadian agents/attorneys** who represent applicants located in Canada and (a) are registered with the USPTO and in good standing as patent agents or (b) have been granted reciprocal recognition by the USPTO.

See 37 C.F.R. §§2.17(a), (e), 11.1, 11.14(a), (c); TMEP §602.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. See 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. See 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. See 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. See 37 C.F.R. §§2.6(a)(15)(ii), 2.66(b)(1).

Please see **To Respond to this Letter** for further response guidance.

/Ellen F Burns/  
Examining Attorney  
Law Office 116  
(571) 272-9098  
ellen.burns@uspto.gov  
(email for informal communications only)

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response forms.jsp](http://www.uspto.gov/trademarks/teas/response%20forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

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**Print: Oct 4, 2017**

**75982339**

**TYPED DRAWING**

**Serial Number**

75982339

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Registration Number**

2770579

**Date Registered**

2003/10/07

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

TRAVELPORT, LP LIMITED PARTNERSHIP DELAWARE 300 Galleria Parkway  
Atlanta GEORGIA 30339

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing office and business management services in the travel field for others; dissemination of advertising for others in the hotel and travel industries via an on-line electronic communication network; marketing services for others in the hotel and travel industries via an on-line electronic communications network. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Electronic data interchange network services, namely, providing on-line electronic bulletin boards for transmission of messages among computer users concerning travel, travel arrangements, and travel agency services; providing access time to computer databases in the field of travel arranging, booking and reservations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Arranging for ticket reservations for shows and other entertainment events; educational services, namely, conducting classes and seminars in the field of computerized booking and reservation systems and databases; training the use of computerized booking and reservation systems and databases. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Information compilation, storage and retrieval services in the field of travel accommodations for others; providing on-line databases and travel directory databases in the field of travel accommodations; travel agency services, namely, making hotel and accommodation reservations and bookings for others; computerized database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services; interactive computerized travel agency services, namely, making reservations and booking for temporary lodging-- travel agency services, namely, making reservations and bookings for temporary lodging accommodations; Travel services, namely the provision of information regarding accommodation availability and services to facilitate the booking the bookings and reservation of accommodations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Prior Registration(s)**

1268761;1907630

**Filing Date**

1999/04/30

**Examining Attorney**

WILLIAMS, IRENE D.

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87515121 - APOLLO - VM82896  
**Sent:** 10/11/2017 9:25:43 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **10/11/2017** FOR U.S. APPLICATION SERIAL NO. 87515121

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

**(1) READ THE LETTER** by clicking on this link or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **10/11/2017**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). A response transmitted through TEAS must be received before midnight **Eastern Time** of the last day of the response period.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

**(3) QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Ellen F Burns/  
Examining Attorney  
Law Office 116  
(571) 272-9098  
[ellen.burns@uspto.gov](mailto:ellen.burns@uspto.gov)  
(email for informal communications only)

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:eburns1 \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	2647	N/A	0	0	0:11	*{v}p{v}l{v}*[bi,ti]
02	928	N/A	0	0	0:01	1 not dead[ld]
03	330	N/A	0	0	0:01	2 and "038"[cc]
04	12	0	12	11	0:01	2 and ("038" or "A" or "B" or "200")[ic]
05	1007	N/A	0	0	0:02	apollo[bi,ti] or apolo[bi,ti]
06	348	N/A	0	0	0:02	5 not dead[ld]
07	104	0	104	99	0:02	6 and ("037" or "038" or "039" or "041" or "042" or "A" or "B" or "200")[ic]
08	380	N/A	0	0	0:01	apollo[fm]
09	122	N/A	0	0	0:01	8 not dead[ld]
10	23	0	23	19	0:01	9 and ("037" or "038" or "039" or "041" or "042" or "A" or "B" or "200")[ic]
11	205	0	205	194	0:02	2 and ("037" or "038" or "039" or "041" or "042" or "A" or "B" or "200")[ic]
12	1055	N/A	0	0	0:02	*apollo*[bi,ti]
13	364	N/A	0	0	0:02	12 not dead[ld]
14	18	0	18	18	0:01	13 and ("037" or "A" or "B" or "200")[ic]
15	0	0	0	0	0:01	13 and ("03" or "A" or "B" or "200")[ic]
16	6	0	6	5	0:02	13 and ("038" or "A" or "B" or "200")[ic]
17	7	0	7	5	0:01	13 and ("039" or "A" or "B" or "200")[ic]
18	51	N/A	0	0	0:02	13 and ("041" or "A" or "B" or "200")[ic]
19	51	0	51	50	0:02	18 not dead[ld]
20	49	0	49	45	0:01	13 and ("042" or "A" or "B" or "200")[ic]

Session started 10/4/2017 12:28:31 PM

Session finished 10/4/2017 8:29:24 PM

Total search duration 0 minutes 39 seconds

Session duration 480 minutes 53 seconds

Default NEAR limit=1ADJ limit=1

Sent to TIGRS as Serial Number: 87515121



apoll

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87515121

Filing Date: 07/03/2017

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	\\TICRS\EXPORT17\IMAGEOUT 17\8751\51\87515121\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	apollo
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized wording apollo.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	842 x 330
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
EMAIL ADDRESS	creatingip@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China

**GOODS AND/OR SERVICES AND BASIS INFORMATION**

*INTERNATIONAL CLASS	038
*IDENTIFICATION	Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services
*FILING BASIS	SECTION 1(b)

**ADDITIONAL STATEMENTS SECTION**

*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	

**CORRESPONDENCE INFORMATION**

*NAME	XIANG, HAILONG
DOCKET/REFERENCE NUMBER	VM82896
*STREET	FLAT C, 29/F, TOWER 3, DISCOVERY PARK
*CITY	TSUEN WAN, NT
*COUNTRY	Hong Kong
*EMAIL ADDRESS	creatingip@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

**FEE INFORMATION**

APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225

**SIGNATURE INFORMATION**

* SIGNATURE	/xhl/
* SIGNATORY'S NAME	XIANG. HAILONG

* SIGNATORY'S POSITION	Director
* DATE SIGNED	07/03/2017

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87515121

Filing Date: 07/03/2017

#### To the Commissioner for Trademarks:

**MARK:** apollo (stylized and/or with design, see mark)

The mark in your application is apollo.

The applicant is not claiming color as a feature of the mark. The mark consists of the stylized wording apollo.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (ltd.) legally organized under the laws of China, having an address of

BAIDU CAMPUS, NO. 10

SHANGDI 10TH STREET, HAIDIAN DISTRICT

BEIJING

China

creatingip@gmail.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 038: Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Electronic, electric, and digital transmission of voice, data, images, signals, and messages; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; Telecommunication access services; Telecommunication services, namely, providing e-mail notification alerts via the internet notifying vehicle owners of timing of vehicle maintenance; Voice mail services

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

XIANG, HAILONG

FLAT C, 29/F, TOWER 3, DISCOVERY PARK

TSUEN WAN, NT, Hong Kong

creatingip@gmail.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

The docket/reference number is VM82896.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

#### Declaration

##### Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /xhl/ Date: 07/03/2017

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

Payment Sale Number: 87515121

Payment Accounting Date: 07/05/2017

Serial Number: 87515121

Internet Transmission Date: Mon Jul 03 21:54:05 EDT 2017

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-201707032154057

15767-87515121-590678f23bb89458549f8b495

3aa079f8c488d4294198ab4a163c885ada50f8a8

-CC-4453-20170703215124788871

apollo

ESTTA Tracking number: **ESTTA926098**

Filing date: **10/03/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	10/03/2018
Address	40 Valleyview Dr., Ancaster Ontario, L9G2A5 CANADA

Attorney information	TIMUR E SLONIM MINTZ LEVIN COHN FERRI, GLOVSKY AND POPEO PC 666 THIRD AVENUE NEW YORK, NY 10017 UNITED STATES teslonim@mintz.com, ipdocketingBOS@mintz.com, kparsons@mintz.com 212-692-6704
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### Applicant Information

Application No	87515123	Publication date	06/05/2018
Opposition Filing Date	10/03/2018	Opposition Period Ends	10/03/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA		

### Goods/Services Affected by Opposition


Class 039. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations
---

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

### Mark Cited by Opposer as Basis for Opposition



U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Related Proceedings	Oppositions Nos. 91243592, 91243746, 91243747.
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Attachments	85895773#TMSN.png( bytes ) Opposition Apollo 87515123.PDF(81318 bytes ) Exs. 1,3,4.PDF(531422 bytes ) Ex. 2 Apollo 87515123.PDF(1940910 bytes )
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Signature	/TIMUR E SLONIM/
Name	TIMUR E SLONIM
Date	10/03/2018

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

In the Matter of Application Serial No. 87/515,123

for APOLLO

Published in the *Official Gazette* on June 5, 2018

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Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/515,123
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

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**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/515,123 for the proposed mark APOLLO (“Proposed APOLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on June 5, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/515,123 under Trademark Act Section 1(b) on July 3, 2017 to register the proposed mark APOLLO for “GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations” in International Class 035 (“Application”). (Ex. 2) The mark APOLLO was published in the *Official Gazette* on June 5, 2018.
3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016,

and on its website [www.myapolloenterprise.com](http://www.myapolloenterprise.com) since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as [myapollobigdata.com](http://myapollobigdata.com), [myapollobigdata.net](http://myapollobigdata.net), [myapollohardware.com](http://myapollohardware.com), [myapollohardware.net](http://myapollohardware.net), [myapolloservers.com](http://myapolloservers.com), [myapolloservers.net](http://myapolloservers.net), [myapollo.cloud](http://myapollo.cloud), [myapollo.org](http://myapollo.org), [myapollo.tech](http://myapollo.tech), as well as many others, all of which are redirected to [www.arroware.ca](http://www.arroware.ca) website.

7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, [recombu.com](http://recombu.com), [betakit.com](http://betakit.com), [alphr.com](http://alphr.com), [rfi.fr](http://rfi.fr), [digitlife.fr](http://digitlife.fr), and [dutchcowboys.nl](http://dutchcowboys.nl).
9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, [facebook.com](http://facebook.com), [twitter.com](http://twitter.com), and [youtube.com](http://youtube.com), consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.
10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed

and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.  
(Ex. 3)

11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into its Proposed APOLLO Mark
13. Applicant's Proposed APOLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed APOLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed APOLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 66 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, BAIDU APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information," "file sharing services, namely, providing a website featuring technology

enabling users to upload and download electronic files,” “electronic, electric, and digital transmission of voice, data, images, signals, and messages,” “communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks,” and “computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest.” It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant’s APOLLO Family of Marks is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant’s APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer’s MYAPOLLO Mark.
19. Upon information and belief, Applicant intends to use its Proposed APOLLO Mark in connection with “GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations” as fully recited in the Application. Proposed APOLLO Mark is part of the APOLLO Family of Marks. For example, in another Application No. 87/515,121 applicant seeks to register APOLLO mark for “Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless

communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations.”

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant’s Proposed APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer’s MYAPOLLO Mark.
23. The services identified by Applicant’s Proposed APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer’s MYAPOLLO Mark.


24. The services identified by Applicant's Proposed APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.
25. Applicant's Proposed APOLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed APOLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/515,123 for the mark APOLLO under Section 2(d) of the Trademark Act.

**COUNT TWO**  
**LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use APOLLO mark for each and every good and service recited in the Application when it was filed on July 3, 2017.

Dated: October 3, 2018

Respectfully submitted,

By:   
Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)  
*Attorneys for Opposer Arroware Industries,  
Inc.*



CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on October 3, 2018 to:

ch.tm@dlapiper.com  
Keith W. Medansky  
DLA Piper LLP (US)  
PO Box 64807  
Chicago, IL 60664-0807



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Timur E. Slonim

# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES, TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



United States Patent and Trademark Office

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[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# MYAPOLLO

**Word Mark** MY APOLLO  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85895773

**Filing Date** April 4, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 30, 2013

**Registration Number** 4668175

**Registration Date** January 6, 2015

**Owner** (REGISTRANT) Arrowware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5

**Attorney of Record** Timur E. Slonim

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
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The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store, transmit, and display images or graphics, audio, video, and other multimedia content between registered users via global telephones, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00'

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent TIMUR E SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

[Assignment Abstract Of Title Information - Click to Load](#)



## Proceedings - Click to Load

## **Exhibit 3**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

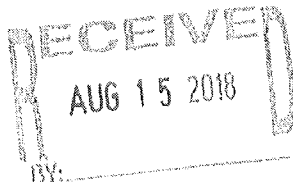
In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

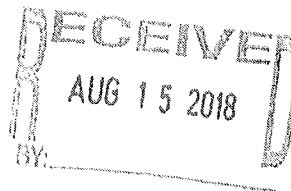
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



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Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 66 occ: 1451

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88027400		APOLONG	TSDR	LIVE
6	88027396		APOLONG	TSDR	LIVE
7	88027395		APOLONG	TSDR	LIVE
8	88027393		APOLONG	TSDR	LIVE
9	87873650		BIENAPOLLO	TSDR	LIVE
10	87873649		BIENAPOLLO	TSDR	LIVE
11	87672716		APOLLO PILOT	TSDR	LIVE
12	87672714		APOLLO PILOT	TSDR	LIVE
13	87672712		APOLLO PILOT	TSDR	LIVE
14	87672710		APOLLO PILOT	TSDR	LIVE
15	87672708		APOLLO PILOT	TSDR	LIVE
16	87672707		APOLLO PILOT	TSDR	LIVE
17	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
18	87677545		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87677544		APOLLO COMPUTING UNIT	TSDR	LIVE
20	87672706		APOLLO PILOT	TSDR	LIVE
21	87873651		BIENAPOLLO	TSDR	LIVE
22	87873606		EMAPOLLO	TSDR	LIVE
23	87873605		EMAPOLLO	TSDR	LIVE
24	87873604		EMAPOLLO	TSDR	LIVE
25	87873601		COMAPOLLO	TSDR	LIVE
26	87873596		COMAPOLLO	TSDR	LIVE



27	87873595		COMAPOLLO	TSDR	LIVE
28	87895688		APOLLAI	TSDR	LIVE
29	87895680		APOLLAI	TSDR	LIVE
30	87895672		APOLLAI	TSDR	LIVE
31	87873641		BYAPOLLO	TSDR	LIVE
32	87873640		BYAPOLLO	TSDR	LIVE
33	87873637		BYAPOLLO	TSDR	LIVE
34	87798333		CAR-POLLO	TSDR	LIVE
35	87798332		CAR-POLLO	TSDR	LIVE
36	87798331		CAR-POLLO	TSDR	LIVE
37	87798330		ULTRAPOLLO	TSDR	LIVE
38	87798328		ULTRAPOLLO	TSDR	LIVE
39	87798327		ULTRAPOLLO	TSDR	LIVE
40	87798325		DATAPOLLO	TSDR	LIVE
41	87798318		DATAPOLLO	TSDR	LIVE
42	87798316		DATAPOLLO	TSDR	LIVE
43	87789926		TEAM APOLLO	TSDR	LIVE
44	87789924		TEAM APOLLO	TSDR	LIVE
45	87789917		TEAM APOLLO	TSDR	LIVE
46	87514258		<b>BAIDU</b> APOLLO	TSDR	LIVE
47	87514218		<b>BAIDU</b> APOLLO	TSDR	LIVE
48	87515130		APOLLO	TSDR	LIVE
49	87515123		APOLLO	TSDR	LIVE
50	87515121		APOLLO	TSDR	LIVE
51	87873594		FOREAPOLLO	TSDR	LIVE
52	87873592		FOREAPOLLO	TSDR	LIVE
53	87873590		FOREAPOLLO	TSDR	LIVE
54	87515111		APOLLO	TSDR	LIVE
55	87514261		<b>BAIDU</b> APOLLO	TSDR	LIVE
56	87514254		<b>BAIDU</b> APOLLO	TSDR	LIVE
57	87759024		LEAPOLLO	TSDR	LIVE
58	87720768		APOLLIANCE	TSDR	LIVE
59	87720763		APOLLONEER	TSDR	LIVE
60	87514209		<b>BAIDU</b> APOLLO	TSDR	LIVE
61	87515109		APOLLO	TSDR	LIVE
62	87672715		APOLLO PILOT	TSDR	LIVE
63	87515105		APOLLO	TSDR	LIVE
64	87515127		APOLLO	TSDR	LIVE
65	87515119		APOLLO	TSDR	LIVE
66	87514208		<b>BAIDU</b> APOLLO	TSDR	LIVE

## **Exhibit 2**



## United States Patent and Trademark Office

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## Record 1 out of 1

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**Word Mark** APOLLO
**Goods and Services** IC 039. US 100 105. G & S: GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
**Serial Number** 87515123**Filing Date** July 3, 2017**Current Basis** 1B
**Original Filing Basis** 1B

**Published for Opposition** June 5, 2018

**Owner** (APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (Ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA

**Attorney of Record** Keith W. Medansky

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the stylized wording "apollo".
**Type of Mark** SERVICE MARK**Register** PRINCIPAL
**Live/Dead Indicator** LIVE

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Mark: APOLLO

apollo

US Serial Number: 87515123

Application Filing Date: Jul. 03, 2017

Filed as TEAS Yes  
Plus:

Currently TEAS Yes  
Plus:

Register: Principal

Mark Type: Service Mark

TM5 Common Status  
Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 29, 2018

Publication Date: Jun. 05, 2018

## Mark Information

Mark Literal APOLLO  
Elements:

Standard Character No  
Claim:

Mark Drawing 5 - AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) INSTYLIZED FORM  
Type:

Description of Mark: The mark consists of the stylized wording "apollo".

Color(s) Claimed: Color is not claimed as a feature of the mark.

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*,\* identify additional (new) wording in the goods/services.

For: GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

Owner Address: BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING CHINA

Legal Entity Type: limited company (Ltd.)

State or Country: CHINA  
Where Organized:

## Attorney/Correspondence Information

Attorney of Record

Docket Number: VM82897

Correspondent

Correspondent Name/Address: XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT HONG KONG

Correspondent e-mail: [creatingip@gmail.com](mailto:creatingip@gmail.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 28, 2018	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Jun. 29, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 05, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 05, 2018	PUBLISHED FOR OPPOSITION	
May 16, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 27, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 13, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 13, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 13, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 12, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 12, 2017	NON-FINAL ACTION E-MAILED	6325
Oct. 12, 2017	NON-FINAL ACTION WRITTEN	80808
Sep. 27, 2017	ASSIGNED TO EXAMINER	80808
Jul. 11, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 06, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information

TM Attorney: BURNS, ELLEN FERRER

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 03, 2018

## Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: 87515123

Filing Date: Jul 05, 2018

Status: Extension of Time to Oppose Filed

Status Date: Jul 05, 2018

Interlocutory

**Attorney:****Defendant****Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ) CO., LTD.**Correspondent** XIANG HAILONG**Address:** FLAT C 29/F TOWER 3 DISCOVERY PARK  
TSUEN WAN, NT  
HONG KONG HONG KONG**Correspondent e-mail:** [creatingip@gmail.com](mailto:creatingip@gmail.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
APOLLO	Request For Extension of Time to File Opposition	<u>87515123</u>	
<b>Potential Opposer(s)</b>			

**Name:** Arroware Industries, Inc.**Correspondent** TIMUR E SLONIM**Address:** MINTZ LEVIN COHN FERRI, GLOVSKY AND POPEO PC  
666 THIRD AVENUE  
NEW YORK NY UNITED STATES , 10017**Correspondent e-mail:** [teslonim@mintz.com](mailto:teslonim@mintz.com) , [mmims@mintz.com](mailto:mmims@mintz.com) , [ipdocketingBOS@mintz.com](mailto:ipdocketingBOS@mintz.com)**Name:** Travelport, LP**Correspondent** ANDREW J HOLLANDER**Address:** K&L GATES LLP  
1 NEWARK CENTER  
NEWARK NJ UNITED STATES , 07102**Correspondent e-mail:** [andrew.hollander@klgates.com](mailto:andrew.hollander@klgates.com) , [nwtrademarks@klgates.com](mailto:nwtrademarks@klgates.com) , [nytrademarks@klgates.com](mailto:nytrademarks@klgates.com)**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 29, 2018	
2	EXT GRANTED	Jul 03, 2018	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jul 05, 2018	
4	EXT GRANTED	Jul 06, 2018	

**Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment**

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87515123
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/87515123/large
LITERAL ELEMENT	APOLLO
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
EXPLANATION OF FILING	Applicant requests that its Class 39 identification of services be amended in the following manner (added text in bold and underscored):  <i>GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; <u>none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations.</u></i>
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	039
DESCRIPTION	GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	039
TRACKED TEXT DESCRIPTION	GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; <u>none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations</u>
FINAL DESCRIPTION	GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Anthony E. Rufo/
SIGNATORY'S NAME	Anthony E. Rufo
SIGNATORY'S POSITION	Associate Attorney, DLA Piper LLP (US), Illinois bar member
SIGNATORY'S PHONE NUMBER	312.368.4000
DATE SIGNED	08/28/2018



AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Aug 28 11:04:58 EDT 2018
TEAS STAMP	USPTO/PPA-XXX.XXX.XXX.XX- 20180828110458093794-8751 5123-610e21be4b70c49fce2d 9d592048e42952d44bbbd6f4a 51baa704d6d2429797a-N/A-N /A-20180828102901711525

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
PTO Form 1771 (Rev 10/2011)  
CAIS No. C651-C650 (Exp 09/20/2020)

## Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment To the Commissioner for Trademarks:

Application serial no. **87515123** APOLLO (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/87515123/large>) has been amended as follows:

### EXPLANATION OF FILING

Applicant requests that its Class 39 identification of services be amended in the following manner (added text in bold and underscored):

*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations.*

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 039 for GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

### Proposed:

**Tracked Text Description:** GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

Class 039 for GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

**Filing Basis: Section 1(b), Intent to Use:** ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the

applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**SIGNATURE(S)**

Signature: /Anthony E. Rufo/ Date: 08/28/2018

Signatory's Name: Anthony E. Rufo

Signatory's Position: Associate Attorney, DLA Piper LLP (US), Illinois bar member

Signatory's Phone Number: 312.368.4000

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 87515123

Internet Transmission Date: Tue Aug 28 11:04:58 EDT 2018

TEAS Stamp: USPTO/PPA-XXX.XXX.XXX.XX-201808281104580

93794-87515123-610e21be4b70c49fce2d9d592

048e42952d44bbbd6f4a51baa704d6d2429797a-

N/A-N/A-20180828102901711525

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, June 5, 2018 00:53 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87515123: APOLLO (Stylized/Design): Docket/Reference No. VM82897

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### **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87515123  
**Mark:** APOLLO (Stylized/Design)  
**International Class(es):** 039  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** VM82897

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 05, 2018.

#### **To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-06-05&serialNumber=87515123>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

#### **Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87515123&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87515123&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87515123&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87515123&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

May 16, 2018

## NOTICE OF PUBLICATION

- |                                     |  |
|-------------------------------------|--|
| 1. Serial No.:<br>87-515,123        | 2. Mark:<br>APOLLO<br>(STYLIZED/DESIGN)                    |
| 3. International Class(es):<br>39   |  |
| 4. Publication Date:<br>Jun 5, 2018 | 5. Applicant:<br>BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

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Email Address(es):

[creatingip@gmail.com](mailto:creatingip@gmail.com)

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, May 16, 2018 04:28 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87515123: APOLLO (Stylized/Design): Docket/Reference No. VM82897

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87515123) is scheduled to publish in the *Official Gazette* on Jun 5, 2018 . To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87515123>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87515123	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BURNS, ELLEN FERRER	L.O. ASSIGNED	116

**PUB INFORMATION**

RUN DATE	04/28/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	04/27/2018		
LITERAL MARK ELEMENT	APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUBLIC 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	APOLLO
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,

ENTITY	99-limited company (ltd.)
CITIZENSHIP	China

### GOODS AND SERVICES

INTERNATIONAL CLASS	039
DESCRIPTION TEXT	GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	039	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the stylized wording apollo.

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/27/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	010
03/13/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/13/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/13/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
10/12/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
10/12/2017	GNRT	F	NON-FINAL ACTION E-MAILED	005
10/12/2017	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER	003
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE

apollo



**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87515123	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BURNS, ELLEN FERRER	L.O. ASSIGNED	116

**PUB INFORMATION**

RUN DATE	03/14/2018		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/13/2018		
LITERAL MARK ELEMENT	APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	APOLLO
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,

ENTITY	99-limited company (ltd.)						
CITIZENSHIP	China						
<b>GOODS AND SERVICES</b>							
INTERNATIONAL CLASS	039						
DESCRIPTION TEXT	GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks						
<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	039	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>							
CHANGE IN REGISTRATION	NO						
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.						
DESCRIPTION OF MARK	The mark consists of the stylized wording apollo.						
<b>PROSECUTION HISTORY</b>							
DATE	ENT CD	ENT TYPE	DESCRIPTION				ENT NUM
03/13/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED				009
03/13/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE				008
03/13/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED				007
10/12/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED				006
10/12/2017	GNRT	F	NON-FINAL ACTION E-MAILED				005
10/12/2017	CNRT	R	NON-FINAL ACTION WRITTEN				004
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER				003
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM				002
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM				001
<b>CURRENT CORRESPONDENCE INFORMATION</b>							
ATTORNEY	NONE						
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG						
DOMESTIC REPRESENTATIVE	NONE						

apollo

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87515123
LAW OFFICE ASSIGNED	LAW OFFICE 116
MARK SECTION	
MARK FILE NAME	<a href="https://tmng-al.uspto.gov/resting2/api/img/87515123/large">https://tmng-al.uspto.gov/resting2/api/img/87515123/large</a>
LITERAL ELEMENT	APOLLO
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	

### RESPONSE TO OFFICE ACTION

This is in response to the Office Action dated October 12, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

### REMARKS

#### **I. No Likelihood of Confusion With Cited Marks**

The Examining Attorney has refused registration of Application Serial No. 87/515123 for the mark APOLLO (with infinity design) ("Applicant's Mark") owned by Baidu Online Network Technology (Beijing) Co., Ltd ("Applicant"), depicted below:

Mark	Serial No.	Goods
*See attached PDF for image*	87/515123	Class 039: GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks

The Examining Attorney has concluded pursuant to Section 2(d) of the Trademark Act that Applicant's Mark is likely to be confused with the following marks (the "Cited Marks"):

Mark	Reg. No.	Goods
*See attached PDF for image*	3,588,131	Class 039: Vehicle leasing and rental services
APOLLO	4,099,556	Class 039: Information compilation, storage and retrieval services in the field of travel transportation for others;

		providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare
*See attached PDF for image*	5,142,764	<u>Class 039</u> : Leasing of aircrafts and aircraft engines; Rental of aircrafts and aircraft engines

*A. All of the Marks Differ in Appearance*

In the instant action, the Examining Attorney stated that, “[h]ere, the marks share the identical term APOLLO. It is the entirety of the applicant’s mark, and the entire literal element of two of the registrants’ marks. The third registrant’s literal portion of its mark is combined with only with descriptive wording that would also be relevant to applicant’s services; i.e., AVIATION GROUP. The word portions of each of the marks are either identical or highly similar in sound, appearance, connotation, and commercial impression.”

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant’s mark or to the stylized cited marks, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account “the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). “All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

Here, the commercial impression of Applicant’s Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter “p” and the first “o” in the term APOLLO combine to form an infinity symbol (∞), as depicted below:

Applicant’s Mark

\*See attached PDF for image\*

The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. *See* Infinity Symbol.” Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol#Modern\\_symbolism](https://en.wikipedia.org/wiki/Infinity_symbol#Modern_symbolism), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as “infinity” such that it shapes the overall commercial impression of Applicant’s mark.

I. The Cited Design Marks

In specific regard to Applicant’s Mark as compared to the cited design marks, the differences in the design elements, when considered

in conjunction with the words obviates confusion. *See, generally*, TMEP § 1207.01. The comparison of composite marks is to be done on a case-by-case basis, and an Examining Attorney should not rely upon any mechanical rules. *See, e.g., In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL and design of large, double-letter RR configuration and registered mark RACEGIRL, even when used on in-part identical goods); *In re White Rock Distilleries Inc.*, 92 USPQ2d 1282 (TTAB 2009) (holding VOLTA for vodka infused with caffeine, and TERZA VOLTA and vine shoot design for wines, not likely to cause confusion).

Applicant's Mark	
*See attached PDF for image*	
Stylized Cited Marks	
Mark	Reg. No.
*See attached PDF for image*	3,588,131
*See attached PDF for image*	5,142,764

When viewed in their entirety, Applicant's Mark has a very different appearance, meaning and commercial impression from each of the stylized cited marks. As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. None of the cited design marks contains an infinity symbol. Moreover, each of the cited design marks is rendered with a design different from Applicant's Mark and different from the other cited design mark. When the marks are compared in their entireties, as they must be, Applicant's Mark differs greatly in overall commercial impression from each of the stylized cited marks. As a result, confusion between Applicant's Mark and the cited design marks is unlikely.

#### I. The Cited Standard-Character Mark

In specific reference to a comparison of Applicant's Mark with the cited standard-character mark, if a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983). As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. This is the very sort of stylized pictorial representation that distinguishes a design-formative mark from standard-character marks. Because of its distinctive, highly stylized character, Applicant's mark has a commercial impression that is overall different than the commercial impressions of the cited standard-character mark. Accordingly, confusion between Applicant's Mark and the cited standard-character mark is unlikely.

#### B. *The Applicant Requests an Amendment to Its Identification of Goods*

The identification of goods in the instant application is:

GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks

Applicant requests that it be amended in the following manner (added text is bold, deleted text struck through):

GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle ~~breakdown towing services~~; Vehicle routing by computer on data networks

Accordingly, the amended identification of goods would be:

GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks

C. *The Services Are Likewise Dissimilar From Those of the Cited Marks and Travel in Different Trade Channels*

In a likelihood of confusion analysis, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board’s dismissal of opposer’s likelihood-of-confusion claim, noting “there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source” though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB’s holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods).

Finally, when goods or services travel through different channels of trade, confusion is unlikely. *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in their channels of trade).

1. Registration No. 3,588,131

The relevant services in connection with Registration No. 3,588,131 are “*Vehicle leasing and rental services.*”

The identification of services associated with Applicant’s Mark, as amended, lists “*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks.*”

Applicant’s services are focused on GPS navigation, driving directions and vehicle routing. Consumers renting a vehicle would not expect a vehicle rental service to also provide GPS navigation and related services. This would be the case even if a rental vehicle was GPS enabled, because vehicle GPS is installed by the manufacturer, as vehicles are GPS enabled whether purchased or rented. The trade channels also differ. Vehicles are rented from car rental agencies, whereas GPS services are delivered directly to a moving vehicle.

Because Applicant’s application, as amended, does not claim services that are the same or similar to Registration No. 3,588,131, and because the trade channels are different, there can be no likelihood of confusion.

2. Registration No. 4,099,556

The relevant services in connection with Registration Nos. 3,000,815 are:

Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare

The identification of services associated with Applicant’s Mark, as amended, lists “*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks.*”

Applicant’s services are focused on GPS navigation, driving directions and vehicle routing. Consumers accessing information regarding

carrier travel, such as flight information, or engaging with travel agency services would not expect to also have access to GPS navigation and related services. The trade channels also differ. Travel information services are provided online, telephonically, in print, or in person, whereas GPS services are delivered directly to a moving vehicle.

Because Applicant's application, as amended, does not claim services that are the same or similar to Registration No. 4,099,556, and because the trade channels are different, there can be no likelihood of confusion.

### 3. Registration No. 5,142,764

The relevant services in connection with Registration No. 5,142,764 are "*Leasing of aircrafts and aircraft engines; Rental of aircrafts and aircraft engines.*"

The identification of services associated with Applicant's Mark, as amended, lists "*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks.*"

Services focused on GPS navigation are not the same as, similar to, or related to aircraft leasing and rental service. Aircraft leasing and rental, whether provided electronically or in person by definition also includes the pickup or delivery of an aircraft, whereas GPS services are delivered directly to a moving vehicle. As such, the services and trade channels are different. Accordingly, there can be no likelihood of confusion between Applicant's Mark and Registration No. 5,142,764.

## II. Conclusion

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_20620511710-20180313090047466031 . 87-515123 Filing Receipt.pdf
CONVERTED PDF FILE(S) (9 pages)	\\TICRS\EXPORT1\IMAGEOUT1\875\151\87515123\xml4\ROA0002.JPG
	\\TICRS\EXPORT1\IMAGEOUT1\875\151\87515123\xml4\ROA0003.JPG
	\\TICRS\EXPORT1\IMAGEOUT1\875\151\87515123\xml4\ROA0004.JPG
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	\\TICRS\EXPORT1\IMAGEOUT1\875\151\87515123\xml4\ROA0010.JPG
ORIGINAL PDF FILE	evi_20620511710-20180313090047466031 . Exhibit A.pdf
CONVERTED PDF FILE(S) (5 pages)	\\TICRS\EXPORT1\IMAGEOUT1\875\151\87515123\xml4\ROA0011.JPG
	\\TICRS\EXPORT1\IMAGEOUT1\875\151\87515123\xml4\ROA0012.JPG
	\\TICRS\EXPORT1\IMAGEOUT1\875\151\87515123\xml4\ROA0013.JPG
	\\TICRS\EXPORT1\IMAGEOUT1\875\151\87515123\xml4\ROA0014.JPG
	\\TICRS\EXPORT1\IMAGEOUT1\875\151\87515123\xml4\ROA0015.JPG
DESCRIPTION OF EVIDENCE FILE	Office Action Response Exhibit A to Office Action Response



<b>GOODS AND/OR SERVICES SECTION (current)</b>	
INTERNATIONAL CLASS	039
<b>DESCRIPTION</b>	
GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
INTERNATIONAL CLASS	039
<b>TRACKED TEXT DESCRIPTION</b>	
GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Vehicle routing by computer on data networks; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services	
<b>FINAL DESCRIPTION</b>	
GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks	
FILING BASIS	Section 1(b)
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/Anthony E. Rufo/
SIGNATORY'S NAME	Anthony E. Rufo
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	03/13/2018
AUTHORIZED SIGNATORY	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue Mar 13 09:05:56 EDT 2018
TEAS STAMP	USPTO/ROA-XXX.XXX.XXX.XX- 20180313090556572796-8751 5123-5104d7390a84724a551c b2cec85e4afd20514cc48df2e 09ca7425e35e1fbb4864a-N/A -N/A-20180313090047466031

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1587 (Rev 10/23/11)

CMB No. 0551-0050 IE-p 09/26/2020

### Response to Office Action

#### To the Commissioner for Trademarks:

Application serial no. **87515123** APOLLO (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/87515123/large>) has been amended as follows:

## ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

### RESPONSE TO OFFICE ACTION

This is in response to the Office Action dated October 12, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

### REMARKS

#### I. No Likelihood of Confusion With Cited Marks

The Examining Attorney has refused registration of Application Serial No. 87/515123 for the mark APOLLO (with infinity design) ("Applicant's Mark") owned by Baidu Online Network Technology (Beijing) Co., Ltd ("Applicant"), depicted below:

Mark	Serial No.	Goods
*See attached PDF for image*	87/515123	<u>Class 039</u> : GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks

The Examining Attorney has concluded pursuant to Section 2(d) of the Trademark Act that Applicant's Mark is likely to be confused with the following marks (the "Cited Marks"):

Mark	Reg. No.	Goods
*See attached PDF for image*	3,588,131	<u>Class 039</u> : Vehicle leasing and rental services
APOLLO	4,099,556	<u>Class 039</u> : Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare
*See attached PDF for image*	5,142,764	<u>Class 039</u> : Leasing of aircrafts and aircraft engines; Rental of aircrafts and aircraft engines

#### A. All of the Marks Differ in Appearance

In the instant action, the Examining Attorney stated that, "[h]ere, the marks share the identical term APOLLO. It is the entirety of the applicant's mark, and the entire literal element of two of the registrants' marks. The third registrant's literal portion of its mark is combined with only with descriptive wording that would also be relevant to applicant's services; i.e., AVIATION GROUP. The word portions of each of the marks are either identical or highly similar in sound, appearance, connotation, and commercial impression."

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant's mark or to the stylized cited marks, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account "the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression." *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). "All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar." *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

Here, the commercial impression of Applicant's Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter "p" and the first "o" in the term APOLLO combine to form an infinity symbol (∞) as depicted below:

Applicant's Mark

\*See attached PDF for image\*

The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. *See* Infinity Symbol." Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol#Modern\\_symbolism](https://en.wikipedia.org/wiki/Infinity_symbol#Modern_symbolism), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as "infinity" such that it shapes the overall commercial impression of Applicant's mark.

I. The Cited Design Marks

In specific regard to Applicant's Mark as compared to the cited design marks, the differences in the design elements, when considered in conjunction with the words obviates confusion. *See, generally*, TMEP § 1207.01. The comparison of composite marks is to be done on a case-by-case basis, and an Examining Attorney should not rely upon any mechanical rules. *See, e.g., In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL and design of large, double-letter RR configuration and registered mark RACEGIRL, even when used on in-part identical goods); *In re White Rock Distilleries Inc.*, 92 USPQ2d 1282 (TTAB 2009) (holding VOLTA for vodka infused with caffeine, and TERZA VOLTA and vine shoot design for wines, not likely to cause confusion).

Applicant's Mark	
*See attached PDF for image*	
Stylized Cited Marks	
Mark	Reg. No.
*See attached PDF for image*	3,588,131
*See attached PDF for image*	5,142,764

When viewed in their entirety, Applicant's Mark has a very different appearance, meaning and commercial impression from each of the stylized cited marks. As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. None of the cited design marks contains an infinity symbol. Moreover, each of the cited design marks is rendered with a design different from Applicant's Mark and different from the other cited design mark. When the marks are compared in their entireties, as they must be, Applicant's Mark differs greatly in overall commercial impression from each of the stylized cited marks. As a result, confusion between Applicant's Mark and the cited design marks is unlikely.

1. The Cited Standard-Character Mark

In specific reference to a comparison of Applicant's Mark with the cited standard-character mark, if a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983). As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. This is the very sort of stylized pictorial representation that distinguishes a design-formative mark from standard-character marks. Because of its distinctive, highly stylized character, Applicant's mark has a commercial impression that is overall different than the commercial impressions of the cited standard-character mark. Accordingly, confusion between Applicant's Mark and the cited standard-character mark is unlikely.

B. *The Applicant Requests an Amendment to Its Identification of Goods*

The identification of goods in the instant application is:

GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks

Applicant requests that it be amended in the following manner (added text is bold, deleted text struck through):

GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown ~~towing services~~; Vehicle routing by computer on data networks

Accordingly, the amended identification of goods would be:

GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks

C. *The Services Are Likewise Dissimilar From Those of the Cited Marks and Travel in Different Trade Channels*

In a likelihood of confusion analysis, "if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board's dismissal of opposer's likelihood-of-confusion claim, noting "there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source" though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB's holding that contemporaneous use of RITZ for cooking and

wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods).

Finally, when goods or services travel through different channels of trade, confusion is unlikely. *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in their channels of trade).

1. Registration No. 3,588,131

The relevant services in connection with Registration No. 3,588,131 are “*Vehicle leasing and rental services.*”

The identification of services associated with Applicant’s Mark, as amended, lists “*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks.*”

Applicant’s services are focused on GPS navigation, driving directions and vehicle routing. Consumers renting a vehicle would not expect a vehicle rental service to also provide GPS navigation and related services. This would be the case even if a rental vehicle was GPS enabled, because vehicle GPS is installed by the manufacturer, as vehicles are GPS enabled whether purchased or rented. The trade channels also differ. Vehicles are rented from car rental agencies, whereas GPS services are delivered directly to a moving vehicle.

Because Applicant’s application, as amended, does not claim services that are the same or similar to Registration No. 3,588,131, and because the trade channels are different, there can be no likelihood of confusion.

2. Registration No. 4,099,556

The relevant services in connection with Registration Nos. 3,000,815 are:

Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare

The identification of services associated with Applicant’s Mark, as amended, lists “*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks.*”

Applicant’s services are focused on GPS navigation, driving directions and vehicle routing. Consumers accessing information regarding carrier travel, such as flight information, or engaging with travel agency services would not expect to also have access to GPS navigation and related services. The trade channels also differ. Travel information services are provided online, telephonically, in print, or in person, whereas GPS services are delivered directly to a moving vehicle.

Because Applicant’s application, as amended, does not claim services that are the same or similar to Registration No. 4,099,556, and because the trade channels are different, there can be no likelihood of confusion.

3. Registration No. 5,142,764

The relevant services in connection with Registration No. 5,142,764 are “*Leasing of aircrafts and aircraft engines; Rental of aircrafts and aircraft engines.*”

The identification of services associated with Applicant’s Mark, as amended, lists “*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks.*”

Services focused on GPS navigation are not the same as, similar to, or related to aircraft leasing and rental service. Aircraft leasing and rental, whether provided electronically or in person by definition also includes the pickup or delivery of an aircraft, whereas GPS services are

Adelivered directly to a moving vehicle. As such, the services and trade channels are different. Accordingly, there can be no likelihood of confusion between Applicant's Mark and Registration No. 5.142.764.

## II. Conclusion

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

### EVIDENCE

Evidence in the nature of Office Action Response Exhibit A to Office Action Response has been attached.

#### Original PDF file:

[evi\\_20620511710-20180313090047466031 . 87-515123 Filing Receipt.pdf](#)

#### Converted PDF file(s) ( 9 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

#### Original PDF file:

[evi\\_20620511710-20180313090047466031 . Exhibit A.pdf](#)

#### Converted PDF file(s) ( 5 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 039 for GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

#### Proposed:

**Tracked Text Description:** GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Vehicle routing by computer on data networks; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services

Class 039 for GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a*

*collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**SIGNATURE(S)**

**Response Signature**

Signature: /Anthony E. Rufo/ Date: 03/13/2018

Signatory's Name: Anthony E. Rufo

Signatory's Position: Attorney of record, New York bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 87515123

Internet Transmission Date: Tue Mar 13 09:05:56 EDT 2018

TEAS Stamp: USPTO/ROA-XXX.XXX.XXX.XX-201803130905565

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a-N/A-N/A-20180313090047466031

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mark:	APOLLO (with infinity design)	To be filed electronically
Applicant:	Baidu Online Network Technology (Beijing) Co., Ltd	
Serial No.:	87/515123	

**RESPONSE TO OFFICE ACTION**

This is in response to the Office Action dated October 12, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

**REMARKS**

**I. No Likelihood of Confusion With Cited Marks**

The Examining Attorney has refused registration of Application Serial No. 87/515123 for the mark APOLLO (with infinity design) (“Applicant’s Mark”) owned by Baidu Online Network Technology (Beijing) Co., Ltd (“Applicant”), depicted below:

Mark	Serial No.	Goods
*See attached PDF for image*	87/515123	Class 039: GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks

The Examining Attorney has concluded pursuant to Section 2(d) of the Trademark Act that Applicant’s Mark is likely to be confused with the following marks (the “Cited Marks”):



Mark	Reg. No.	Goods
*See attached PDF for image*	3,588,131	<u>Class 039</u> : Vehicle leasing and rental services
APOLLO	4,099,556	<u>Class 039</u> : Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare
*See attached PDF for image*	5,142,764	<u>Class 039</u> : Leasing of aircrafts and aircraft engines; Rental of aircrafts and aircraft engines

*A. All of the Marks Differ in Appearance*

In the instant action, the Examining Attorney stated that, “[h]ere, the marks share the identical term APOLLO. It is the entirety of the applicant’s mark, and the entire literal element of two of the registrants’ marks. The third registrant’s literal portion of its mark is combined with only with descriptive wording that would also be relevant to applicant’s services; i.e., AVIATION GROUP. The word portions of each of the marks are either identical or highly similar in sound, appearance, connotation, and commercial impression.”

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant’s mark or to the stylized cited marks, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account “the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). “All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be

sufficient to support a finding that the marks are similar or dissimilar.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

Here, the commercial impression of Applicant’s Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter “p” and the first “o” in the term APOLLO combine to form an infinity symbol ( $\infty$ ), as depicted below:

Applicant’s Mark

\*See attached PDF for image\*

The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. See Infinity Symbol.” Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol#Modern\\_symbolism](https://en.wikipedia.org/wiki/Infinity_symbol#Modern_symbolism), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as “infinity” such that it shapes the overall commercial impression of Applicant’s mark.

1. The Cited Design Marks

In specific regard to Applicant's Mark as compared to the cited design marks, the differences in the design elements, when considered in conjunction with the words obviates confusion. *See, generally*, TMEP § 1207.01. The comparison of composite marks is to be done on a case-by-case basis, and an Examining Attorney should not rely upon any mechanical rules. *See, e.g., In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL and design of large, double-letter RR configuration and registered mark RACEGIRL, even when used on in-part identical goods); *In re White Rock Distilleries Inc.*, 92 USPQ2d 1282 (TTAB 2009) (holding VOLTA for vodka infused with caffeine, and TERZA VOLTA and vine shoot design for wines, not likely to cause confusion).

Applicant's Mark	
*See attached PDF for image*	
Stylized Cited Marks	
Mark	Reg. No.
*See attached PDF for image*	3,588,131
*See attached PDF for image*	5,142,764

When viewed in their entirety, Applicant's Mark has a very different appearance, meaning and commercial impression from each of the stylized cited marks. As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. None of the cited design marks contains an infinity symbol. Moreover, each of the cited design marks is rendered with a design different from Applicant's Mark and different from the other cited design mark. When the marks are compared in their entireties, as they must be, Applicant's Mark differs greatly in overall commercial impression from each of the stylized

cited marks. As a result, confusion between Applicant's Mark and the cited design marks is unlikely.

1. The Cited Standard-Character Mark

In specific reference to a comparison of Applicant's Mark with the cited standard-character mark, if a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983). As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. This is the very sort of stylized pictorial representation that distinguishes a design-formative mark from standard-character marks. Because of its distinctive, highly stylized character, Applicant's mark has a commercial impression that is overall different than the commercial impressions of the cited standard-character mark. Accordingly, confusion between Applicant's Mark and the cited standard-character mark is unlikely.

B. *The Applicant Requests an Amendment to Its Identification of Goods*

The identification of goods in the instant application is:

GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks

Applicant requests that it be amended in the following manner (added text is bold, deleted text struck through):

GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; ~~Providing a website featuring information in the field of transportation;~~ Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes;

~~Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown-towing services; Vehicle routing by computer on data networks~~

Accordingly, the amended identification of goods would be:

GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks

*C. The Services Are Likewise Dissimilar From Those of the Cited Marks and Travel in Different Trade Channels*

In a likelihood of confusion analysis, "if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board's dismissal of opposer's likelihood-of-confusion claim, noting "there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source" though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB's holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods).

Finally, when goods or services travel through different channels of trade, confusion is unlikely. *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in their channels of trade).

1. Registration No. 3,588,131

The relevant services in connection with Registration No. 3,588,131 are “*Vehicle leasing and rental services.*”

The identification of services associated with Applicant’s Mark, as amended, lists “*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks.*”

Applicant’s services are focused on GPS navigation, driving directions and vehicle routing. Consumers renting a vehicle would not expect a vehicle rental service to also provide GPS navigation and related services. This would be the case even if a rental vehicle was GPS enabled, because vehicle GPS is installed by the manufacturer, as vehicles are GPS enabled whether purchased or rented. The trade channels also differ. Vehicles are rented from car rental agencies, whereas GPS services are delivered directly to a moving vehicle.

Because Applicant’s application, as amended, does not claim services that are the same or similar to Registration No. 3,588,131, and because the trade channels are different, there can be no likelihood of confusion.

2. Registration No. 4,099,556

The relevant services in connection with Registration Nos. 3,000,815 are:

Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings

and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare

The identification of services associated with Applicant's Mark, as amended, lists "*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks.*"

Applicant's services are focused on GPS navigation, driving directions and vehicle routing. Consumers accessing information regarding carrier travel, such as flight information, or engaging with travel agency services would not expect to also have access to GPS navigation and related services. The trade channels also differ. Travel information services are provided online, telephonically, in print, or in person, whereas GPS services are delivered directly to a moving vehicle.

Because Applicant's application, as amended, does not claim services that are the same or similar to Registration No. 4,099,556, and because the trade channels are different, there can be no likelihood of confusion.

3. Registration No. 5,142,764

The relevant services in connection with Registration No. 5,142,764 are "*Leasing of aircrafts and aircraft engines; Rental of aircrafts and aircraft engines.*"

The identification of services associated with Applicant's Mark, as amended, lists "*GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Vehicle routing by computer on data networks.*"

Services focused on GPS navigation are not the same as, similar to, or related to aircraft leasing and rental service. Aircraft leasing and rental, whether provided electronically or in person by definition also includes the pickup or delivery of an aircraft, whereas GPS services are

Adelivered directly to a moving vehicle. As such, the services and trade channels are different. Accordingly, there can be no likelihood of confusion between Applicant's Mark and Registration No. 5.142.764.

## **II. Conclusion**

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.



# **Exhibit A**

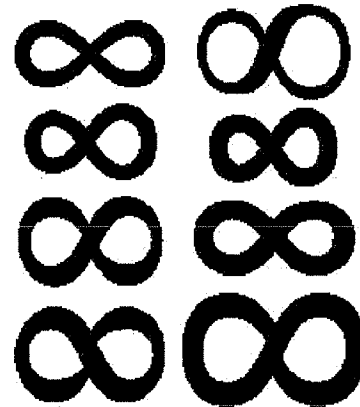
WIKIPEDIA

# Infinity symbol

The **infinity symbol**  $\infty$  (sometimes called the lemniscate) is a mathematical symbol representing the concept of infinity.

## Contents

- History
- Usage
- Modern symbolism
- Graphic design
- Encoding
- See also
- References



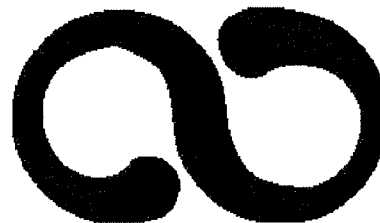
The  $\infty$  symbol in several typefaces

## History



John Wallis introduced the infinity symbol to mathematical literature.

The shape of a sideways figure eight has a long pedigree; for instance, it appears in the cross of Saint Boniface, wrapped around the bars of a Latin cross.<sup>[1]</sup> However, John Wallis is credited with introducing the infinity symbol with its mathematical meaning in 1655, in his *De sectionibus conicis*.<sup>[1][2][3][4]</sup> Wallis did not explain his choice of this symbol, but it has been conjectured to be a variant form of a Roman numeral for 1,000 (originally CIO, also CO), which was sometimes used to mean "many", or of the Greek letter  $\omega$  (omega), the last letter in the Greek alphabet.<sup>[5]</sup>



Symbol used by Euler to denote infinity

Leonhard Euler used an open variant of the symbol<sup>[6]</sup> in order to denote "absolutus infinitus". Euler freely performed various operations on infinity, such as taking its logarithm. This symbol is not used anymore, and is not encoded as a separate character in Unicode.

## Usage

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In mathematics, the infinity symbol is used more often to represent a potential infinity,<sup>[1]</sup> rather than to represent an actually infinite quantity such as the ordinal numbers and cardinal numbers (which use other notations). For instance, in the mathematical notation for summations and limits such as

$$\sum_{n=0}^{\infty} \frac{1}{2^n} = \lim_{x \rightarrow \infty} \frac{2^x - 1}{2^{x-1}} = 2,$$

the infinity sign is conventionally interpreted as meaning that the variable grows arbitrarily large (towards infinity) rather than actually taking an infinite value.

The infinity symbol may also be used to represent a point at infinity, especially when there is only one such point under consideration. This usage includes, for instance, the infinite point of a projective line,<sup>[7]</sup> and the point added to a topological space *T* to form its one-point compactification *T*<sub>∞</sub>.<sup>[8]</sup>

In areas other than mathematics, the infinity symbol may take on other related meanings; for instance, it has been used in bookbinding to indicate that a book is printed on acid-free paper and will therefore be long-lasting.<sup>[9]</sup>

## Modern symbolism

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In modern mysticism, the infinity symbol has become identified with a variation of the ouroboros, an ancient image of a snake eating its own tail that has also come to symbolize the infinite, and the ouroboros is sometimes drawn in figure-eight form to reflect this identification, rather than in its more traditional circular form.<sup>[10]</sup>

In the works of Vladimir Nabokov, including *The Gift* and *Pale Fire*, the figure-eight shape is used symbolically to refer to the Möbius strip and the infinite, for instance in these books' descriptions of the shapes of bicycle tire tracks and of the outlines of half-remembered people. The poem after which *Pale Fire* is entitled explicitly refers to "the miracle of the lemniscate".<sup>[11]</sup>

## Graphic design

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The well known shape and meaning of the infinity symbol have made it a common typographic element of graphic design. For instance, the Métis flag, used by the Canadian Métis people in the early 19th century, is based around this symbol.<sup>[12]</sup> In modern commerce, corporate logos featuring this symbol have been used by, among others, Room for PlayStation Portable, Microsoft Visual Studio, Fujitsu, and CoorsTek.

## Encoding

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The symbol is encoded in Unicode at U+221E ∞ INFINITY and in LaTeX as `\infty`: ∞.

The Unicode set of symbols also includes several variant forms of the infinity symbol, that are less frequently available in fonts: U+29DC ∞ INCOMPLETE INFINITY (HTML `&#10716`; `•` ISOTech entity ∞), U+29DD ∞ TIE OVER INFINITY (HTML `&#10717`; `;`) and U+29DE ∞ INFINITY NEGATED WITH VERTICAL BAR (HTML `&#10718`; `;`) in block Miscellaneous Mathematical Symbols-B.<sup>[13]</sup> The acid-free paper symbol mentioned above is encoded separately as U+267E ☹ PERMANENT PAPER SIGN (HTML `&#9854`; `;`).

## See also

- History of mathematical notation

## References

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- De sectionibus conicis nova methodo expositis tractatus - John Wallis - Google Boeken* ([https://books.google.com/books?id=03M\\_AAAAcAAJ&pg=PP5](https://books.google.com/books?id=03M_AAAAcAAJ&pg=PP5)). Books.google.com. Retrieved 2013-12-01. See e.g. Prop. 1, p. 4.
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- Clegg, Brian (2003), *A brief history of infinity: the quest to think the unthinkable*, Robinson, ISBN 9781841196503
- See for instance Cor. 1 p. 174 in: Leonhard Euler. *Variae observationes circa series infinitas*. *Commentarii academiae scientiarum Petropolitanae* 9, 1744, pp. 160-188. [1] (<http://eulerarchive.maa.org/docs/originals/E072.pdf>)



The infinity symbol appears on several cards of the Rider–Waite tarot deck

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Retrieved from "[https://en.wikipedia.org/w/index.php?title=Infinity\\_symbol&oldid=826781676](https://en.wikipedia.org/w/index.php?title=Infinity_symbol&oldid=826781676)"

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**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com)))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87515123 - APOLLO - VM82897  
**Sent:** 10/12/2017 6:47:11 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION  
SERIAL NO. 87515123

MARK: APOLLO

**\*87515123\***

CORRESPONDENT  
ADDRESS:

XIANG, HAILONG  
FLAT C, 29/F,  
TOWER 3, DISCOVERY  
PARK  
TSUEN WAN, NT  
HONG KONG

CLICK HERE TO RESPOND TO THIS  
LETTER:

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: BAIDU  
ONLINE NETWORK  
TECHNOLOGY  
(BEIJING ETC.)

CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:

VM82897

CORRESPONDENT  
E-MAIL ADDRESS:

[creatingip@gmail.com](mailto:creatingip@gmail.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

**ISSUE/MAILING DATE: 10/12/2017**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### Summary of Issues:

- *Refusal: Likelihood of Confusion With Prior Registered Marks*

### TRADEMARK ACT §2(d) REFUSAL – LIKELIHOOD OF CONFUSION WITH PRIOR REGISTERED MARKS

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks detailed below. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

A likelihood of confusion determination involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are also compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Applicant intends to use the mark **APOLLO** [stylized] for “GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks.”

Prior registrants own the following conflicting registrations for the identified services:

**Registration No. 3588131 / APOLLO** [with design]: *Vehicle leasing and rental services*

**Registration No. 2770579 / APOLLO** [standard characters]: *Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare*

**Registration No. 3387358 / APOLLO AVIATION GROUP** [with design]: *Leasing of aircrafts and aircraft engines; Rental of aircrafts and aircraft engines*

### The Marks are Highly Similar

In a likelihood of confusion determination, the marks are compared for similarities in their **appearance, sound, meaning or connotation and commercial impression**. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Bay State Brewing Co.*, 117 USPQ2d 1958, 1960 (TTAB 2016) (quoting *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *In re Bay State Brewing Co.*, 117 USPQ2d at 1960 (citing *Spoons Rests, Inc. v. Morrison Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff'd per curiam*, 972 F.2d 1353 (Fed. Cir. 1992)); *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (citing *Joel Gott Wines LLC v. Rehoboth Von Gott Inc.*, 107 USPQ2d 1424, 1430 (TTAB 2013)); TMEP §1207.01(b).

For example, for a composite mark containing both words and a design, the word portion may be more likely to indicate the origin of the goods and/or services because it is that portion of the mark that consumers use when referring to or requesting the goods and/or services. *Bond v. Taylor*, 119 USPQ2d 1049, 1055 (TTAB 2016) (citing *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908, 1911 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although such marks must be compared in their entireties, the word portion is often considered the dominant

feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterra Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Here, the marks share the identical term APOLLO. It is the entirety of the applicant's mark, and the entire literal element of two of the registrants' marks. The third registrant's literal portion of its mark is combined with only with descriptive wording that would also be relevant to applicant's services; i.e., AVIATION GROUP. The word portions of each of the marks are either identical or highly similar in sound, appearance, connotation, and commercial impression; therefore, the addition of a design element, or a difference in stylization of the wording does not obviate the similarity of the marks in this case. See *In re Shell Oil Co.*, 992 F.2d 1204, 1206, 26 USPQ2d 1687, 1688 (Fed. Cir. 1993); TMEP §1207.01(c)(ii). Further, one of the cited marks is in typed form, meaning that it may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. See *In re Viterra Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the marks could be presented in the same manner of display. See, e.g., *In re Viterra Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that "the argument concerning a difference in type style is not viable where one party asserts rights in no particular display").

Consumers are likely to believe that applicant's mark represents a service provided by the registrants or vice versa.

### The Services are Overlapping

With respect to applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

In this case, the identification set forth in the application and registration has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services "travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Further, the application uses broad wording to describe the services and this wording is presumed to encompass all services of the type described, including those in registrant's more narrow identification. See, e.g., *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015); *In re N.A.D., Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000).

Here, the applicant provides services that overlap with each of the registrants; i.e., vehicle rental, including rental of "vehicles and apparatus for locomotion by land, air, water, rail," as well as very broad travel and transportation information services. Please note that generally, the greater degree of similarity between the applied-for mark and the registered marks, the lesser the degree of similarity between the goods and/or services of the parties is required to support a finding of likelihood of confusion. *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (citing *In re Opus One Inc.*, 60 USPQ2d 1812, 1815 (TTAB 2001)); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1636 (TTAB 2009). Therefore, based on the highly similar marks, and the overlapping and highly related services in this case, a likelihood of confusion exists and registration is refused as to each of the cited registrations.

Although applicant's mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

### RESPONSE GUIDELINES

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.



For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see “Responding to Office Actions” on the USPTO’s website.

Because of the legal technicalities and strict deadlines involved in the USPTO application process, applicant may wish to hire a qualified U.S. attorney specializing in trademark matters to represent applicant in this process and provide legal advice. Although the undersigned trademark examining attorney is permitted to help an applicant understand the contents of an Office action as well as the application process in general, no USPTO attorney or staff is permitted to give an applicant legal advice or statements about an applicant’s legal rights. TMEP §§705.02, 709.06. For attorney referral information, applicant may consult the American Bar Association’s Consumers’ Guide to Legal Help or an online directory of legal professionals, such as FindLaw®. The USPTO, however, may not assist an applicant in the selection of a private attorney. 37 C.F.R. §2.11.

Please note that foreign attorneys, other than authorized Canadian attorneys, are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). See 37 C.F.R. §§2.17(e), 11.14(c), (e); TMEP §602.03-.03(c).

The only attorneys who may practice before the USPTO in trademark matters are as follows:

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state**, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories; and
- (2) **Canadian agents/attorneys** who represent applicants located in Canada and (a) are registered with the USPTO and in good standing as patent agents or (b) have been granted reciprocal recognition by the USPTO.

See 37 C.F.R. §§2.17(a), (e), 11.1, 11.14(a), (c); TMEP §602.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end and the trademark will fail to register. See 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. See 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. See 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. See 37 C.F.R. §§2.6(a)(15)(ii), 2.66(b)(1).

Please see To Respond to this Letter for further response guidance.

/Ellen F Burns/  
Examining Attorney  
Law Office 116  
(571) 272-9098  
ellen.burns@uspto.gov  
(email for informal communications only)

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response forms.jsp](http://www.uspto.gov/trademarks/teas/response%20forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the

response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**Print: Sep 28, 2017**

**77279741**

**DESIGN MARK**

**Serial Number**

77279741

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Registration Number**

3588131

**Date Registered**

2009/03/10

**Type of Mark**

TRADEMARK; SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Apollo Motorhome Holidays Pty Ltd CORPORATION AUSTRALIA 698 Nudgee Road Northgate, Queensland AUSTRALIA 4013

**Goods/Services**

Class Status -- ACTIVE. IC 012. US 019 021 023 031 035 044. G & S: Land motor vehicles, namely, motor homes and campers. First Use: 2008/04/01. First Use In Commerce: 2008/04/01.

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Retail store services featuring ex-rental motor vehicles, namely, motor homes and campers; Wholesale stores featuring ex-rental motor vehicles, namely, motor homes and campers. First Use: 2008/04/01. First Use In Commerce: 2008/04/01.

**Goods/Services**

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: Maintenance and repair services for motor vehicles, namely, motor homes and campers. First Use: 2008/04/01. First Use In Commerce: 2008/04/01.

**Goods/Services**

**Print: Sep 28, 2017**

**77279741**

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Vehicle leasing and rental services. First Use: 2008/04/01. First Use In Commerce: 2008/04/01.

**Description of Mark**

The mark consists of a rectangle with a depiction of a road with dotted lines in its center that moves from the left up to the right. Below the rectangle is the word "apollo" in small case letters.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

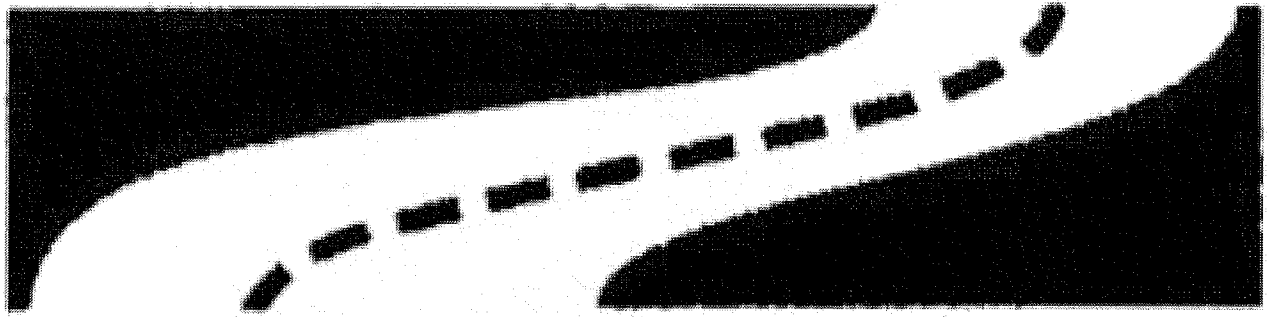
2007/09/14

**Examining Attorney**

VOHRA, SANJEEV

**Attorney of Record**

Gregory B. Perleberg



**apollo**

**Print: Oct 12, 2017**

**75982339**

**TYPED DRAWING**

**Serial Number**

75982339

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Registration Number**

2770579

**Date Registered**

2003/10/07

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

TRAVELPORT, LP LIMITED PARTNERSHIP DELAWARE 300 Galleria Parkway  
Atlanta GEORGIA 30339

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing office and business management services in the travel field for others; dissemination of advertising for others in the hotel and travel industries via an on-line electronic communication network; marketing services for others in the hotel and travel industries via an on-line electronic communications network. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Electronic data interchange network services, namely, providing on-line electronic bulletin boards for transmission of messages among computer users concerning travel, travel arrangements, and travel agency services; providing access time to computer databases in the field of travel arranging, booking and reservations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Arranging for ticket reservations for shows and other entertainment events; educational services, namely, conducting classes and seminars in the field of computerized booking and reservation systems and databases; training the use of computerized booking and reservation systems and databases. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Information compilation, storage and retrieval services in the field of travel accommodations for others; providing on-line databases and travel directory databases in the field of travel accommodations; travel agency services, namely, making hotel and accommodation reservations and bookings for others; computerized database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services; interactive computerized travel agency services, namely, making reservations and booking for temporary lodging-- travel agency services, namely, making reservations and bookings for temporary lodging accommodations; Travel services, namely the provision of information regarding accommodation availability and services to facilitate the booking the bookings and reservation of accommodations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Prior Registration(s)**

1268761;1907630

**Filing Date**

1999/04/30

**Examining Attorney**

WILLIAMS, IRENE D.

**Print: Oct 12, 2017**

**77012540**

**DESIGN MARK**

**Serial Number**

77012540

**Status**

SECTION 8 & 15-ACCEPTED AND ACKNOWLEDGED

**Word Mark**

APOLLO AVIATION GROUP

**Standard Character Mark**

No

**Registration Number**

3387358

**Date Registered**

2008/02/26

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

APOLLO AVIATION GROUP, LLC LIMITED LIABILITY COMPANY FLORIDA 848  
BRICKELL AVENUE SUITE 500 MIAMI FLORIDA 33131

**Goods/Services**

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Leasing of aircrafts and aircraft engines; Rental of aircrafts and aircraft engines \*, provided that all services listed above do not involve online booking or processing of travel or reservations through a third party \*. First Use: 2006/09/08. First Use In Commerce: 2006/09/08.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AVIATION GROUP" APART FROM THE MARK AS SHOWN.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2006/10/03

**Examining Attorney**



**Print: Oct 12, 2017**

**77012540**

CHARLON, BARNEY

**Attorney of Record**  
Scott Kareff



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**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87515123 - APOLLO - VM82897  
**Sent:** 10/12/2017 6:47:13 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **10/12/2017** FOR U.S. APPLICATION SERIAL NO. 87515123

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

**(1) READ THE LETTER** by clicking on this link or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **10/12/2017**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). A response transmitted through TEAS must be received before midnight **Eastern Time** of the last day of the response period.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

**(3) QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Ellen F Burns/  
Examining Attorney  
Law Office 116  
(571) 272-9098  
[ellen.burns@uspto.gov](mailto:ellen.burns@uspto.gov)  
(email for informal communications only)

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:eburns1 \*\*\*

#	Total Marks	Dead Marks	Live Viewed Does	Live Viewed Images	Status/ Search Duration	Search
01	2647	N/A	0	0	0:11	*{v}p{v}ll{v}*[bi,ti]
02	928	N/A	0	0	0:01	1 not dead[ld]
03	330	N/A	0	0	0:01	2 and "038"[cc]
04	12	0	12	11	0:01	2 and ("038" or "A" or "B" or "200")[ic]
05	1007	N/A	0	0	0:02	apollo[bi,ti] or apolo[bi,ti]
06	348	N/A	0	0	0:02	5 not dead[ld]
07	104	0	104	99	0:02	6 and ("037" or "038" or "039" or "041" or "042" or "A" or "B" or "200")[ic]
08	380	N/A	0	0	0:01	apollo[fm]
09	122	N/A	0	0	0:01	8 not dead[ld]
10	23	0	23	19	0:01	9 and ("037" or "038" or "039" or "041" or "042" or "A" or "B" or "200")[ic]
11	205	0	205	194	0:02	2 and ("037" or "038" or "039" or "041" or "042" or "A" or "B" or "200")[ic]
12	1055	N/A	0	0	0:02	*apollo*[bi,ti]
13	364	N/A	0	0	0:02	12 not dead[ld]
14	18	0	18	18	0:01	13 and ("037" or "A" or "B" or "200")[ic]
15	0	0	0	0	0:01	13 and ("03" or "A" or "B" or "200")[ic]
16	6	0	6	5	0:02	13 and ("038" or "A" or "B" or "200")[ic]
17	7	0	7	5	0:01	13 and ("039" or "A" or "B" or "200")[ic]
18	51	N/A	0	0	0:02	13 and ("041" or "A" or "B" or "200")[ic]
19	51	0	51	50	0:02	18 not dead[ld]
20	49	0	49	45	0:01	13 and ("042" or "A" or "B" or "200")[ic]

Session started 10/4/2017 12:28:31 PM

Session finished 10/4/2017 8:29:47 PM

Total search duration 0 minutes 39 seconds

Session duration 481 minutes 16 seconds

Default NEAR limit=1 ADJ limit=1

Sent to TIGRS as Serial Number: 87515123

apollo

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87515123

Filing Date: 07/03/2017

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	\\TICRS\EXPORT17\IMAGEOUT 17\875\151\87515123\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	apollo
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized wording apollo.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	842 x 330
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
EMAIL ADDRESS	creatingip@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China

<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	039
* IDENTIFICATION	GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by <b>land, air, water, rail</b> ; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks
* FILING BASIS	SECTION 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
* TRANSLATION (if applicable)	
* TRANSLITERATION (if applicable)	
* CLAIMED PRIOR REGISTRATION (if applicable)	
* CONSENT (NAME/LIKENESS) (if applicable)	
* CONCURRENT USE CLAIM (if applicable)	
<b>CORRESPONDENCE INFORMATION</b>	
* NAME	XIANG, HAILONG
DOCKET/REFERENCE NUMBER	VM82897
* STREET	FLAT C, 29/F, TOWER 3, DISCOVERY PARK
* CITY	TSUEN WAN, NT
* COUNTRY	Hong Kong
* EMAIL ADDRESS	creatingip@gmail.com
* AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
* TOTAL FEE PAID	225
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/xhl/
* SIGNATORY'S NAME	XIANG, HAILONG
* SIGNATORY'S POSITION	Director
* DATE SIGNED	07/03/2017





## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87515123

Filing Date: 07/03/2017

#### To the Commissioner for Trademarks:

**MARK:** apollo (stylized and/or with design, see mark)

The mark in your application is apollo.

The applicant is not claiming color as a feature of the mark. The mark consists of the stylized wording apollo.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (ltd.) legally organized under the laws of China, having an address of

BAIDU CAMPUS, NO. 10

SHANGDI 10TH STREET, HAIDIAN DISTRICT

BEIJING

China

creatingip@gmail.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 039: GPS navigation services; Providing driving directions for travel purposes; Providing on-line driving directions; Providing a website featuring information in the field of transportation; Rental of GPS-equipped vehicles, namely, scooters, electric cars and bicycles; Rental of GPS equipment for navigational purposes; Rental of vehicle parking spaces; Rental of vehicles and apparatus for locomotion by land, air, water, rail; Travel and transport information service; Vehicle-driving services; Vehicle breakdown towing services; Vehicle routing by computer on data networks

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

XIANG, HAILONG

FLAT C, 29/F, TOWER 3, DISCOVERY PARK

TSUEN WAN, NT, Hong Kong

creatingip@gmail.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

The docket/reference number is VM82897.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

#### Declaration

☒ **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered:

- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- ☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /xhl/ Date: 07/03/2017  
 Signatory's Name: XIANG, HAILONG  
 Signatory's Position: Director  
 Payment Sale Number: 87515123  
 Payment Accounting Date: 07/05/2017

Serial Number: 87515123  
 Internet Transmission Date: Mon Jul 03 21:59:04 EDT 2017  
 TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-201707032159044  
 61636-87515123-5903b7b76a35fe3ec3e9e6515  
 64b4662d3fda5d972cca2496db62117d514a90-C  
 C-4458-20170703215502213273

apoll

ESTTA Tracking number: **ESTTA926134**

Filing date: **10/03/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	10/03/2018
Address	40 Valleyview Dr., Ancaster Ontario, L9G2A5 CANADA
Attorney information	TIMUR E SLONIM MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC 666 THIRD AVE NEW YORK, NY 10017 UNITED STATES teslonim@mintz.com, ipdocketingBOS@mintz.com, kparsons@mintz.com 212-692-6704

### Applicant Information

Application No	87515130	Publication date	06/05/2018
Opposition Filing Date	10/03/2018	Opposition Period Ends	10/03/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA		

### Goods/Services Affected by Opposition


Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Related Proceedings	Oppositions Nos. 91243592, 91243746, 91243747.
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Attachments	85895773#TMSN.png( bytes ) Opposition Apollo 87515130.PDF(89865 bytes ) Exs. 1,3,4.PDF(531422 bytes ) Ex. 2 Apollo 87515130.PDF(2535797 bytes )
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Signature	/TIMUR E SLONIM/
Name	TIMUR E SLONIM
Date	10/03/2018

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

In the Matter of Application Serial No. 87/515,130

for APOLLO

Published in the *Official Gazette* on June 5, 2018

Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/515,130
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/515,130 for the proposed mark APOLLO (“Proposed APOLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on June 5, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/515,130 under Trademark Act Section 1(b) on July 3, 2017 to register the proposed mark APOLLO for “Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; none of the foregoing services pertain to travel



agents, travel agencies or the making of travel reservations” in International Class 035 (“Application”). (Ex. 2) The mark APOLLO was published in the *Official Gazette* on June 5, 2018.

3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others, all of which are redirected to www.arroware.ca website.
7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer’s software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous

articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, recombun.com, betakit.com, alphr.com, rfi.fr, digitlife.fr, and dutchcowboys.nl.

9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, facebook.com, twitter.com, and youtube.com, consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.
10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.  
(Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into its Proposed APOLLO Mark
13. Applicant's Proposed APOLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed APOLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed APOLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.

16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 66 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, BAIDU APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information," "file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files," "electronic, electric, and digital transmission of voice, data, images, signals, and messages," "communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks," and "computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest." It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.
17. Applicant's APOLLO Family of Marks is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant's APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and

online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer's MYAPOLLO Mark.

19. Upon information and belief, Applicant intends to use its Proposed APOLLO Mark in connection with "Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations" as fully recited in the Application. Proposed APOLLO Mark is part of the APOLLO Family of Marks. For example, in another Application No. 87/515,121 applicant seeks to register APOLLO mark for "Communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks; Computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; Electronic exchange of data stored in databases accessible via telecommunication networks; Providing access to databases; Providing on-line forums for transmission of messages among computer users; Providing an

on-line forum for virtual vehicle customization; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations.”

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant’s Proposed APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer’s MYAPOLLO Mark.
23. The services identified by Applicant’s Proposed APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer’s MYAPOLLO Mark.
24. The services identified by Applicant’s Proposed APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer’s MYAPOLLO Mark.
25. Applicant’s Proposed APOLLO Mark is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.


26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed APOLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/515,130 for the mark APOLLO under Section 2(d) of the Trademark Act.

**COUNT TWO**  
**LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use APOLLO mark for each and every good and service recited in the Application when it was filed on July 3, 2017.

Dated: October 3, 2018

Respectfully submitted,

By:   
\_\_\_\_\_  
Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)  
Attorneys for *Opposer Arroware Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on October 3, 2018 to:

ch.tm@dlapiper.com  
Keith W. Medansky  
DLA Piper LLP (US)  
PO Box 64807  
Chicago, IL 60664-0807



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Timur E. Slonim

# **Exhibit 1**



**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER  
COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES,  
TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT  
BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE  
TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF  
GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



United States Patent and Trademark Office

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## Trademarks &gt; Trademark Electronic Search System (TESS)

TESS was last updated on Tue Sep 11 04:51:02 EDT 2018

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[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) [List At:](#)  [OR](#) [Jump](#) to record:  **Record 116 out of 187**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# MYAPOLLO

**Word Mark** MY APOLLO  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85895773

**Filing Date** April 4, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 30, 2013

**Registration Number** 4668175

**Registration Date** January 6, 2015

**Owner** (REGISTRANT) Arroware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5

**Attorney of Record** Timur E. Slonim

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>							

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TSDR now includes a Post Registration Maintenance Tab that appears as a third tab next to the "Status" and "Document" tabs for registered marks. The tab will not appear if the mark is not registered.

The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store, transmit, and display images or graphics, audio, video, and other multimedia content between registered users via global telecommunications networks, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent TIMUR E SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

**Assignment Abstract Of Title Information - Click to Load**

## Proceedings - Click to Load

## **Exhibit 3**



UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

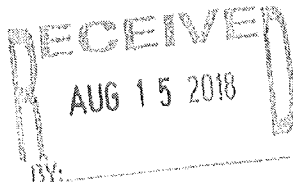
In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

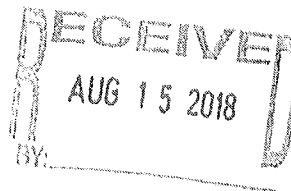
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



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**(This page: 1 ~ 66)**

Refine Search

Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 66 occ: 1451

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88027400		APOLONG	TSDR	LIVE
6	88027396		APOLONG	TSDR	LIVE
7	88027395		APOLONG	TSDR	LIVE
8	88027393		APOLONG	TSDR	LIVE
9	87873650		BIENAPOLLO	TSDR	LIVE
10	87873649		BIENAPOLLO	TSDR	LIVE
11	87672716		APOLLO PILOT	TSDR	LIVE
12	87672714		APOLLO PILOT	TSDR	LIVE
13	87672712		APOLLO PILOT	TSDR	LIVE
14	87672710		APOLLO PILOT	TSDR	LIVE
15	87672708		APOLLO PILOT	TSDR	LIVE
16	87672707		APOLLO PILOT	TSDR	LIVE
17	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
18	87677545		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87677544		APOLLO COMPUTING UNIT	TSDR	LIVE
20	87672706		APOLLO PILOT	TSDR	LIVE
21	87873651		BIENAPOLLO	TSDR	LIVE
22	87873606		EMAPOLLO	TSDR	LIVE
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24	87873604		EMAPOLLO	TSDR	LIVE
25	87873601		COMAPOLLO	TSDR	LIVE
26	87873596		COMAPOLLO	TSDR	LIVE

27	87873595		COMAPOLLO	TSDR	LIVE
28	87895688		APOLLAI	TSDR	LIVE
29	87895680		APOLLAI	TSDR	LIVE
30	87895672		APOLLAI	TSDR	LIVE
31	87873641		BYAPOLLO	TSDR	LIVE
32	87873640		BYAPOLLO	TSDR	LIVE
33	87873637		BYAPOLLO	TSDR	LIVE
34	87798333		CAR-POLLO	TSDR	LIVE
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36	87798331		CAR-POLLO	TSDR	LIVE
37	87798330		ULTRAPOLLO	TSDR	LIVE
38	87798328		ULTRAPOLLO	TSDR	LIVE
39	87798327		ULTRAPOLLO	TSDR	LIVE
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41	87798318		DATAPOLLO	TSDR	LIVE
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46	87514258		<b>BAIDU</b> APOLLO	TSDR	LIVE
47	87514218		<b>BAIDU</b> APOLLO	TSDR	LIVE
48	87515130		APOLLO	TSDR	LIVE
49	87515123		APOLLO	TSDR	LIVE
50	87515121		APOLLO	TSDR	LIVE
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53	87873590		FOREAPOLLO	TSDR	LIVE
54	87515111		APOLLO	TSDR	LIVE
55	87514261		<b>BAIDU</b> APOLLO	TSDR	LIVE
56	87514254		<b>BAIDU</b> APOLLO	TSDR	LIVE
57	87759024		LEAPOLLO	TSDR	LIVE
58	87720768		APOLLIANCE	TSDR	LIVE
59	87720763		APOLLONEER	TSDR	LIVE
60	87514209		<b>BAIDU</b> APOLLO	TSDR	LIVE
61	87515109		APOLLO	TSDR	LIVE
62	87672715		APOLLO PILOT	TSDR	LIVE
63	87515105		APOLLO	TSDR	LIVE
64	87515127		APOLLO	TSDR	LIVE
65	87515119		APOLLO	TSDR	LIVE
66	87514208		<b>BAIDU</b> APOLLO	TSDR	LIVE

## **Exhibit 2**





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## Record 1 out of 1

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**Word Mark** APOLLO

**Goods and Services** IC 042. US 100 101. G & S: Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 87515130

**Filing Date** July 3, 2017

**Current Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** June 5, 2018

**Owner** (APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA

**Attorney of Record** Keith W. Medansky

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the stylized wording "apollo".

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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---

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Generated on: This page was generated by TSDR on 2018-09-19 18:45:21 EDT

Mark: APOLLO



US Serial Number: 87515130

Application Filing Date: Jul. 03, 2017

Filed as TEAS Yes  
Plus:

Currently TEAS Yes  
Plus:

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 29, 2018

Publication Date: Jun. 05, 2018

## Mark Information

Mark Literal APOLLO  
Elements:

Standard Character No  
Claim:

Mark Drawing 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM  
Type:

Description of Mark: The mark consists of the stylized wording "apollo".

Color(s) Claimed: Color is not claimed as a feature of the mark.

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

**Owner Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

**Owner Address:** BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING  
CHINA

**Legal Entity Type:** limited company (ltd.)

**State or Country** CHINA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Docket Number:** VM82899

### Correspondent

**Correspondent** XIANG, HAILONG  
**Name/Address:** FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT  
HONG KONG

**Correspondent e-mail:** [creatingip@gmail.com](mailto:creatingip@gmail.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Aug. 28, 2018	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Jun. 29, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 05, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 05, 2018	PUBLISHED FOR OPPOSITION	
May 16, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 27, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 13, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 13, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 13, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 12, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 12, 2017	NON-FINAL ACTION E-MAILED	6325
Oct. 12, 2017	NON-FINAL ACTION WRITTEN	80808
Sep. 27, 2017	ASSIGNED TO EXAMINER	80808
Jul. 11, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 06, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** BURNS, ELLEN FERRER

**Law Office Assigned:** LAW OFFICE 116

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 03, 2018

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** 87515130

**Filing Date:** Jul 05, 2018

**Status:** Extension of Time to Oppose Filed

**Status Date:** Jul 05, 2018

**Interlocutory Attorney:**

**Defendant**

**Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ) CO., LTD.

**Correspondent** XIANG HAILONG

**Address:** FLAT C 29/F TOWER 3 DISCOVERY PARK  
TSUEN WAN NT HONG KONG

**Correspondent e-mail:** [creatingip@gmail.com](mailto:creatingip@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
APOLLO	Request For Extension of Time to File Opposition	87515130	

**Potential Opposer(s)**

**Name:** Travelport, LP

**Correspondent** ANDREW J HOLLANDER

**Address:** K&L GATES LLP  
1 NEWARK CENTER  
NEWARK NJ , 07102  
UNITED STATES

**Correspondent e-mail:** [andrew.hollander@klgates.com](mailto:andrew.hollander@klgates.com) , [nwtrademarks@klgates.com](mailto:nwtrademarks@klgates.com) , [nytrademarks@klgates.com](mailto:nytrademarks@klgates.com)

**Name:** Arroware Industries, Inc.

**Correspondent** TIMUR E SLONIM

**Address:** MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVE  
NEW YORK NY , 10017  
UNITED STATES

**Correspondent e-mail:** [teslonim@mintz.com](mailto:teslonim@mintz.com) , [mmims@mintz.com](mailto:mmims@mintz.com) , [ipdocketingBOS@mintz.com](mailto:ipdocketingBOS@mintz.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 29, 2018	
2	EXT GRANTED	Jul 02, 2018	
3	INCOMING - EXT TIME TO OPPOSE FILED	Jul 05, 2018	
4	EXT GRANTED	Jul 06, 2018	

**Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment**

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	87515130
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 116
<b>MARK SECTION</b>	
<b>MARK FILE NAME</b>	https://tmng-al.uspto.gov/resting2/api/img/87515130/large
<b>LITERAL ELEMENT</b>	APOLLO
<b>STANDARD CHARACTERS</b>	NO
<b>USPTO-GENERATED IMAGE</b>	NO
<b>EXPLANATION OF FILING</b>	Applicant requests that Class 42 identification of services be amended in the following manner (added text in bold and underscored): <i>Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; <b><u>none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations.</u></b></i>
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	042
<b>DESCRIPTION</b>	Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	042
<b>TRACKED TEXT DESCRIPTION</b>	Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; <b><u>none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations</u></b>

<b>FINAL DESCRIPTION</b>	
Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations	
<b>FILING BASIS</b>	Section 1(b)
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Anthony E. Rufo/
<b>SIGNATORY'S NAME</b>	Anthony E. Rufo
<b>SIGNATORY'S POSITION</b>	Associate Attorney, DLA Piper LLP (US), Illinois bar member
<b>SIGNATORY'S PHONE NUMBER</b>	312.368.4000
<b>DATE SIGNED</b>	08/28/2018
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Aug 28 11:05:37 EDT 2018
<b>TEAS STAMP</b>	USPTO/PPA-XXX.XXX.XXX.XX- 20180828110537988598-8751 5130-610b2fe3d6cea861e16a f55344cfd9d84a36187d31aca e5e72434f9dd48523da3e-N/A -N/A-20180828101738515279

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
PTO Form 1771 (Rev 10/2011)  
OMB No. 0851-0050 (Exp 06/20/2020)

## Post-Approval/Publication/Post-Notice of Allowance (NOA) Amendment To the Commissioner for Trademarks:

Application serial no. **87515130** APOLLO (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/87515130/large>) has been amended as follows:

### EXPLANATION OF FILING

Applicant requests that Class 42 identification of services be amended in the following manner (added text in bold and underscored):

*Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; **none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations.***

### CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

**Current:** Class 042 for Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

Class 042 for Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing; none of the foregoing services pertain to travel agents, travel agencies or the making of travel reservations

**Filing Basis: Section 1(b), Intent to Use:** *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**SIGNATURE(S)**

Signature: /Anthony E. Rufo/ Date: 08/28/2018

Signatory's Name: Anthony E. Rufo

Signatory's Position: Associate Attorney, DLA Piper LLP (US), Illinois bar member

Signatory's Phone Number: 312.368.4000

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.



Serial Number: 87515130

Internet Transmission Date: Tue Aug 28 11:05:37 EDT 2018

TEAS Stamp: USPTO/PPA-XXX.XXX.XXX.XX-201808281105379

88598-87515130-610b2fe3d6cea861e16af5534

4cfd9d84a36187d31acae5e72434f9dd48523da3

e-N/A-N/A-20180828101738515279

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, June 5, 2018 00:53 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87515130: APOLLO (Stylized/Design): Docket/Reference No. VM82899

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**TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87515130  
**Mark:** APOLLO (Stylized/Design)  
**International Class(es):** 042  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** VM82899

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 05, 2018.

**To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmg.uspto.gov/#issueDate=2018-06-05&serialNumber=87515130>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

**Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87515130&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87515130&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87515130&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87515130&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

May 16, 2018

## NOTICE OF PUBLICATION

- |                                     |  |
|-------------------------------------|--|
| 1. Serial No.:<br>87-515,130        | 2. Mark:<br>APOLLO<br>(STYLIZED/DESIGN)                    |
| 3. International Class(es):<br>42   |  |
| 4. Publication Date:<br>Jun 5, 2018 | 5. Applicant:<br>BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

Email Address(es):

[creatingip@gmail.com](mailto:creatingip@gmail.com)

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, May 16, 2018 04:28 AM  
**To:** creatingip@gmail.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87515130: APOLLO (Stylized/Design): Docket/Reference No. VM82899

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87515130) is scheduled to publish in the *Official Gazette* on Jun 5, 2018 . To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87515130>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87515130	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BURNS, ELLEN FERRER	L.O. ASSIGNED	116

**PUB INFORMATION**

RUN DATE	04/28/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	04/27/2018		
LITERAL MARK ELEMENT	APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	APOLLO
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,

ENTITY	99-limited company (ltd.)
CITIZENSHIP	China

#### GOODS AND SERVICES

INTERNATIONAL CLASS	042
DESCRIPTION TEXT	Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

#### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	042	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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#### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
DESCRIPTION OF MARK	The mark consists of the stylized wording apollo.

#### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/27/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	010
03/13/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
03/13/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
03/13/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
10/12/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
10/12/2017	GNRT	F	NON-FINAL ACTION E-MAILED	005
10/12/2017	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER	003
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

#### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE

apollo

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87515130	FILING DATE	07/03/2017
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	BURNS, ELLEN FERRER	L.O. ASSIGNED	116

**PUB INFORMATION**

RUN DATE	03/14/2018		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/13/2018		
LITERAL MARK ELEMENT	APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUBLIC 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	APOLLO
MARK DRAWING CODE	5-AN ILLUSTRATION DRAWING WITH WORD(S)/LETTER(S)/NUMBER(S) IN STYLIZED FORM
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING,



ENTITY	99-limited company (ltd.)						
CITIZENSHIP	China						
<b>GOODS AND SERVICES</b>							
INTERNATIONAL CLASS	042						
DESCRIPTION TEXT	Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing						
<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	042	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>							
CHANGE IN REGISTRATION	NO						
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.						
DESCRIPTION OF MARK	The mark consists of the stylized wording apollo.						
<b>PROSECUTION HISTORY</b>							
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM			
03/13/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009			
03/13/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008			
03/13/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007			
10/12/2017	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006			
10/12/2017	GNRT	F	NON-FINAL ACTION E-MAILED	005			
10/12/2017	CNRT	R	NON-FINAL ACTION WRITTEN	004			
09/27/2017	DOCK	D	ASSIGNED TO EXAMINER	003			
07/11/2017	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002			
07/06/2017	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001			
<b>CURRENT CORRESPONDENCE INFORMATION</b>							
ATTORNEY	NONE						
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG						
DOMESTIC REPRESENTATIVE	NONE						

apolo

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered						
SERIAL NUMBER	87515130						
LAW OFFICE ASSIGNED	LAW OFFICE 116						
MARK SECTION							
MARK FILE NAME	https://tmng-al.uspto.gov/resting2/api/img/87515130/large						
LITERAL ELEMENT	APOLLO						
STANDARD CHARACTERS	NO						
USPTO-GENERATED IMAGE	NO						
ARGUMENT(S)	<p style="text-align: center;"><b><u>RESPONSE TO OFFICE ACTION</u></b></p> <p>This is in response to the Office Action dated October 12, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.</p> <p style="text-align: center;"><b><u>REMARKS</u></b></p> <p><b>I. No Likelihood of Confusion With Marks Subject to Cited Registrations and Application</b></p> <p>The Examining Attorney has refused registration of Application Serial No. 87/515130 for the mark APOLLO (with infinity design) ("Applicant's Mark") owned by Baidu Online Network Technology (Beijing) Co., Ltd ("Applicant"), depicted below:</p> <table border="1"> <thead> <tr> <th>Mark</th><th>Serial No.</th><th>Goods</th></tr> </thead> <tbody> <tr> <td>*See attached Office Action Response for image*</td><td>87/515130</td><td>Class 042: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology</td></tr> </tbody> </table>	Mark	Serial No.	Goods	*See attached Office Action Response for image*	87/515130	Class 042: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology
Mark	Serial No.	Goods					
*See attached Office Action Response for image*	87/515130	Class 042: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology					

enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

The Examining Attorney has concluded pursuant to Section 2(d) of the Trademark Act that Applicant's Mark is likely to be confused with the following marks (the "Cited Marks"):

Mark	Reg. No.	Goods
APOLLO	2,770,579	Class 042: Database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services
APOLLO	4,099,556	Class 042: software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships
*See attached Office Action Response for image*	5,142,764	Class 042: software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS)

		services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships
APOLLO PLATFORM	2,468,681	<u>Class 042</u> : software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships
APOLLO HOSTING	3,000,815	<u>Class 042</u> : Hosting the websites of others on a computer server for a global computer network
APOLLO INTERACTIVE	2,411,997	<u>Class 042</u> : computer services, namely, designing, implementing, creating and maintaining web sites for others
*See attached Office Action Response for image*	2,411,996	<u>Class 042</u> : computer services, namely, designing, implementing, creating and maintaining web sites for others

*A. All of the Marks Differ in Appearance*

In the instant action, the Examining Attorney stated that, “[h]ere, the marks share the identical term APOLLO. It is the entirety of the applicant’s mark, and the entire literal element of three of the cited registrations. The other marks are combined only with descriptive wording that would also be relevant to applicant’s services; i.e., PLATFORM, HOSTING, INTERACTIVE. The word portions of each of the marks are either identical or highly similar in sound, appearance, connotation, and commercial impression.”

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant’s mark or the Cited Marks, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account “the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). “All relevant facts pertaining to appearance, sound, and connotation must

be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

Here, the commercial impression of Applicant’s Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter “p” and the first “o” in the term APOLLO combine to form an infinity symbol (âˆž), as depicted below:

Applicant’s Mark

\*See attached Office Action Response for image\*

The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. *See* Infinity Symbol.” Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol#Modern\\_symbolism](https://en.wikipedia.org/wiki/Infinity_symbol#Modern_symbolism), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as “infinity” such that it shapes the overall commercial impression of Applicant’s mark.

I. The Cited Stylized Marks

In specific regard to Applicant’s Mark as compared to the cited stylized marks, the differences in the design elements, when considered in conjunction with the words obviates confusion. *See, generally*, TMEP § 1207.01. The comparison of composite marks is to be done on a case-by-case basis, and an Examining Attorney should not rely upon any mechanical rules. *See, e.g., In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL and design of large, double-letter RR configuration and registered mark RACEGIRL, even when used on in-part identical goods); *In re White Rock Distilleries Inc.*, 92 USPQ2d 1282 (TTAB 2009) (holding VOLTA for vodka infused with caffeine, and TERZA VOLTA and vine shoot design for wines, not likely to cause confusion).

Applicant’s Mark	
*See attached Office Action Response for image*	
Stylized Cited Marks	
Mark	Reg. No.
*See attached Office Action Response for image*	5,142,764
*See attached Office Action Response for image*	2,411,996

When viewed in their entirety, Applicant’s Mark has a very different appearance, meaning and commercial impression from each of the cited stylized marks. As discussed above, the overall commercial impression of Applicant’s Mark is shaped by the inclusion of the infinity design. None of the cited stylized marks contains an infinity symbol. Moreover, each of the cited stylized marks is rendered with a design different from Applicant’s Mark and different from each of the other cited stylized marks. When the marks are compared in their entireties, as they

must be, Applicant's Mark differs greatly in overall commercial impression from each of the cited stylized marks. As a result, confusion between Applicant's Mark and the cited stylized marks is unlikely.

1. The Cited Standard-Character Marks

In specific reference to a comparison of Applicant's Mark with the cited standard-character marks, if a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983). As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. This is the very sort of stylized pictorial representation that distinguishes a design-formative mark from standard-character marks. Because of its distinctive, highly stylized character, Applicant's mark has a commercial impression that is overall different than the commercial impressions of the cited standard-character marks. Accordingly, confusion between Applicant's Mark and the cited standard-character marks is unlikely.

B. *The Applicant Requests an Amendment to Its Identification of Goods*

The identification of goods in the instant application is:

Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

Applicant requests that it be amended in the following manner (added text is bold, deleted text struck through):

Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, **and** driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer ~~software~~; Vehicle roadworthiness testing

Accordingly, the amended identification of goods would be:

Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

C. *The Services Are Likewise Dissimilar From Those of the Cited Marks*

In a likelihood of confusion analysis, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board’s dismissal of opposer’s likelihood-of-confusion claim, noting “there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source” though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB’s holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods).

1. Registration No. 2,770,579

The relevant services in connection with Registration No. 2,770,579 are “*Database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services.*”

The identification of services associated with Applicant’s Mark, as amended, does not list database consultation or technical support services. Moreover, all of Applicant’s services relate to and are specifically limited to artificial intelligence, vehicles, traffic, and/or transportation. Because Applicant’s application, as amended, does not claim services that are the same or similar to Registration No. No. 2,770,579, there can be no likelihood of confusion, even if the marks in question are identical, which Applicant does not concede is the case.

2. Registration No. 3,000,815

The relevant services in connection with Registration Nos. 3,000,815 are “*Hosting the websites of others on a computer server for a global computer network.*”

The identification of services associated with Applicant’s Mark, as amended, lists, for the most part, services that are not related to website hosting. Moreover, all of Applicant’s services related to websites or web hosting are specifically limited to the field of vehicles and driverless vehicles and information related to vehicle repair. Because Applicant’s application, as amended, does not claim services that are the same or similar to Registration No. No. 2,770,579, there can be no likelihood of confusion, even if the marks in question are identical, which Applicant does not concede is the case.

3. Registration Nos. 2,411,996 and 2,411,997

The relevant goods in connection with Registration Nos. 2,411,996 and 2,411,997 are “*computer services, namely, designing, implementing, creating and maintaining web sites for others.*”

The identification of services associated with Applicant’s Mark, as amended, lists, for the most part, services that are not related to websites. Moreover, all of Applicant’s services related to websites are specifically limited to the field of vehicles and driverless vehicles and information related to vehicle repair. Because Applicant’s application, as amended, does not claim services that are the same or similar to Registration Nos. 2,411,996 and 2,411,997, there can be no likelihood of confusion, even if the marks in question are identical, which Applicant does not concede is the case.

D. *There is a Crowded Field of APOLLO-Formative Marks in Connection with Software Services*



As demonstrated by the above chart of the Cited Marks, there is a crowded field of APOLLO-formative registrations in connection with software services.

The “evidentiary value of third party registrations *per se* is to show the sense in which ... a mark is used in ordinary parlance.” J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition § 11:90 (5th ed. 2017). “Such registrations could also show that the PTO, by registering several marks with such a common segment, recognizes that portions of such composite marks other than the common segment are sufficient to distinguish the marks as a whole and to make confusion unlikely.” *Id.* Active third-party registrations likewise demonstrate that the public will look to other elements to distinguish the source of the goods or services. *See, e.g., In re i.am.symbolic, LLC*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017); *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U.*, 797 F.3d 1363, 116 USPQ2d 1129 (Fed. Cir. 2015); *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 1338-40, 115 USPQ2d 1671, 1674-75 (Fed. Cir. 2015); *Primrose Ret. Cmty., LLC v. Edward Rose Senior Living, LLC*, 122 USPQ2d 1030, 1036 (TTAB 2016). Even if no use in commerce of the third-party marks at issue is established, such registrations can be given “weight to show the meaning of a mark in the same way that dictionaries are used.” *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 917 (CCPA 1976).

Here, each of the seven Cited Marks relates to software services in Class 042 and each contains the term APOLLO. By citing these registrations, the Examining Attorney has not demonstrated likelihood of confusion, but rather, that APOLLO-formative marks for software services coexist. Indeed, The marks APOLLO HOSTING and APOLLO INTERACTIVE are each registered in connection with website hosting, design, and/or maintenance, but these marks with different owners can co-exist, apparently without issue. Given that APOLLO-formative marks proliferate on the Register for services similar to those claimed by Applicant, there is no reason why Applicant’s mark cannot co-exist within this crowded field.

## II. Conclusion

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

### EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_20620511710-20180313100847990935 . 87-515130_Responsc.pdf
CONVERTED PDF FILE(S) (12 pages)	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515130\xml4\ROA0002.JPG
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	\\TICRS\EXPORT17\IMAGEOUT17\875\151\87515130\xml4\ROA0018.JPG
DESCRIPTION OF EVIDENCE FILE	Office Action Response Exhibit A to Office Action Response
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
INTERNATIONAL CLASS	042
DESCRIPTION	
Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing	
FILING BASIS	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
INTERNATIONAL CLASS	042
TRACKED TEXT DESCRIPTION	
Advanced product research in the field of artificial intelligence; <del>Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Consulting services in the field of software as a service (SAAS); Motor vehicle inspections; Motor vehicle parts design services; Electronic data storage; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Vehicle roadworthiness testing; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Rental of web servers; Research, development, design and upgrading of computer software</del>	
FINAL DESCRIPTION	
Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing	
FILING BASIS	Section 1(b)
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/Anthony F. Rufo/

SIGNATORY'S NAME	Anthony E. Rufo
SIGNATORY'S POSITION	Attorney of record, New York bar member
DATE SIGNED	03/13/2018
AUTHORIZED SIGNATORY	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue Mar 13 10:13:49 EDT 2018
TEAS STAMP	USPTO/ROA-XXX.XXX.XXX.XX- 20180313101349434118-8751 5130-510c767cd96775b42cab 2e765a456fc6827bf7ab7c3f9 2207f89ca667afec790a8-N/A -N/A-20180313100847990935

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## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **87515130** APOLLO (Stylized and/or with Design, see <https://tmng-al.uspto.gov/resting2/api/img/87515130/large>) has been amended as follows:

### ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

### RESPONSE TO OFFICE ACTION

This is in response to the Office Action dated October 12, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

### REMARKS

#### I. No Likelihood of Confusion With Marks Subject to Cited Registrations and Application

The Examining Attorney has refused registration of Application Serial No. 87/515130 for the mark APOLLO (with infinity design) ("Applicant's Mark") owned by Baidu Online Network Technology (Beijing) Co., Ltd ("Applicant"), depicted below:

Mark	Serial No.	Goods
*See attached Office Action Response for image*	87/515130	Class 042: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a

		service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing
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The Examining Attorney has concluded pursuant to Section 2(d) of the Trademark Act that Applicant's Mark is likely to be confused with the following marks (the "Cited Marks"):

Mark	Reg. No.	Goods
APOLLO	2,770,579	<u>Class 042</u> : Database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services
APOLLO	4,099,556	<u>Class 042</u> : software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships
*See attached Office Action Response for image*	5,142,764	<u>Class 042</u> : software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets,

		creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships
APOLLO PLATFORM	2,468,681	<u>Class 042</u> : software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships
APOLLO HOSTING	3,000,815	<u>Class 042</u> : Hosting the websites of others on a computer server for a global computer network
APOLLO INTERACTIVE	2,411,997	<u>Class 042</u> : computer services, namely, designing, implementing, creating and maintaining web sites for others
*See attached Office Action Response for image*	2,411,996	<u>Class 042</u> : computer services, namely, designing, implementing, creating and maintaining web sites for others

*A. All of the Marks Differ in Appearance*

In the instant action, the Examining Attorney stated that, “[h]ere, the marks share the identical term APOLLO. It is the entirety of the applicant’s mark, and the entire literal element of three of the cited registrations. The other marks are combined only with descriptive wording that would

also be relevant to applicant's services; i.e., PLATFORM, HOSTING, INTERACTIVE. The word portions of each of the marks are either identical or highly similar in sound, appearance, connotation, and commercial impression."

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant's mark or the Cited Marks, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account "the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression." *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). "All relevant facts pertaining to appearance, sound, and connotation must be considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar." *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

Here, the commercial impression of Applicant's Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter "p" and the first "o" in the term APOLLO combine to form an infinity symbol (∞) as depicted below:

Applicant's Mark

\*See attached Office Action Response for image\*

The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. See "Infinity Symbol." Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol#Modern\\_symbolism](https://en.wikipedia.org/wiki/Infinity_symbol#Modern_symbolism), a copy of which is submitted herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as "infinity" such that it shapes the overall commercial impression of Applicant's mark.

1. The Cited Stylized Marks

In specific regard to Applicant's Mark as compared to the cited stylized marks, the differences in the design elements, when considered in conjunction with the words obviates confusion. See, generally, TMEP § 1207.01. The comparison of composite marks is to be done on a case-by-case basis, and an Examining Attorney should not rely upon any mechanical rules. See, e.g., *In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL and design of large, double-letter RR configuration and registered mark RACEGIRL, even when used on in-part identical goods); *In re White Rock Distilleries Inc.*, 92 USPQ2d 1282 (TTAB 2009) (holding VOLTA for vodka infused with caffeine, and TERZA VOLTA and vine shoot design for wines, not likely to cause confusion).

Applicant's Mark	
*See attached Office Action Response for image*	
Stylized Cited Marks	
Mark	Reg. No.
*See attached Office Action Response for image*	5,142,764

\*See attached Office  
Action Response for  
image\*

2,411,996

When viewed in their entirety, Applicant's Mark has a very different appearance, meaning and commercial impression from each of the cited stylized marks. As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. None of the cited stylized marks contains an infinity symbol. Moreover, each of the cited stylized marks is rendered with a design different from Applicant's Mark and different from each of the other cited stylized marks. When the marks are compared in their entireties, as they must be, Applicant's Mark differs greatly in overall commercial impression from each of the cited stylized marks. As a result, confusion between Applicant's Mark and the cited stylized marks is unlikely.

1. The Cited Standard-Character Marks

In specific reference to a comparison of Applicant's Mark with the cited standard-character marks, if a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983). As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. This is the very sort of stylized pictorial representation that distinguishes a design-formative mark from standard-character marks. Because of its distinctive, highly stylized character, Applicant's mark has a commercial impression that is overall different than the commercial impressions of the cited standard-character marks. Accordingly, confusion between Applicant's Mark and the cited standard-character marks is unlikely.

B. *The Applicant Requests an Amendment to Its Identification of Goods*

The identification of goods in the instant application is:

Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

Applicant requests that it be amended in the following manner (added text is bold, deleted text struck through):

Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, **and** driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness

testing

Accordingly, the amended identification of goods would be:

Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

*C. The Services Are Likewise Dissimilar From Those of the Cited Marks*

In a likelihood of confusion analysis, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also, Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board’s dismissal of opposer’s likelihood-of-confusion claim, noting “there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source” though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB’s holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods).

1. Registration No. 2,770,579

The relevant services in connection with Registration No. 2,770,579 are “*Database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services.*”

The identification of services associated with Applicant’s Mark, as amended, does not list database consultation or technical support services. Moreover, all of Applicant’s services relate to and are specifically limited to artificial intelligence, vehicles, traffic, and/or transportation. Because Applicant’s application, as amended, does not claim services that are the same or similar to Registration No. No. 2,770,579, there can be no likelihood of confusion, even if the marks in question are identical, which Applicant does not concede is the case.

2. Registration No. 3,000,815

The relevant services in connection with Registration Nos. 3,000,815 are “*Hosting the websites of others on a computer server for a global computer network.*”

The identification of services associated with Applicant’s Mark, as amended, lists, for the most part, services that are not related to website hosting. Moreover, all of Applicant’s services related to websites or web hosting are specifically limited to the field of vehicles and driverless vehicles and information related to vehicle repair. Because Applicant’s application, as amended, does not claim services that are the same or similar to Registration No. No. 2,770,579, there can be no likelihood of confusion, even if the marks in question are identical, which Applicant does not concede is the case.

3. Registration Nos. 2,411,996 and 2,411,997

The relevant goods in connection with Registration Nos. 2,411,996 and 2,411,997 are “*computer services, namely, designing, implementing, creating and maintaining web sites for others.*”



The identification of services associated with Applicant's Mark, as amended, lists, for the most part, services that are not related to websites. Moreover, all of Applicant's services related to websites are specifically limited to the field of vehicles and driverless vehicles and information related to vehicle repair. Because Applicant's application, as amended, does not claim services that are the same or similar to Registration Nos. 2,411,996 and 2,411,997, there can be no likelihood of confusion, even if the marks in question are identical, which Applicant does not concede is the case.

*D. There is a Crowded Field of APOLLO-Formative Marks in Connection with Software Services*

As demonstrated by the above chart of the Cited Marks, there is a crowded field of APOLLO-formative registrations in connection with software services.

The "evidentiary value of third party registrations *per se* is to show the sense in which ... a mark is used in ordinary parlance." J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition § 11:90 (5th ed. 2017). "Such registrations could also show that the PTO, by registering several marks with such a common segment, recognizes that portions of such composite marks other than the common segment are sufficient to distinguish the marks as a whole and to make confusion unlikely." *Id.* Active third-party registrations likewise demonstrate that the public will look to other elements to distinguish the source of the goods or services. *See, e.g., In re i.am.symbolic, LLC*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017); *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U.*, 797 F.3d 1363, 116 USPQ2d 1129 (Fed. Cir. 2015); *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 1338-40, 115 USPQ2d 1671, 1674-75 (Fed. Cir. 2015); *Primrose Ret. Cmty., LLC v. Edward Rose Senior Living, LLC*, 122 USPQ2d 1030, 1036 (TTAB 2016). Even if no use in commerce of the third-party marks at issue is established, such registrations can be given "weight to show the meaning of a mark in the same way that dictionaries are used." *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 917 (CCPA 1976).

Here, each of the seven Cited Marks relates to software services in Class 042 and each contains the term APOLLO. By citing these registrations, the Examining Attorney has not demonstrated likelihood of confusion, but rather, that APOLLO-formative marks for software services coexist. Indeed, The marks APOLLO HOSTING and APOLLO INTERACTIVE are each registered in connection with website hosting, design, and/or maintenance, but these marks with different owners can co-exist, apparently without issue. Given that APOLLO-formative marks proliferate on the Register for services similar to those claimed by Applicant, there is no reason why Applicant's mark cannot co-exist within this crowded field.

## **II. Conclusion**

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

## **EVIDENCE**

Evidence in the nature of Office Action Response Exhibit A to Office Action Response has been attached.

**Original PDF file:**

[evi\\_20620511710-20180313100847990935\\_87-515130\\_Response.pdf](#)

**Converted PDF file(s) ( 12 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

Evidence-10

Evidence-11

Evidence-12

**Original PDF file:**

evi\_20620511710-20180313100847990935 . Exhibit A.pdf

**Converted PDF file(s) ( 5 pages)**

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

## **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 042 for Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

## **Proposed:**

**Tracked Text Description:** Advanced product research in the field of artificial intelligence; ~~Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Consulting services in the field of software as a service (SAAS); Motor vehicle inspections; Motor vehicle parts design services; Electronic data storage; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Vehicle roadworthiness testing; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Rental of web servers; Research, development, design and upgrading of computer software~~

Class 042 for Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

**Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a***

**collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**SIGNATURE(S)**

**Response Signature**

Signature: /Anthony E. Rufo/ Date: 03/13/2018

Signatory's Name: Anthony E. Rufo

Signatory's Position: Attorney of record, New York bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 87515130

Internet Transmission Date: Tue Mar 13 10:13:49 EDT 2018

TEAS Stamp: USPTO/ROA-XXX.XXX.XXX.XX-201803131013494

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8-N/A-N/A-20180313100847990935

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Mark:</b> APOLLO (with infinity design) <b>Applicant:</b> Baidu Online Network Technology (Beijing) Co., Ltd <b>Serial No.:</b> 87/515130	To be filed electronically
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**RESPONSE TO OFFICE ACTION**

This is in response to the Office Action dated October 12, 2017. Reconsideration of this application is respectfully requested in view of the following remarks.

**REMARKS**

**I. No Likelihood of Confusion With Marks Subject to Cited Registrations and Application**

The Examining Attorney has refused registration of Application Serial No. 87/515130 for the mark APOLLO (with infinity design) (“Applicant’s Mark”) owned by Baidu Online Network Technology (Beijing) Co., Ltd (“Applicant”), depicted below:


Mark	Serial No.	Goods
	87/515130	Class 042: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor

		vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing
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The Examining Attorney has concluded pursuant to Section 2(d) of the Trademark Act that Applicant's Mark is likely to be confused with the following marks (the "Cited Marks"):

Mark	Reg. No.	Goods
APOLLO	2,770,579	Class 042: Database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services
APOLLO	4,099,556	Class 042: software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services

		featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships
APOLL	5,142,764	<u>Class 042</u> : software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships
APOLLO PLATFORM	2,468,681	<u>Class 042</u> : software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales

		markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships
APOLLO HOSTING	3,000,815	<u>Class 042</u> : Hosting the websites of others on a computer server for a global computer network
APOLLO INTERACTIVE	2,411,997	<u>Class 042</u> : computer services, namely, designing, implementing, creating and maintaining web sites for others
	2,411,996	<u>Class 042</u> : computer services, namely, designing, implementing, creating and maintaining web sites for others

*A. All of the Marks Differ in Appearance*

In the instant action, the Examining Attorney stated that, “[h]ere, the marks share the identical term APOLLO. It is the entirety of the applicant’s mark, and the entire literal element of three of the cited registrations. The other marks are combined only with descriptive wording that would also be relevant to applicant’s services; i.e., PLATFORM, HOSTING, INTERACTIVE. The word portions of each of the marks are either identical or highly similar in sound, appearance, connotation, and commercial impression.”

Applicant submits that the Examining Attorney has not taken into account the entirety of Applicant’s mark or the Cited Marks, as the law requires. It is a fundamental principle that, in comparing the relevant marks, an Examining Attorney must take into account “the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973). “All relevant facts pertaining to appearance, sound, and connotation must be

considered before similarity as to one or more of those factors may be sufficient to support a finding that the marks are similar or dissimilar.” *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1899 (Fed. Cir. 2000). The Court of Appeals for the Federal Circuit has explained this principle thusly:

The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used. It follows from that principle that likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark. On the other hand, in articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties. Indeed, this type of analysis appears to be unavoidable.

*In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) (footnotes omitted) (citations omitted).

Here, the commercial impression of Applicant’s Mark is not derived solely from the word portion of the mark. It also consists of a distinct design feature, in which the circular portion of the letter “p” and the first “o” in the term APOLLO combine to form an infinity symbol ( $\infty$ ), as depicted below:

Applicant’s Mark





The infinity symbol is well known in terms of its shape and meaning. As a result it is commonly used in modern typography and graphic design, including in commercial logos. See Infinity Symbol.” Wikipedia: The Free Encyclopedia. Wikimedia Foundation, Inc. [https://en.wikipedia.org/wiki/Infinity\\_symbol#Modern\\_symbolism](https://en.wikipedia.org/wiki/Infinity_symbol#Modern_symbolism), a copy of which is submitted



herewith as Exhibit A. As such, the typical consumer will recognize the meaning of the symbol as “infinity” such that it shapes the overall commercial impression of Applicant’s mark.

1. The Cited Stylized Marks

In specific regard to Applicant’s Mark as compared to the cited stylized marks, the differences in the design elements, when considered in conjunction with the words obviates confusion. *See, generally*, TMEP § 1207.01. The comparison of composite marks is to be done on a case-by-case basis, and an Examining Attorney should not rely upon any mechanical rules. *See, e.g., In re Covalinski*, 113 USPQ2d 1166 (TTAB 2014) (holding confusion unlikely between REDNECK RACEGIRL and design of large, double-letter RR configuration and registered mark RACEGIRL, even when used on in-part identical goods); *In re White Rock Distilleries Inc.*, 92 USPQ2d 1282 (TTAB 2009) (holding VOLTA for vodka infused with caffeine, and TERZA VOLTA and vine shoot design for wines, not likely to cause confusion).

Applicant’s Mark	
	
Stylized Cited Marks	
Mark	Reg. No.
APOLL	5,142,764
	2,411,996

When viewed in their entirety, Applicant’s Mark has a very different appearance, meaning and commercial impression from each of the cited stylized marks. As discussed above, the overall commercial impression of Applicant’s Mark is shaped by the inclusion of the infinity design. None of the cited stylized marks contains an infinity symbol. Moreover, each of the cited

stylized marks is rendered with a design different from Applicant's Mark and different from each of the other cited stylized marks. When the marks are compared in their entireties, as they must be, Applicant's Mark differs greatly in overall commercial impression from each of the cited stylized marks. As a result, confusion between Applicant's Mark and the cited stylized marks is unlikely.

1. The Cited Standard-Character Marks

In specific reference to a comparison of Applicant's Mark with the cited standard-character marks, if a pictorial representation in a mark is so highly stylized such that it would not readily evoke in a consumer's mind the wording featured in another mark, the marks may not be confusingly similar. *In re Serac, Inc.*, 218 USPQ 340, 341 (TTAB 1983). As discussed above, the overall commercial impression of Applicant's Mark is shaped by the inclusion of the infinity design. This is the very sort of stylized pictorial representation that distinguishes a design-formative mark from standard-character marks. Because of its distinctive, highly stylized character, Applicant's mark has a commercial impression that is overall different than the commercial impressions of the cited standard-character marks. Accordingly, confusion between Applicant's Mark and the cited standard-character marks is unlikely.

B. *The Applicant Requests an Amendment to Its Identification of Goods*

The identification of goods in the instant application is:

Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely,

providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

Applicant requests that it be amended in the following manner (added text is bold, deleted text struck through):

Advanced product research in the field of artificial intelligence; ~~Computer services, namely, cloud hosting provider services;~~ Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, **and** driverless vehicles, ~~sports, education, food and wine;~~ Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; ~~Consulting services in the field of software as a service (SAAS);~~ Customized software development in the field of traffic and transportation; ~~Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files;~~ Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; ~~Research, development, design and upgrading of computer software;~~ Vehicle roadworthiness testing

Accordingly, the amended identification of goods would be:

Advanced product research in the field of artificial intelligence; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles and driverless vehicles; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Customized software development in the field of traffic and transportation; Motor vehicle inspections; Motor vehicle parts design

services; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing

*C. The Services Are Likewise Dissimilar From Those of the Cited Marks*

In a likelihood of confusion analysis, “if the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. TMEP § 1207.01(a)(i) (emphasis added). *See also*, *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 USPQ2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board’s dismissal of opposer’s likelihood-of-confusion claim, noting “there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source” though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 USPQ2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB’s holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *In re Thor Tech, Inc.*, 113 USPQ2d 1546, 1551 (TTAB 2015) (finding use of identical marks for towable trailers and trucks not likely to cause confusion given the difference in the nature of the goods).

1. Registration No. 2,770,579

The relevant services in connection with Registration No. 2,770,579 are “*Database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services.*”

The identification of services associated with Applicant’s Mark, as amended, does not list database consultation or technical support services. Moreover, all of Applicant’s services relate

to and are specifically limited to artificial intelligence, vehicles, traffic, and/or transportation. Because Applicant's application, as amended, does not claim services that are the same or similar to Registration No. No. 2,770,579, there can be no likelihood of confusion, even if the marks in question are identical, which Applicant does not concede is the case.

2. Registration No. 3,000,815

The relevant services in connection with Registration Nos. 3,000,815 are "*Hosting the websites of others on a computer server for a global computer network.*"

The identification of services associated with Applicant's Mark, as amended, lists, for the most part, services that are not related to website hosting. Moreover, all of Applicant's services related to websites or web hosting are specifically limited to the field of vehicles and driverless vehicles and information related to vehicle repair. Because Applicant's application, as amended, does not claim services that are the same or similar to Registration No. No. 2,770,579, there can be no likelihood of confusion, even if the marks in question are identical, which Applicant does not concede is the case.

3. Registration Nos. 2,411,996 and 2,411,997

The relevant goods in connection with Registration Nos. 2,411,996 and 2,411,997 are "*computer services, namely, designing, implementing, creating and maintaining web sites for others.*"

The identification of services associated with Applicant's Mark, as amended, lists, for the most part, services that are not related to websites. Moreover, all of Applicant's services related to websites are specifically limited to the field of vehicles and driverless vehicles and information related to vehicle repair. Because Applicant's application, as amended, does not claim services that are the same or similar to Registration Nos. 2,411,996 and 2,411,997, there

can be no likelihood of confusion, even if the marks in question are identical, which Applicant does not concede is the case.

*D. There is a Crowded Field of APOLLO-Formative Marks in Connection with Software Services*

As demonstrated by the above chart of the Cited Marks, there is a crowded field of APOLLO-formative registrations in connection with software services.

The “evidentiary value of third party registrations *per se* is to show the sense in which ... a mark is used in ordinary parlance.” J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition § 11:90 (5th ed. 2017). “Such registrations could also show that the PTO, by registering several marks with such a common segment, recognizes that portions of such composite marks other than the common segment are sufficient to distinguish the marks as a whole and to make confusion unlikely.” *Id.* Active third-party registrations likewise demonstrate that the public will look to other elements to distinguish the source of the goods or services. *See, e.g., In re I.am.symbolic, LLC*, 866 F.3d 1315, 123 USPQ2d 1744 (Fed. Cir. 2017); *Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U.*, 797 F.3d 1363, 116 USPQ2d 1129 (Fed. Cir. 2015); *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 1338-40, 115 USPQ2d 1671, 1674-75 (Fed. Cir. 2015); *Primrose Ret. Cntys., LLC v. Edward Rose Senior Living, LLC*, 122 USPQ2d 1030, 1036 (TTAB 2016). Even if no use in commerce of the third-party marks at issue is established, such registrations can be given “weight to show the meaning of a mark in the same way that dictionaries are used.” *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 917 (CCPA 1976).

Here, each of the seven Cited Marks relates to software services in Class 042 and each contains the term APOLLO. By citing these registrations, the Examining Attorney has not demonstrated likelihood of confusion, but rather, that APOLLO-formative marks for software

services coexist. Indeed, The marks APOLLO HOSTING and APOLLO INTERACTIVE are each registered in connection with website hosting, design, and/or maintenance, but these marks with different owners can co-exist, apparently without issue. Given that APOLLO-formative marks proliferate on the Register for services similar to those claimed by Applicant, there is no reason why Applicant's mark cannot co-exist within this crowded field.

## **II. Conclusion**

In light of the foregoing, Applicant respectfully submits that its application should be approved and published for opposition.

# **Exhibit A**



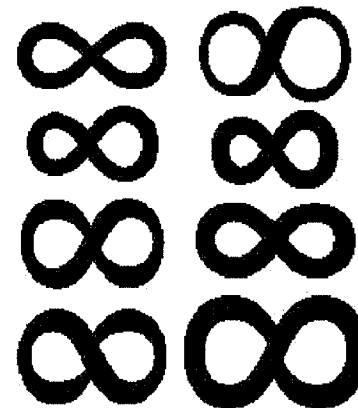
WIKIPEDIA

# Infinity symbol

The **infinity symbol** ∞ (sometimes called the lemniscate) is a mathematical symbol representing the concept of infinity.

## Contents

- History
- Usage
- Modern symbolism
- Graphic design
- Encoding
- See also
- References



The ∞ symbol in several typefaces

## History



John Wallis introduced the infinity symbol to mathematical literature.

The shape of a sideways figure eight has a long pedigree; for instance, it appears in the cross of Saint Boniface, wrapped around the bars of a Latin cross.<sup>[1]</sup> However, John Wallis is credited with introducing the infinity symbol with its mathematical meaning in 1655, in his *De sectionibus conicis*.<sup>[1][2][3][4]</sup> Wallis did not explain his choice of this symbol, but it has been conjectured to be a variant form of a Roman numeral for 1,000 (originally CIO, also CO), which was sometimes used to mean "many", or of the Greek letter ω (omega), the last letter in the Greek alphabet.<sup>[5]</sup>



Symbol used by Euler to denote infinity

Leonhard Euler used an open variant of the symbol<sup>[6]</sup> in order to denote "absolutus infinitus". Euler freely performed various operations on infinity, such as taking its logarithm. This symbol is not used anymore, and is not encoded as a separate character in Unicode.

## Usage

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In mathematics, the infinity symbol is used more often to represent a potential infinity,<sup>[1]</sup> rather than to represent an actually infinite quantity such as the ordinal numbers and cardinal numbers (which use other notations). For instance, in the mathematical notation for summations and limits such as

$$\sum_{n=0}^{\infty} \frac{1}{2^n} = \lim_{x \rightarrow \infty} \frac{2^x - 1}{2^{x-1}} = 2,$$

the infinity sign is conventionally interpreted as meaning that the variable grows arbitrarily large (towards infinity) rather than actually taking an infinite value.

The infinity symbol may also be used to represent a point at infinity, especially when there is only one such point under consideration. This usage includes, for instance, the infinite point of a projective line,<sup>[7]</sup> and the point added to a topological space *T* to form its one-point compactification *T*<sub>∞</sub>.<sup>[8]</sup>

In areas other than mathematics, the infinity symbol may take on other related meanings; for instance, it has been used in bookbinding to indicate that a book is printed on acid-free paper and will therefore be long-lasting.<sup>[9]</sup>

## Modern symbolism

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In modern mysticism, the infinity symbol has become identified with a variation of the ouroboros, an ancient image of a snake eating its own tail that has also come to symbolize the infinite, and the ouroboros is sometimes drawn in figure-eight form to reflect this identification, rather than in its more traditional circular form.<sup>[10]</sup>

In the works of Vladimir Nabokov, including *The Gift* and *Pale Fire*, the figure-eight shape is used symbolically to refer to the Möbius strip and the infinite, for instance in these books' descriptions of the shapes of bicycle tire tracks and of the outlines of half-remembered people. The poem after which *Pale Fire* is entitled explicitly refers to "the miracle of the lemniscate".<sup>[11]</sup>

## Graphic design

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The well known shape and meaning of the infinity symbol have made it a common typographic element of graphic design. For instance, the Métis flag, used by the Canadian Métis people in the early 19th century, is based around this symbol.<sup>[12]</sup> In modern commerce, corporate logos featuring this symbol have been used by, among others, Room for PlayStation Portable, Microsoft Visual Studio, Fujitsu, and CoorsTek.

## Encoding

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The symbol is encoded in Unicode at U+221E ∞ INFINITY and in LaTeX as `\infty`: ∞.

The Unicode set of symbols also includes several variant forms of the infinity symbol, that are less frequently available in fonts: U+29DC ∞ INCOMPLETE INFINITY (HTML `&#10716`; • ISOtech entity ∞), U+29DD ∞ TIE OVER INFINITY (HTML `&#10717`; ;) and U+29DE ∞ INFINITY NEGATED WITH VERTICAL BAR (HTML `&#10718`; ;) in block Miscellaneous Mathematical Symbols-B.<sup>[13]</sup> The acid-free paper symbol mentioned above is encoded separately as U+267E ☹ PERMANENT PAPER SIGN (HTML `&#9854`; ;).

## See also

- History of mathematical notation

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- De sectionibus conicis nova methodo expositis tractatus - John Wallis - Google Boeken* ([https://books.google.com/books?id=03M\\_AAAAcAAJ&pg=PP5](https://books.google.com/books?id=03M_AAAAcAAJ&pg=PP5)). Books.google.com. Retrieved 2013-12-01. See e.g. Prop. 1, p. 4.
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The infinity symbol appears on several cards of the Rider–Waite tarot deck

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**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87515130 - APOLLO - VM82899  
**Sent:** 10/12/2017 6:47:57 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)  
[Attachment - 9](#)  
[Attachment - 10](#)  
[Attachment - 11](#)  
[Attachment - 12](#)  
[Attachment - 13](#)  
[Attachment - 14](#)  
[Attachment - 15](#)  
[Attachment - 16](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION  
SERIAL NO. 87515130**

**MARK:** APOLLO

**\*87515130\***

**CORRESPONDENT**

**ADDRESS:**

XIANG, HAILONG  
FLAT C, 29/F,  
TOWER 3, DISCOVERY  
PARK  
TSUEN WAN, NT  
HONG KONG

**CLICK HERE TO RESPOND TO THIS  
LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** BAIDU  
ONLINE NETWORK  
TECHNOLOGY  
(BEIJING ETC.

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

VM82899

**CORRESPONDENT  
E-MAIL ADDRESS:**

[creatingip@gmail.com](mailto:creatingip@gmail.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

**ISSUE/MAILING DATE: 10/12/2017**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**Summary of Issues:**

- *Refusal: Likelihood of Confusion With Prior Registered Marks/Limited to Specified Services*

**TRADEMARK ACT §2(d) REFUSAL – LIKELIHOOD OF CONFUSION WITH PRIOR REGISTERED MARKS/LIMITED TO SPECIFIED SERVICES**

*This requirement applies to the services identified as Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Rental of web servers; Research, development, design and upgrading of computer software*

*and does not apply to the services identified as: Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing.*

*Please see the section below titled Applicant's Options for Response to Partial Requirement for further information.*

Registration of the applied-for mark is refused as to the services identified as: *Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Rental of web servers; Research, development, design and upgrading of computer software* because of a likelihood of confusion with the marks detailed below. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

A likelihood of confusion determination involves a two-part analysis. The marks are compared for similarities in their appearance, sound, connotation and commercial impression. TMEP §§1207.01, 1207.01(b). The goods and/or services are also compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002); *Han Beauty, Inc. v. Alberto-Culver Co.*, 236 F.3d 1333, 1336, 57 USPQ2d 1557, 1559 (Fed. Cir. 2001); TMEP §§1207.01, 1207.01(a)(vi).

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Applicant intends to use the mark **APOLLO** [stylized] for *Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Rental of web servers; Research, development, design and upgrading of computer software.*

Prior registrants own the following conflicting registrations for the identified services:

**Registration No. 2770579 / APOLLO** [standard characters]: *computerized database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services*

**Registration Nos. 4942945 & 5142764 / APOLLO** [standard characters & with design] & **No. 4957418 APOLLO PLATFORM** [standard characters; all three owned by the same registrant]: *Software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships*

**Registration No. 3000815 / APOLLO HOSTING:** *Hosting the websites of others on a computer server for a global computer network*

**Registration Nos. 2411997 & 2411996 / APOLLO INTERACTIVE** [standard characters & with design; same registrant]: *computer services, namely, designing, implementing, creating and maintaining web sites for others*

#### **The Marks are Highly Similar**

In a likelihood of confusion determination, the marks are compared for similarities in their **appearance, sound, meaning or connotation and commercial impression**. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b). Similarity in any one of these elements may be sufficient to find a likelihood of confusion. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re Lamson Oil Co.*, 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Bay State Brewing Co.*, 117 USPQ2d 1958, 1960 (TTAB 2016) (quoting *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1368, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012)); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *In re Bay State Brewing Co.*, 117 USPQ2d at 1960 (citing *Spoons Rests, Inc. v. Morrison Inc.*, 23 USPQ2d 1735, 1741 (TTAB 1991), *aff'd per curiam*, 972 F.2d 1353 (Fed. Cir. 1992)); *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (citing *Joel Gott Wines LLC v. Rehoboth Von Gott Inc.*, 107 USPQ2d 1424, 1430 (TTAB 2013)); TMEP §1207.01(b).

For example, for a composite mark containing both words and a design, the word portion may be more likely to indicate the origin of the goods and/or services because it is that portion of the mark that consumers use when referring to or requesting the goods and/or services. *Bond v. Taylor*, 119 USPQ2d 1049, 1055 (TTAB 2016) (citing *In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908, 1911 (Fed. Cir. 2012)); TMEP §1207.01(c)(ii). Thus, although such marks must be compared in their entireties, the word portion is often considered the dominant feature and is accorded greater weight in determining whether marks are confusingly similar, even where the word portion has been disclaimed. *In re Viterro Inc.*, 671 F.3d at 1366-67, 101 USPQ2d at 1911 (citing *Giant Food, Inc. v. Nation's Foodservice, Inc.*, 710 F.2d 1565, 1570-71, 218 USPQ2d 390, 395 (Fed. Cir. 1983)).

Here, the marks share the identical term APOLLO. It is the entirety of the applicant's mark, and the entire literal element of three of the cited registrations. The other marks are combined only with descriptive wording that would also be relevant to applicant's services; i.e., PLATFORM, HOSTING, INTERACTIVE. The word portions of each of the marks are either identical or highly similar in sound, appearance, connotation, and

commercial impression; therefore, the addition of a design element, or a difference in stylization of the wording does not obviate the similarity of the marks in this case. See *In re Shell Oil Co.*, 992 F.2d 1204, 1206, 26 USPQ2d 1687, 1688 (Fed. Cir. 1993); TMEP §1207.01(c)(ii). Further, one of the cited marks is in typed form, meaning that it may be displayed in any lettering style; the rights reside in the wording or other literal element and not in any particular display or rendition. See *In re Vittera Inc.*, 671 F.3d 1358, 1363, 101 USPQ2d 1905, 1909 (Fed. Cir. 2012); *In re Mighty Leaf Tea*, 601 F.3d 1342, 1348, 94 USPQ2d 1257, 1260 (Fed. Cir. 2010); 37 C.F.R. §2.52(a); TMEP §1207.01(c)(iii). Thus, a mark presented in stylized characters and/or with a design element generally will not avoid likelihood of confusion with a mark in typed or standard characters because the marks could be presented in the same manner of display. See, e.g., *In re Vittera Inc.*, 671 F.3d at 1363, 101 USPQ2d at 1909; *Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1041, 216 USPQ 937, 939 (Fed. Cir. 1983) (stating that “the argument concerning a difference in type style is not viable where one party asserts rights in no particular display”).

Consumers are likely to believe that applicant’s mark represents a service provided by the registrants or vice versa.

### The Services are Overlapping

With respect to applicant’s and registrant’s goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

In this case, the identification set forth in the application and registration has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services “travel in the same channels of trade to the same class of purchasers.” *In re Vittera Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)).

Further, the application and registrations use broad wording to describe the services and this wording is presumed to encompass all services of the type described, including those in registrant’s more narrow identification. See, e.g., *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007, 1025 (TTAB 2015); *In re N.A.D., Inc.*, 57 USPQ2d 1872, 1874 (TTAB 2000). Here, as shown above, the applicant provides a wide range of computer services that are either the same or overlap with each of the registrants in some way; e.g., designing, implementing, creating and maintaining web sites for others; hosting services; hosting an interactive website; software as a service (SAAS) consulting (versus the registrant’s range of SAAS software in the field of automobile dealerships), and software development in the field of vehicles and transportation, as well as very broad services such as data storage, rental of web servers (registrant provides computer time sharing services).

Please note that generally, the greater degree of similarity between the applied-for mark and the registered marks, the lesser the degree of similarity between the services of the parties is required to support a finding of likelihood of confusion. *In re C.H. Hanson Co.*, 116 USPQ2d 1351, 1353 (TTAB 2015) (citing *In re Opus One Inc.*, 60 USPQ2d 1812, 1815 (TTAB 2001)); *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1636 (TTAB 2009). Therefore, based on the highly similar marks, and the overlapping and highly related services in this case, a likelihood of confusion exists and registration is refused as to each of the cited registrations.

Although applicant’s mark has been refused registration, applicant may respond to the refusal by submitting evidence and arguments in support of registration.

### RESPONSE GUIDELINES FOR PARTIAL REFUSAL

This is a partial refusal.

If applicant does not respond to this Office action within the six-month period for response, the following services will be deleted from the application: *Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Rental of web servers; Research, development, design and upgrading of computer software*

The application will then proceed with the remaining services only: *Advanced product research in the field of artificial intelligence; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Vehicle roadworthiness testing.* See 37 C.F.R. §2.65(a)-(a)(1); TMEP §718.02(a).



Applicant may respond to the stated refusal by submitting evidence and arguments against the refusal. In addition, applicant may respond by doing one of the following:

- (1) Deleting the services to which the refusal pertains;
- (2) Filing a request to divide out the services that have not been refused registration, so that the mark may proceed toward publication for opposition as to the services to which the refusal does not pertain. *See* 37 C.F.R. §2.87. *See generally* TMEP §§1110 *et seq.* (regarding the requirements for filing a request to divide). If applicant files a request to divide, then to avoid abandonment, applicant must also file a timely response to all outstanding issues in this Office action, including the refusal. 37 C.F.R. §2.87(e).

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner’s amendment by telephone or e-mail without incurring this additional fee.

For this application to proceed further, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options specified in this Office action for responding to a refusal and should consider those options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements. For more information and general tips on responding to USPTO Office actions, response options, and how to file a response online, see “Responding to Office Actions” on the USPTO’s website.

Because of the legal technicalities and strict deadlines involved in the USPTO application process, applicant may wish to hire a qualified U.S. attorney specializing in trademark matters to represent applicant in this process and provide legal advice. Although the undersigned trademark examining attorney is permitted to help an applicant understand the contents of an Office action as well as the application process in general, no USPTO attorney or staff is permitted to give an applicant legal advice or statements about an applicant’s legal rights. TMEP §§705.02, 709.06. For attorney referral information, applicant may consult the American Bar Association’s Consumers’ Guide to Legal Help or an online directory of legal professionals, such as FindLaw®. The USPTO, however, may not assist an applicant in the selection of a private attorney. 37 C.F.R. §2.11.

Please note that foreign attorneys, other than authorized Canadian attorneys, are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). *See* 37 C.F.R. §§2.17(e), 11.14(c), (e); TMEP §602.03-.03(c).

**The only attorneys who may practice before the USPTO in trademark matters are as follows:**

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state**, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories; and
- (2) **Canadian agents/attorneys** who represent applicants located in Canada and (a) are registered with the USPTO and in good standing as patent agents or (b) have been granted reciprocal recognition by the USPTO.

*See* 37 C.F.R. §§2.17(a), (e), 11.1, 11.14(a), (c); TMEP §602.

If applicant does not respond to this Office action within six months of the issue/mailling date, or responds by expressly abandoning the application, the application process will end as to any relevant services, and the trademark will fail to register. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a); TMEP §§718.01, 718.02. Additionally, the USPTO will not refund the application filing fee, which is a required processing fee. *See* 37 C.F.R. §§2.6(a)(1)(i)-(iv), 2.209(a); TMEP §405.04.

When an application has abandoned for failure to respond to an Office action, an applicant may timely file a petition to revive the application, which, if granted, would allow the application to return to active status. *See* 37 C.F.R. §2.66; TMEP §1714. The petition must be filed within two months of the date of issuance of the notice of abandonment and may be filed online via the Trademark Electronic Application System (TEAS) with a \$100 fee. *See* 37 C.F.R. §§2.6(a)(15)(ii), 2.66(b)(1).

Please see **To Respond to this Letter** for further response guidance.

/Ellen F Burns/  
Examining Attorney  
Law Office 116  
(571) 272-9098  
ellen.burns@uspto.gov  
(email for informal communications only)

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response forms.jsp](http://www.uspto.gov/trademarks/teas/response%20forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**Print: Oct 12, 2017**

**75713564**

**DESIGN MARK**

**Serial Number**

75713564

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO INTERACTIVE

**Standard Character Mark**

No

**Registration Number**

2411996

**Date Registered**

2000/12/12

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

APOLLO INTERACTIVE, INC. CORPORATION CALIFORNIA 8556 Hayden Place  
Culver City CALIFORNIA 90232

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: computer services, namely, designing, implementing, creating and maintaining web sites for others. First Use: 1997/11/00. First Use In Commerce: 1997/11/00.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERACTIVE" APART FROM THE MARK AS SHOWN.

**Filing Date**

1999/05/25

**Examining Attorney**

CADY, JAMES

**Attorney of Record**

ROCHELLE D. ALPERT



**Print: Oct 12, 2017**

**75713569**

**DESIGN MARK**

**Serial Number**

75713569

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO INTERACTIVE

**Standard Character Mark**

No

**Registration Number**

2411997

**Date Registered**

2000/12/12

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

APOLLO INTERACTIVE, INC CORPORATION CALIFORNIA 8556 HAYDEN PLACE  
Culver City CALIFORNIA 90232

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: computer services, namely, designing, implementing, creating and maintaining web sites for others. First Use: 1996/01/12. First Use In Commerce: 1996/01/12.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERACTIVE" APART FROM THE MARK AS SHOWN.

**Filing Date**

1999/10/30

**Examining Attorney**

CADY, JAMES

**Attorney of Record**

ROCHELLE D. ALPERT

# **APOLLO INTERACTIVE**

**Print: Oct 12, 2017**

**75982339**

**TYPED DRAWING**

**Serial Number**

75982339

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Registration Number**

2770579

**Date Registered**

2003/10/07

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

TRAVELPORT, LP LIMITED PARTNERSHIP DELAWARE 300 Galleria Parkway  
Atlanta GEORGIA 30339

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Providing office and business management services in the travel field for others; dissemination of advertising for others in the hotel and travel industries via an on-line electronic communication network; marketing services for others in the hotel and travel industries via an on-line electronic communications network. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 038. US 100 101 104. G & S: Electronic data interchange network services, namely, providing on-line electronic bulletin boards for transmission of messages among computer users concerning travel, travel arrangements, and travel agency services; providing access time to computer databases in the field of travel arranging, booking and reservations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 039. US 100 105. G & S: Information compilation, storage and retrieval services in the field of travel transportation for others; providing on-line databases and travel directory databases in the field of travel transportation; travel services, namely, the provision of information regarding travel and services to facilitate the bookings and computerized travel booking agency services; information services namely, the provision of information regarding seat availability for a particular flight and available class of fare. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 041. US 100 101 107. G & S: Arranging for ticket reservations for shows and other entertainment events; educational services, namely, conducting classes and seminars in the field of computerized booking and reservation systems and databases; training the use of computerized booking and reservation systems and databases. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Information compilation, storage and retrieval services in the field of travel accommodations for others; providing on-line databases and travel directory databases in the field of travel accommodations; travel agency services, namely, making hotel and accommodation reservations and bookings for others; computerized database consultation and technical support services, namely, troubleshooting of computer hardware and software problems via telephone, e-mail, workshop and onsite; computer time sharing services; interactive computerized travel agency services, namely, making reservations and booking for temporary lodging-- travel agency services, namely, making reservations and bookings for temporary lodging accommodations; Travel services, namely the provision of information regarding accommodation availability and services to facilitate the booking the bookings and reservation of accommodations. First Use: 1971/06/00. First Use In Commerce: 1971/06/00.

**Prior Registration(s)**

1268761;1907630

**Filing Date**

1999/04/30

**Examining Attorney**

WILLIAMS, IRENE D.



**Print: Oct 12, 2017**

**78312921**

**TYPED DRAWING**

**Serial Number**

78312921

**Status**

REGISTERED AND RENEWED

**Word Mark**

APOLLO HOSTING

**Standard Character Mark**

No

**Registration Number**

3000815

**Date Registered**

2005/09/27

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

The Endurance International Group, Inc CORPORATION DELAWARE 10  
Corporate Drive Burlington MASSACHUSETTS 01803

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Hosting the  
websites of others on a computer server for a global computer network.  
First Use: 1999/09/21. First Use In Commerce: 1999/09/21.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HOSTING" APART FROM  
THE MARK AS SHOWN.

**Filing Date**

2003/10/13

**Examining Attorney**

FERRAIUOLO, DOMINIC J.

**Attorney of Record**

Robert J. English

**Print: Oct 12, 2017**

**86671682**

**DESIGN MARK**

**Serial Number**

86671682

**Status**

REGISTERED

**Word Mark**

APOLLO

**Standard Character Mark**

Yes

**Registration Number**

4942945

**Date Registered**

2016/04/19

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Team Velocity Marketing, LLC LIMITED LIABILITY COMPANY VIRGINIA 13825  
Sunrise Valley Drive, Suite 150 Herndon VIRGINIA 20171

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including

**Print: Oct 12, 2017**

**86671682**

contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships. First Use: 2015/08/00. First Use In Commerce: 2015/08/00.

**Filing Date**

2015/06/23

**Examining Attorney**

SANDER, DREW

**Attorney of Record**

Wade Savoy

APOLLO

**Print: Oct 12, 2017**

**86671690**

**DESIGN MARK**

**Serial Number**

86671690

**Status**

REGISTERED

**Word Mark**

APOLLO PLATFORM

**Standard Character Mark**

Yes

**Registration Number**

4957418

**Date Registered**

2016/05/10

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Team Velocity Marketing, LLC LIMITED LIABILITY COMPANY VIRGINIA 13825  
Sunrise Valley Drive Suite 150 Herndon VIRGINIA 20171

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including

**Print: Oct 12, 2017**

**86671690**

contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships. First Use: 2015/08/00. First Use In Commerce: 2015/08/00.

**Disclaimer Statement**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PLATFORM" APART FROM THE MARK AS SHOWN.

**Filing Date**

2015/06/23

**Examining Attorney**

SANDER, DREW

**Attorney of Record**

Wade Savoy

# APOLLO PLATFORM

**Print: Oct 12, 2017**

**86787740**

**DESIGN MARK**

**Serial Number**

86787740

**Status**

REGISTERED

**Word Mark**

APOLLO

**Standard Character Mark**

No

**Registration Number**

5142764

**Date Registered**

2017/02/14

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**

Team Velocity Marketing, LLC LIMITED LIABILITY COMPANY VIRGINIA 13825  
Sunrise Valley Drive, Suite 150 Herndon VIRGINIA 20171

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing initiatives; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports; software as a service (SAAS) services featuring software for storing and managing information about customers, including contact information; software as a service (SAAS) services featuring software for storage and management of contracts; software as a service (SAAS) services featuring software for monitoring, tracking, analyzing, and generating reports for advertising and marketing for automotive dealerships; software as a service (SAAS) services featuring software for identifying optimal sales markets, creating marketing plans and budgets, and generating market opportunity reports for automotive dealerships; software as a service (SAAS) services featuring software for storing and managing information about customers, including



**Print: Oct 12, 2017**

**86787740**

contact information, for automotive dealerships; software as a service (SAAS) services featuring software for storage and management of contracts for automotive dealerships. First Use: 2015/08/00. First Use In Commerce: 2015/08/00.

**Description of Mark**

The mark consists of a stylized representation of the word "APOLLO" with the final letter "O" replaced by the silhouette of a crescent moon.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2015/10/14

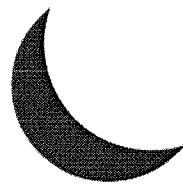
**Examining Attorney**

NUNLEY, CHRISTOPHER M

**Attorney of Record**

Wade Savoy

A P O L L O



**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([creatingip@gmail.com](mailto:creatingip@gmail.com)))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87515130 - APOLLO - VM82899  
**Sent:** 10/12/2017 6:47:58 PM  
**Sent As:** ECOM116@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **10/12/2017** FOR U.S. APPLICATION SERIAL NO. 87515130

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

**(1) READ THE LETTER** by clicking on this link or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **10/12/2017**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). A response transmitted through TEAS must be received before midnight **Eastern Time** of the last day of the response period.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

**(3) QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Ellen F Burns/  
Examining Attorney  
Law Office 116  
(571) 272-9098  
[ellen.burns@uspto.gov](mailto:ellen.burns@uspto.gov)  
(email for informal communications only)

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:eburns1 \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	2647	N/A	0	0	0:11	*{v}p{v}ll{v}*[bi,ti]
02	928	N/A	0	0	0:01	1 not dead[ld]
03	330	N/A	0	0	0:01	2 and "038"[cc]
04	12	0	12	11	0:01	2 and ("038" or "A" or "B" or "200")[ic]
05	1007	N/A	0	0	0:02	apollo[bi,ti] or apolo[bi,ti]
06	348	N/A	0	0	0:02	5 not dead[ld]
07	104	0	104	99	0:02	6 and ("037" or "038" or "039" or "041" or "042" or "A" or "B" or "200")[ic]
08	380	N/A	0	0	0:01	apollo[fm]
09	122	N/A	0	0	0:01	8 not dead[ld]
10	23	0	23	19	0:01	9 and ("037" or "038" or "039" or "041" or "042" or "A" or "B" or "200")[ic]
11	205	0	205	194	0:02	2 and ("037" or "038" or "039" or "041" or "042" or "A" or "B" or "200")[ic]
12	1055	N/A	0	0	0:02	*apollo*[bi,ti]
13	364	N/A	0	0	0:02	12 not dead[ld]
14	18	0	18	18	0:01	13 and ("037" or "A" or "B" or "200")[ic]
15	0	0	0	0	0:01	13 and ("03" or "A" or "B" or "200")[ic]
16	6	0	6	5	0:02	13 and ("038" or "A" or "B" or "200")[ic]
17	7	0	7	5	0:01	13 and ("039" or "A" or "B" or "200")[ic]
18	51	N/A	0	0	0:02	13 and ("041" or "A" or "B" or "200")[ic]
19	51	0	51	50	0:02	18 not dead[ld]
20	49	0	49	45	0:01	13 and ("042" or "A" or "B" or "200")[ic]

Session started 10/4/2017 12:28:31 PM

Session finished 10/4/2017 8:30:06 PM

Total search duration 0 minutes 39 seconds

Session duration 481 minutes 35 seconds

Default NEAR limit=1ADJ limit=1

Sent to TIGRS as Serial Number: 87515130

apollon

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87515130

Filing Date: 07/03/2017

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	\\TICRS\EXPORT17\IMAGEOUT 17\875\151\87515130\xml\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	apollo
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized wording apollo.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	842 x 330
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
EMAIL ADDRESS	creatingip@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China

GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	042
*IDENTIFICATION	Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of <b>vehicles, driverless vehicles, sports, education, food and wine</b> ; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of <b>motor vehicles, driverless cars, automobiles and structural parts therefore</b> ; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	XIANG, HAILONG
DOCKET/REFERENCE NUMBER	VM82899
*STREET	FLAT C, 29/F, TOWER 3, DISCOVERY PARK
*CITY	TSUEN WAN, NT
*COUNTRY	Hong Kong
*EMAIL ADDRESS	crcatingip@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	



APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/xhl/
* SIGNATORY'S NAME	XIANG, HAILONG
* SIGNATORY'S POSITION	Director
* DATE SIGNED	07/03/2017

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87515130**

**Filing Date: 07/03/2017**

#### To the Commissioner for Trademarks:

**MARK:** apollo (stylized and/or with design, see mark)

The mark in your application is apollo.

The applicant is not claiming color as a feature of the mark. The mark consists of the stylized wording apollo.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (ltd.) legally organized under the laws of China, having an address of

BAIDU CAMPUS, NO. 10

SHANGDI 10TH STREET, HAIDIAN DISTRICT

BEIJING

China

creatingip@gmail.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 042: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

XIANG, HAILONG

FLAT C, 29/F, TOWER 3, DISCOVERY PARK

TSUEN WAN, NT, Hong Kong

creatingip@gmail.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

The docket/reference number is VM82899.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

## **Declaration**

### **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

### **AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

### **Declaration Signature**

Signature: /xhl/ Date: 07/03/2017

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

Payment Sale Number: 87515130

Payment Accounting Date: 07/05/2017

Serial Number: 87515130

Internet Transmission Date: Mon Jul 03 22:07:48 EDT 2017

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-201707032207482

56945-87515130-5907a9f2a2fc4a9267b65f4bd

829fa371d937e6f38ee92012d4de168e14c32e71

8e-CC-4475-20170703220608458728

apollo

ESTTA Tracking number: **ESTTA930814**

Filing date: **10/24/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	10/24/2018
Address	40 Valleyview Dr., Ancaster Ontario, L9G2A5 CANADA
Attorney information	Timur E. Slonim Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. 666 Third Avenue New York, NY 10017 UNITED STATES teslonim@mintz.com, ipdocketingBOS@mintz.com, kparsons@mintz.com 212-692-6704

### Applicant Information

Application No	87789924	Publication date	06/26/2018
Opposition Filing Date	10/24/2018	Opposition Period Ends	10/24/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100094 CHINA		

### Goods/Services Affected by Opposition


Class 012. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Anti-theft devices for vehicles; Autonomous cars; Bicycles; Bodies for vehicles; Camera drones, other than toys; Cars; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Tires for vehicle wheels

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Related Proceedings	Opposition No. 91243746 Opposition No. 91243747 Opposition No. 91243953 Opposition No. 91243958 Opposition No. 91243960 Opposition No. 91243592
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Attachments	85895773#TMSN.png( bytes ) Opposition Team Apollo 87789924.PDF(86799 bytes ) Exs. 1,3,4.PDF(531422 bytes ) Ex. 2 Team Apollo 87789924.pdf(206130 bytes )
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Signature	/Timur E. Slonim/
Name	Timur E. Slonim
Date	10/24/2018

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

In the Matter of Application Serial No. 87/789,924

for TEAM APOLLO

Published in the *Official Gazette* on June 26, 2018

Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/789,924
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/789,924 for the proposed mark TEAM APOLLO (“Proposed TEAM APOLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on June 26, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/789,924 under Trademark Act Section 1(b) on February 8, 2018 to register the proposed mark TEAM APOLLO for “anti-theft devices for vehicles; autonomous cars; bicycles; bodies for vehicles; camera drones, other than toys; cars; driverless cars; electric bicycles; electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; electrically-powered motor vehicles; motors for land vehicles; tires for vehicle wheels” in International Class 042 (“Application”). (Ex. 2) The mark TEAM APOLLO was published in the *Official Gazette* on June 26, 2018.
3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.



5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others, all of which are redirected to www.arroware.ca website.
7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, recombu.com, betakit.com, alphi.com, rfi.fr, digitlife.fr, and dutchcowboys.nl.
9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, facebook.com, twitter.com, and youtube.com, consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.

10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada. (Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into the Proposed TEAM APOLLO Mark.
13. Applicant's Proposed TEAM APOLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed TEAM APOLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed TEAM APOLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 66 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing, organizing, modifying,

book marking, transmission, storage and sharing of data and information,” “file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files,” “electronic, electric, and digital transmission of voice, data, images, signals, and messages,” “communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks,” and “computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest.” It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant’s APOLLO Family of Marks is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant’s APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer’s MYAPOLLO Mark.
19. Upon information and belief, Applicant intends to use its Proposed TEAM APOLLO Mark in connection with “anti-theft devices for vehicles; autonomous cars; bicycles; bodies for vehicles; camera drones, other than toys; cars; driverless cars; electric bicycles; electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; electrically-powered motor vehicles; motors for land vehicles; tires for vehicle wheels” as fully recited in the Application. Proposed TEAM APOLLO Mark is part of the

APOLLO Family of Marks. For example, in another Application No. 87/789,926 applicant seeks to register TEAM APOLLO mark for “advanced product research in the field of artificial intelligence; computer services, namely, cloud hosting provider services; computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; consulting services in the field of software as a service (SAAS); customized software development in the field of traffic and transportation; electronic data storage; file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; motor vehicle inspections; motor vehicle parts design services; product research and development; providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; rental of web servers; research, development, design and upgrading of computer software; vehicle roadworthiness testing.”

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio,

video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.

21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware's peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant's Proposed TEAM APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer's MYAPOLLO Mark.
23. The services identified by Applicant's Proposed TEAM APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer's MYAPOLLO Mark.
24. The services identified by Applicant's Proposed TEAM APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.
25. Applicant's Proposed TEAM APOLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed TEAM APOLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this

opposition and refuse registration to Applicant of U.S. Application Serial No. 87/789,924 for the mark TEAM APOLLO under Section 2(d) of the Trademark Act.

**COUNT TWO**

**LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use TEAM APOLLO mark for each and every good and service recited in the Application when it was filed on February 8, 2018.

Dated: October 24, 2018

Respectfully submitted,

By: 

Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)

Attorneys for *Opposer Arroware Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on October 24, 2018 to:

ipprosecutionsf@orrick.com beth.goldman@orrick.com blee@orrick.com  
eaghnam@orrick.com aparker@orrick.com

Beth M. Goldman  
Orrick, Herrington & Sutcliffe LLP  
Ip Prosecution Department  
2050 Main Street, Suite 1100  
Irvine, California 92614-8255



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Timur E. Slonim

# **Exhibit 1**



**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER  
COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES,  
TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT  
BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE  
TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF  
GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Nichelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



United States Patent and Trademark Office

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# MYAPOLLO

**Word Mark** MY APOLLO  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85895773

**Filing Date** April 4, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 30, 2013

**Registration Number** 4668175

**Registration Date** January 6, 2015

**Owner** (REGISTRANT) Arroware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5

**Attorney of Record** Timur E. Slonim

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store, transmit, and display images or graphics, audio, video, and other multimedia content between registered users via global telecommunications networks, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent TIMUR E SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

Assignment Abstract Of Title Information - Click to Load

## Proceedings - Click to Load

## **Exhibit 3**



UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

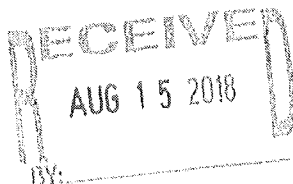
In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

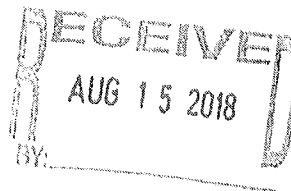
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88027400		APOLONG	TSDR	LIVE
6	88027396		APOLONG	TSDR	LIVE
7	88027395		APOLONG	TSDR	LIVE
8	88027393		APOLONG	TSDR	LIVE
9	87873650		BIENAPOLLO	TSDR	LIVE
10	87873649		BIENAPOLLO	TSDR	LIVE
11	87672716		APOLLO PILOT	TSDR	LIVE
12	87672714		APOLLO PILOT	TSDR	LIVE
13	87672712		APOLLO PILOT	TSDR	LIVE
14	87672710		APOLLO PILOT	TSDR	LIVE
15	87672708		APOLLO PILOT	TSDR	LIVE
16	87672707		APOLLO PILOT	TSDR	LIVE
17	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
18	87677545		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87677544		APOLLO COMPUTING UNIT	TSDR	LIVE
20	87672706		APOLLO PILOT	TSDR	LIVE
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22	87873606		EMAPOLLO	TSDR	LIVE
23	87873605		EMAPOLLO	TSDR	LIVE
24	87873604		EMAPOLLO	TSDR	LIVE
25	87873601		COMAPOLLO	TSDR	LIVE
26	87873596		COMAPOLLO	TSDR	LIVE

27	87873595		COMAPOLLO	TSDR	LIVE
28	87895688		APOLLAI	TSDR	LIVE
29	87895680		APOLLAI	TSDR	LIVE
30	87895672		APOLLAI	TSDR	LIVE
31	87873641		BYAPOLLO	TSDR	LIVE
32	87873640		BYAPOLLO	TSDR	LIVE
33	87873637		BYAPOLLO	TSDR	LIVE
34	87798333		CAR-POLLO	TSDR	LIVE
35	87798332		CAR-POLLO	TSDR	LIVE
36	87798331		CAR-POLLO	TSDR	LIVE
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38	87798328		ULTRAPOLLO	TSDR	LIVE
39	87798327		ULTRAPOLLO	TSDR	LIVE
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47	87514218		<b>BAIDU</b> APOLLO	TSDR	LIVE
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50	87515121		APOLLO	TSDR	LIVE
51	87873594		FOREAPOLLO	TSDR	LIVE
52	87873592		FOREAPOLLO	TSDR	LIVE
53	87873590		FOREAPOLLO	TSDR	LIVE
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55	87514261		<b>BAIDU</b> APOLLO	TSDR	LIVE
56	87514254		<b>BAIDU</b> APOLLO	TSDR	LIVE
57	87759024		LEAPOLLO	TSDR	LIVE
58	87720768		APOLLIANCE	TSDR	LIVE
59	87720763		APOLLONEER	TSDR	LIVE
60	87514209		<b>BAIDU</b> APOLLO	TSDR	LIVE
61	87515109		APOLLO	TSDR	LIVE
62	87672715		APOLLO PILOT	TSDR	LIVE
63	87515105		APOLLO	TSDR	LIVE
64	87515127		APOLLO	TSDR	LIVE
65	87515119		APOLLO	TSDR	LIVE
66	87514208		<b>BAIDU</b> APOLLO	TSDR	LIVE

## **Exhibit 2**





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# TEAM APOLLO

#### Word Mark

**TEAM APOLLO**

#### Goods and Services

IC 012. US 019 021 023 031 035 044. G & S: Anti-theft devices for vehicles; Autonomous cars; Bicycles; Bodies for vehicles; Camera drones, other than toys; Cars; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Tires for vehicle wheels

#### Standard Characters Claimed

#### Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number 87789924

Filing Date February 8, 2018

Current Basis 1B

Original Filing Basis 1B

Published for Opposition June 26, 2018

Owner (APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (Ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA 100094

Attorney of Record Beth M. Goldman

Type of Mark TRADEMARK

**Register** PRINCIPAL  
**Live/Dead  
Indicator** LIVE

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**Mark:** TEAM APOLLO

TEAM APOLLO

**US Serial Number:** 87789924

**Application Filing Date:** Feb. 08, 2018

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Jul. 23, 2018

**Publication Date:** Jun. 26, 2018

## Mark Information

**Mark Literal Elements:** TEAM APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

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- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Anti-theft devices for vehicles; Autonomous cars; Bicycles; Bodies for vehicles; Camera drones, other than toys; Cars; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Tires for vehicle wheels

**International Class(es):** 012 - Primary Class

**U.S Class(es):** 019, 021, 023, 031, 035, 044

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

**Owner Address:** BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100094  
CHINA

**Legal Entity Type:** limited company (ltd.)

**State or Country:** CHINA

Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Beth M. Goldman  
**Attorney Primary Email Address:** [ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com)  
**Docket Number:** 22497-58  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** BETH M. GOLDMAN  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
IP PROSECUTION DEPARTMENT  
2050 MAIN STREET, SUITE 1100  
IRVINE, CALIFORNIA 92614-8255  
UNITED STATES  
**Phone:** 415-773-5700  
**Fax:** 415-773-5759  
**Correspondent e-mail:** [ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com) [beth.goldman@orrick.com](mailto:beth.goldman@orrick.com) [blee@orrick.com](mailto:blee@orrick.com) [eaghnami@orrick.com](mailto:eaghnami@orrick.com) [aparker@orrick.com](mailto:aparker@orrick.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 23, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 26, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 26, 2018	PUBLISHED FOR OPPOSITION	
Jun. 06, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 24, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 23, 2018	ASSIGNED TO EXAMINER	76986
Feb. 16, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 12, 2018	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** OLANDRIA, WARREN L  
**Law Office Assigned:** LAW OFFICE 112

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION  
**Date in Location:** May 24, 2018

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [87789924](#)  
**Filing Date:** Jul 23, 2018

**Status:** Extension of Time to Oppose Filed  
**Status Date:** Jul 23, 2018

**Interlocutory Attorney:**

### Defendant

**Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING)

**Correspondent Address:** BETH M. GOLDMAN  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
IP PROSECUTION DEPARTMENT 2050 MAIN STREET, SUITE 1100  
IRVINE CA , 92614-8255

**Correspondent e-mail:** [ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com) , [beth.goldman@orrick.com](mailto:beth.goldman@orrick.com) , [blee@orrick.com](mailto:blee@orrick.com) , [eaghnami@orrick.com](mailto:eaghnami@orrick.com) , [aparker@orrick.com](mailto:aparker@orrick.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TEAM APOLLO	Request For Extension of Time to File Opposition	<a href="#">87789924</a>	
Potential Opposer(s)			

**Name:** Arroware Industries, Inc.

**Correspondent** Timur E. Slonim

**Address:** Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
666 Third Avenue  
New York NY , 10017  
UNITED STATES

**Correspondent e-mail:** [teslonim@mintz.com](mailto:teslonim@mintz.com) , [mmims@mintz.com](mailto:mmims@mintz.com) , [ipdocketingBOS@mintz.com](mailto:ipdocketingBOS@mintz.com)

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jul 23, 2018	
2	EXTENSION OF TIME GRANTED	Jul 23, 2018	

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, June 26, 2018 01:12 AM  
**To:** ipprosecutionsf@orrick.com  
**Cc:** beth.goldman@orrick.com ; blee@orrick.com ; eaghnam@orrick.com ; aparker@orrick.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87789924: TEAM APOLLO: Docket/Reference No. 22497-58

---

### **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87789924  
**Mark:** TEAM APOLLO  
**International Class(es):** 012  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** 22497-58

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 26, 2018.

#### **To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-06-26&serialNumber=87789924>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

#### **Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87789924&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87789924&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87789924&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87789924&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Jun 6, 2018

## NOTICE OF PUBLICATION

- |                                      |  |
|--------------------------------------|--|
| 1. Serial No.:<br>87-789,924         | 2. Mark:<br>TEAM APOLLO<br>(STANDARD CHARACTER MARK)       |
| 3. International Class(es):<br>12    |  |
| 4. Publication Date:<br>Jun 26, 2018 | 5. Applicant:<br>BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

### Email Address(es):

[ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com)  
[beth.goldman@orrick.com](mailto:beth.goldman@orrick.com)  
[blee@orrick.com](mailto:blee@orrick.com)  
[eaghnam@orrick.com](mailto:eaghnam@orrick.com)  
[aparker@orrick.com](mailto:aparker@orrick.com)

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, June 6, 2018 05:02 AM  
**To:** ipprosecutionsf@orrick.com  
**Cc:** beth.goldman@orrick.com ; blee@orrick.com ; eaghnam@orrick.com ; aparker@orrick.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87789924: TEAM APOLLO: Docket/Reference No. 22497-58

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87789924) is scheduled to publish in the *Official Gazette* on Jun 26, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87789924>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).



**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87789924	FILING DATE	02/08/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OLANDRIA, WARREN L	L.O. ASSIGNED	112

**PUB INFORMATION**

RUN DATE	05/25/2018		
PUB DATE	06/26/2018		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	05/24/2018		
LITERAL MARK ELEMENT	TEAM APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	TEAM APOLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100094
ENTITY	99-limited company (ltd.)

CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	012
DESCRIPTION TEXT	Anti-theft devices for vehicles; Autonomous cars; Bicycles; Bodies for vehicles; Camera drones, other than toys; Cars; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Tires for vehicle wheels

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	012	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/24/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
05/23/2018	DOCK	D	ASSIGNED TO EXAMINER	003
02/16/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/12/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	Beth M. Goldman
CORRESPONDENCE ADDRESS	BETH M. GOLDMAN ORRICK, HERRINGTON & SUTCLIFFE LLP IP PROSECUTION DEPARTMENT 2050 MAIN STREET, SUITE 1100 IRVINE, CA 92614-8255
DOMESTIC REPRESENTATIVE	NONE

# TEAM APOLLO

\*\*\* User:wolandria \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	87789917
02	241	N/A	0	0	0:01	"BAIDU ONLINE NETWORK TECHNOLOGY"[on] not dead[lid]
03	1	0	1	1	0:01	87789924
04	1	0	1	1	0:01	87789926
05	5414	N/A	0	0	0:02	*te{v}m*[bi,ti] not dead[lid]
06	2885	N/A	0	0	0:02	*ap{v}ll{v}*[bi,ti] or *ap{v}l{v}*[bi,ti] not dead[lid]
07	3	0	3	3	0:01	5 and 6 not dead[lid]
08	664	N/A	0	0	0:01	*ap{v}ll{v}*[bi,ti] not dead[lid]
09	4852807	N/A	0	0	0:02	"009"[cc] or "012"[cc] or "042"[cc] not dead[lid]
10	438	0	438	420	0:01	8 and 9 not dead[lid]
11	1	0	1	1	0:01	5265059
12	307	0	12	12	0:02	"team"[bi,ti] and "009"[ic] not 44e[CB] not dead[lid] and registrant[on]
13	24577	N/A	0	0	0:02	"team"[bi,ti] and "009"[ic] or (a or b or 200)[ic]
14	4260	N/A	0	0	0:02	5 and 9 not dead[lid]
15	4138	N/A	0	0	0:01	te{v}m*[bi,ti] not dead[lid]
16	3449	N/A	44	44	0:01	9 and 15 not dead[lid]

Session started 5/24/2018 10:36:27 AM

Session finished 5/24/2018 1:37:54 PM

Total search duration 0 minutes 22 seconds

Session duration 181 minutes 27 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 87789924

# TEAM APOLLO

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87789924

Filing Date: 02/08/2018

**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">TEAM APOLLO</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	TEAM APOLLO
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	100094
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	012
*IDENTIFICATION	Anti-theft devices for vehicles; Autonomous cars; Bicycles; Bodies for vehicles; Camera drones, other than toys; Cars; Driverless cars; Electric bicycles; Electric vehicles, namely, <b>automobiles, trucks, vans, sport utility vehicles and structural parts therefor</b> ; Electrically-powered motor vehicles; Motors for land vehicles; Tires for vehicle wheels

<b>*FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Beth M. Goldman
<b>ATTORNEY DOCKET NUMBER</b>	22497-58
<b>FIRM NAME</b>	Orrick, Herrington & Sutcliffe LLP
<b>INTERNAL ADDRESS</b>	IP Prosecution Department
<b>STREET</b>	2050 Main Street, Suite 1100
<b>CITY</b>	Irvine
<b>STATE</b>	California
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	92614-8255
<b>PHONE</b>	415-773-5700
<b>FAX</b>	415-773-5759
<b>EMAIL ADDRESS</b>	ipprosecutionsf@orrick.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Betsy Wang Lee, Eileen Z. Aghnami, Scott Lonardo, Chris Civil, Thomas H. Zellerbach, Kristin S. Cornuelle, Diana M. Rutowski, Jane E. Hinkson, Peter D. Vogl
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	Beth M. Goldman
<b>FIRM NAME</b>	Orrick, Herrington & Sutcliffe LLP
<b>INTERNAL ADDRESS</b>	IP Prosecution Department
<b>*STREET</b>	2050 Main Street, Suite 1100
<b>*CITY</b>	Irvine
<b>*STATE</b> (Required for U.S. addresses)	California
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b>	92614-8255
<b>PHONE</b>	415-773-5700
<b>FAX</b>	415-773-5759
	ipprosecutionsf@orrick.com; beth.goldman@orrick.com;

*EMAIL ADDRESS	blee@orrick.com; eagnami@orrick.com; aparker@orrick.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/Weiling Zhang/
* SIGNATORY'S NAME	Weiling Zhang
* SIGNATORY'S POSITION	Legal Counsel
SIGNATORY'S PHONE NUMBER	415-773-5700
* DATE SIGNED	02/09/2018

---



## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87789924**

**Filing Date: 02/08/2018**

#### To the Commissioner for Trademarks:

**MARK:** TEAM APOLLO (Standard Characters, see [mark](#))  
The mark in your application is TEAM APOLLO.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (Ltd.) legally organized under the laws of China, having an address of  
BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100094  
China

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 012: Anti-theft devices for vehicles; Autonomous cars; Bicycles; Bodies for vehicles; Camera drones, other than toys; Cars; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Tires for vehicle wheels  
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### The applicant's current Attorney Information:

Beth M. Goldman and Betsy Wang Lee, Eileen Z. Aghnami, Scott Lonardo, Chris Civil, Thomas H. Zellerbach, Kristin S. Cornuelle, Diana M. Rutowski, Jane E. Hinkson, Peter D. Vogl of Orrick, Herrington & Sutcliffe LLP

IP Prosecution Department  
2050 Main Street, Suite 1100  
Irvine, California 92614-8255  
United States  
415-773-5700(phone)  
415-773-5759(fax)  
ipprosecutionsf@orrick.com (authorized)

The attorney docket/reference number is 22497-58.

#### The applicant's current Correspondence Information:

Beth M. Goldman  
Orrick, Herrington & Sutcliffe LLP  
IP Prosecution Department  
2050 Main Street, Suite 1100  
Irvine, California 92614-8255  
415-773-5700(phone)  
415-773-5759(fax)

ipprosecutionsf@orrick.com;beth.goldman@orrick.com;blee@orrick.com;eaghnami@orrick.com;aparker@orrick.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the

Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

#### **Declaration**

**Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

#### **Declaration Signature**

Signature: /Weiling Zhang/ Date: 02/09/2018

Signatory's Name: Weiling Zhang

Signatory's Position: Legal Counsel

Signatory's Phone Number: 415-773-5700

Payment Sale Number: 87789924

Payment Accounting Date: 02/08/2018

Serial Number: 87789924

Internet Transmission Date: Thu Feb 08 13:19:22 EST 2018

TEAS Stamp: USPTO/FTK-X.XX.XXX.X-2018020813192293547

8-87789924-5102c3e359a187c6aeb1eb64f26ef

dfea5075f75ec8178716c36641c46dabeb4b42-D

A-13151-20180126104305788658

# TEAM APOLLO

ESTTA Tracking number: **ESTTA930817**

Filing date: **10/24/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	10/24/2018
Address	40 Valleyview Dr., Ancaster Ontario, L9G2A5 CANADA

Attorney information	Timur E. Slonim Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. 666 Third Avenue New York, NY 10017 UNITED STATES teslonim@mintz.com, ipdocketingBOS@mintz.com, kparsons@mintz.com 212-692-6704
----------------------	---

**Applicant Information**

Application No	87789926	Publication date	06/26/2018
Opposition Filing Date	10/24/2018	Opposition Period Ends	10/24/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100094 CHINA		

**Goods/Services Affected by Opposition**

Class 042. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive website that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small

appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Related Proceedings	Opposition No. 91243746 Opposition No. 91243747 Opposition No. 91243953 Opposition No. 91243958 Opposition No. 91243960 Opposition No. 91243592
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Attachments	85895773#TMSN.png( bytes ) Opposition Team Apollo 87789926.PDF(88595 bytes ) Exs. 1,3,4.PDF(531422 bytes ) Ex. 2 Team Apollo 87789926.pdf(212310 bytes )
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Signature	/Timur E. Slonim/
Name	Timur E. Slonim
Date	10/24/2018

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

In the Matter of Application Serial No. 87/789,926  
for TEAM APOLLO  
Published in the *Official Gazette* on June 26, 2018

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Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/789,926
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

---

**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/789,926 for the proposed mark TEAM APOLLO (“Proposed TEAM APOLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on June 26, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/789,926 under Trademark Act Section 1(b) on February 8, 2018 to register the proposed mark TEAM APOLLO for “advanced product research in the field of artificial intelligence; computer services, namely, cloud hosting provider services; computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; consulting services in the field of software as a service (SAAS); customized software development in the field of traffic and transportation; electronic data storage; file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; motor vehicle

inspections; motor vehicle parts design services; product research and development; providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; rental of web servers; research, development, design and upgrading of computer software; vehicle roadworthiness testing” in International Class 042 (“Application”). (Ex. 2) The mark TEAM APOLLO was published in the *Official Gazette* on June 26, 2018.

3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others, all of which are redirected to www.arroware.ca website.
7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer



computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.

8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, recombu.com, betakit.com, alphr.com, rfi.fr, digitlife.fr, and dutchcowboys.nl.
9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, facebook.com, twitter.com, and youtube.com, consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.
10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.  
(Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into the Proposed TEAM APOLLO Mark.

13. Applicant's Proposed TEAM APOLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed TEAM APOLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed TEAM APOLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 66 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information," "file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files," "electronic, electric, and digital transmission of voice, data, images, signals, and messages," "communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks," and "computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest." It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for

computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant's APOLLO Family of Marks is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.

18. The services and goods identified by Applicant's APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer's MYAPOLLO Mark.

19. Upon information and belief, Applicant intends to use its Proposed TEAM APOLLO Mark in connection with "advanced product research in the field of artificial intelligence; computer services, namely, cloud hosting provider services; computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; consulting services in the field of software as a service (SAAS); customized software development in the field of traffic and transportation; electronic data storage; file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; motor vehicle inspections; motor vehicle parts design services; product research and development; providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical

systems and security systems in homes, offices and vehicles; quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; rental of web servers; research, development, design and upgrading of computer software; vehicle roadworthiness testing” as fully recited in the Application. Proposed TEAM APOLLO Mark is part of the APOLLO Family of Marks.

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant’s Proposed TEAM APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer’s MYAPOLLO Mark.
23. The services identified by Applicant’s Proposed TEAM APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer’s MYAPOLLO Mark.
24. The services identified by Applicant’s Proposed TEAM APOLLO Mark, as a constituent part

of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.

25. Applicant's Proposed TEAM APOLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.

26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed TEAM APOLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/789,926 for the mark TEAM APOLLO under Section 2(d) of the Trademark Act.


## **COUNT TWO**

### **LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use TEAM APOLLO mark for each and every good and service recited in the Application when it was filed on February 8, 2018.

Dated: October 24, 2018

Respectfully submitted,

By: 

Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)

Attorneys for *Opposer Arroware Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on October 24, 2018 to:

ipprosecutionsf@orrick.com beth.goldman@orrick.com blee@orrick.com  
eaghnami@orrick.com aparker@orrick.com

Beth M. Goldman  
Orrick, Herrington & Sutcliffe LLP  
Ip Prosecution Department  
2050 Main Street, Suite 1100  
Irvine, California 92614-8255



---

Timur E. Slonim

# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER  
COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES,  
TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT  
BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE  
TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF  
GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Nichelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office





United States Patent and Trademark Office

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## Trademarks &gt; Trademark Electronic Search System (TESS)

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# MYAPOLLO

**Word Mark**  
**Goods and Services**

MY APOLLO

IC 009. US 021 023 026 036 038. G &amp; S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed****Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Serial Number** 85895773**Filing Date** April 4, 2013**Current Basis** 1A**Original Filing Basis** 1B**Published for Opposition** July 30, 2013**Registration Number** 4668175**Registration Date** January 6, 2015**Owner** (REGISTRANT) Arroware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5**Attorney of Record** Timur E. Slonim**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>							

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TSDR now includes a Post Registration Maintenance Tab that appears as a third tab next to the "Status" and "Document" tabs for registered marks. The tab will not appear if the mark is not registered.

The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store, transmit, and display images or graphics, audio, video, and other multimedia content between registered users via global telecommunications networks, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent: TIMUR E. SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

**Assignment Abstract Of Title Information - Click to Load**

## Proceedings - Click to Load

## **Exhibit 3**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

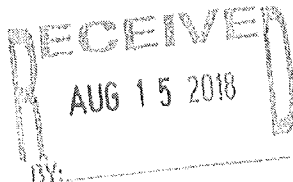


## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date	10 août/Aug 2018
Voire référence - Your File	
Notre référence - Our File	1015829
Numéro d'enregistrement - Registration Number	TMA541,760
Date d'enregistrement - Registration Date	1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

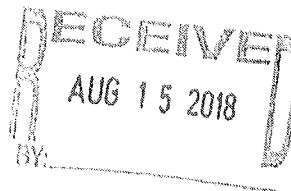
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

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Re: SECTION 45 PROCEEDINGS

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You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



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Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 66 occ: 1451

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88027400		APOLONG	TSDR	LIVE
6	88027396		APOLONG	TSDR	LIVE
7	88027395		APOLONG	TSDR	LIVE
8	88027393		APOLONG	TSDR	LIVE
9	87873650		BIENAPOLLO	TSDR	LIVE
10	87873649		BIENAPOLLO	TSDR	LIVE
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12	87672714		APOLLO PILOT	TSDR	LIVE
13	87672712		APOLLO PILOT	TSDR	LIVE
14	87672710		APOLLO PILOT	TSDR	LIVE
15	87672708		APOLLO PILOT	TSDR	LIVE
16	87672707		APOLLO PILOT	TSDR	LIVE
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23	87873605		EMAPOLLO	TSDR	LIVE
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39	87798327		ULTRAPOLLO	TSDR	LIVE
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42	87798316		DATAPOLLO	TSDR	LIVE
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44	87789924		TEAM APOLLO	TSDR	LIVE
45	87789917		TEAM APOLLO	TSDR	LIVE
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47	87514218		<b>BAIDU</b> APOLLO	TSDR	LIVE
48	87515130		APOLLO	TSDR	LIVE
49	87515123		APOLLO	TSDR	LIVE
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53	87873590		FOREAPOLLO	TSDR	LIVE
54	87515111		APOLLO	TSDR	LIVE
55	87514261		<b>BAIDU</b> APOLLO	TSDR	LIVE
56	87514254		<b>BAIDU</b> APOLLO	TSDR	LIVE
57	87759024		LEAPOLLO	TSDR	LIVE
58	87720768		APOLLIANCE	TSDR	LIVE
59	87720763		APOLLONEER	TSDR	LIVE
60	87514209		<b>BAIDU</b> APOLLO	TSDR	LIVE
61	87515109		APOLLO	TSDR	LIVE
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65	87515119		APOLLO	TSDR	LIVE
66	87514208		<b>BAIDU</b> APOLLO	TSDR	LIVE

## **Exhibit 2**



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# TEAM APOLLO

#### Word Mark TEAM APOLLO

**Goods and Services** IC 042. US 100 101. G & S: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

#### Standard Characters Claimed

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 87789926



**Filing Date** February 8, 2018

**Current Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** June 26, 2018

**Owner** (APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (Ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA 100094

**Attorney of Record** Beth M. Goldman

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**Generated on:** This page was generated by TSDR on 2018-10-23 17:46:15 EDT

**Mark:** TEAM APOLLO

TEAM APOLLO

**US Serial Number:** 87789926

**Application Filing Date:** Feb. 08, 2018

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

**Status Date:** Jul. 23, 2018

**Publication Date:** Jun. 26, 2018

## Mark Information

**Mark Literal Elements:** TEAM APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

**Owner Address:** BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100094  
CHINA

**Legal Entity Type:** limited company (ltd.)

**State or Country** CHINA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Beth M. Goldman

**Docket Number:** 22497-58

**Attorney Primary** [ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** BETH M. GOLDMAN  
**Name/Address:** ORRICK, HERRINGTON & SUTCLIFFE LLP  
IP PROSECUTION DEPARTMENT  
2050 MAIN STREET, SUITE 1100  
IRVINE, CALIFORNIA 92614-8255  
UNITED STATES

**Phone:** 415-773-5700

**Fax:** 415-773-5759

**Correspondent e-mail:** [ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com) [beth.goldman@orrick.com](mailto:beth.goldman@orrick.com) [blee@orrick.com](mailto:blee@orrick.com) [eaghnami@orrick.com](mailto:eaghnami@orrick.com) [aparker@orrick.com](mailto:aparker@orrick.com)

**Correspondent e-mail** Yes  
**Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 23, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 26, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 26, 2018	PUBLISHED FOR OPPOSITION	
Jun. 06, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 24, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 23, 2018	ASSIGNED TO EXAMINER	76986
Feb. 16, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 12, 2018	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** OLANDRIA, WARREN L

**Law Office** LAW OFFICE 112  
**Assigned:**

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 24, 2018

## Proceedings

### Summary

**Number of** 1  
**Proceedings:**

### Type of Proceeding: Extension of Time

**Proceeding** [87789926](#)  
**Number:**

**Filing Date:** Jul 23, 2018

**Status:** Extension of Time to Oppose Filed

**Status Date:** Jul 23, 2018

**Interlocutory**

Attorney:

**Defendant**

**Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING

**Correspondent** BETH M. GOLDMAN

**Address:** ORRICK, HERRINGTON & SUTCLIFFE LLP  
IP PROSECUTION DEPARTMENT 2050 MAIN STREET, SUITE 1100  
IRVINE CA , 92614-8255

**Correspondent e-mail:** [ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com) , [beth.goldman@orrick.com](mailto:beth.goldman@orrick.com) , [blee@orrick.com](mailto:blee@orrick.com) , [eaghnami@orrick.com](mailto:eaghnami@orrick.com) , [aparker@orrick.com](mailto:aparker@orrick.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TEAM APOLLO	Request For Extension of Time to File Opposition	<a href="#">87789926</a>	

**Potential Opposer(s)**

**Name:** Arroware Industries, Inc.

**Correspondent** Timur E. Slonim

**Address:** Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
666 Third Avenue  
New York NY , 10017  
UNITED STATES

**Correspondent e-mail:** [teslonim@mintz.com](mailto:teslonim@mintz.com) , [mmims@mintz.com](mailto:mmims@mintz.com) , [ipdocketingBOS@mintz.com](mailto:ipdocketingBOS@mintz.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jul 23, 2018	
2	EXTENSION OF TIME GRANTED	Jul 23, 2018	

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, June 26, 2018 01:12 AM  
**To:** ipprosecutionsf@orrick.com  
**Cc:** beth.goldman@orrick.com ; blee@orrick.com ; eaghnam@orrick.com ; aparker@orrick.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87789926: TEAM APOLLO: Docket/Reference No. 22497-58

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### **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87789926  
**Mark:** TEAM APOLLO  
**International Class(es):** 042  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** 22497-58

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 26, 2018.

#### **To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-06-26&serialNumber=87789926>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

#### **Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87789926&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87789926&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87789926&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87789926&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Jun 6, 2018

## NOTICE OF PUBLICATION

1. Serial No.:  
87-789,926
2. Mark:  
TEAM APOLLO  
(STANDARD CHARACTER MARK)
3. International Class(es):  
42
4. Publication Date:  
Jun 26, 2018
5. Applicant:  
BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING)

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

### Email Address(es):

[ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com)  
[beth.goldman@orrick.com](mailto:beth.goldman@orrick.com)  
[blee@orrick.com](mailto:blee@orrick.com)  
[eaghnam@orrick.com](mailto:eaghnam@orrick.com)  
[aparker@orrick.com](mailto:aparker@orrick.com)

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, June 6, 2018 05:02 AM  
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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87789926) is scheduled to publish in the *Official Gazette* on Jun 26, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87789926>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

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(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87789926	FILING DATE	02/08/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OLANDRIA, WARREN L	L.O. ASSIGNED	112

**PUB INFORMATION**

RUN DATE	05/25/2018		
PUB DATE	06/26/2018		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	05/24/2018		
LITERAL MARK ELEMENT	TEAM APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	TEAM APOLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100094
ENTITY	99-limited company (ltd.)



CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	042
DESCRIPTION TEXT	Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	042	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/24/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
05/23/2018	DOCK	D	ASSIGNED TO EXAMINER	003
02/16/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/12/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	Beth M. Goldman
CORRESPONDENCE ADDRESS	BETH M. GOLDMAN ORRICK, HERRINGTON & SUTCLIFFE LLP IP PROSECUTION DEPARTMENT 2050 MAIN STREET, SUITE 1100 IRVINE, CA 92614-8255
DOMESTIC REPRESENTATIVE	NONE

# TEAM APOLLO

\*\*\* User:wolandria \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	87789917
02	241	N/A	0	0	0:01	"BAIDU ONLINE NETWORK TECHNOLOGY"[on] not dead[ld]
03	1	0	1	1	0:01	87789924
04	1	0	1	1	0:01	87789926
05	5414	N/A	0	0	0:02	*te{v}m*[bi,ti] not dead[ld]
06	2885	N/A	0	0	0:02	*ap{v}ll{v}*[bi,ti] or *ap{v}l{v}*[bi,ti] not dead[ld]
07	3	0	3	3	0:01	5 and 6 not dead[ld]
08	664	N/A	0	0	0:01	*ap{v}ll{v}*[bi,ti] not dead[ld]
09	4852807	N/A	0	0	0:02	"009"[cc] or "012"[cc] or "042"[cc] not dead[ld]
10	438	0	438	420	0:01	8 and 9 not dead[ld]
11	1	0	1	1	0:01	5265059
12	307	0	12	12	0:02	"team"[bi,ti] and "009"[ic] not 44e[CB] not dead[ld] and registrant[on]
13	24577	N/A	0	0	0:02	"team"[bi,ti] and "009"[ic] or (a or b or 200)[ic]
14	4260	N/A	0	0	0:02	5 and 9 not dead[ld]
15	4138	N/A	0	0	0:01	te{v}m*[bi,ti] not dead[ld]
16	3449	N/A	44	44	0:01	9 and 15 not dead[ld]

Session started 5/24/2018 10:36:27 AM

Session finished 5/24/2018 1:38:25 PM

Total search duration 0 minutes 22 seconds

Session duration 181 minutes 58 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 87789926

**TEAM APOLLO**

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87789926

Filing Date: 02/08/2018

**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">TEAM APOLLO</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	TEAM APOLLO
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	100094
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	042
	Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of <b>vehicles, driverless vehicles, sports, education, food and wine</b> ; Computer services, namely, hosting an interactive web site that

*IDENTIFICATION	allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of <b>motor vehicles, driverless cars, automobiles and structural parts therefore</b> ; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Beth M. Goldman
ATTORNEY DOCKET NUMBER	22497-58
FIRM NAME	Orrick, Herrington & Sutcliffe LLP
INTERNAL ADDRESS	IP Prosecution Department
STREET	2050 Main Street, Suite 1100
CITY	Irvine
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	92614-8255
PHONE	415-773-5700
FAX	415-773-5759
EMAIL ADDRESS	ipprosecutionsf@orrick.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
	Betsy Wang Lee, Eileen Z. Aghnami, Scott Lonardo, Chris

OTHER APPOINTED ATTORNEY	Civil, Thomas H. Zellerbach, Kristin S. Cornuelle, Diana M. Rutowski, Jane E. Hinkson, Peter D. Vogl
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	Beth M. Goldman
FIRM NAME	Orrick, Herrington & Sutcliffe LLP
INTERNAL ADDRESS	IP Prosecution Department
*STREET	2050 Main Street, Suite 1100
*CITY	Irvine
*STATE (Required for U.S. addresses)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	92614-8255
PHONE	415-773-5700
FAX	415-773-5759
*EMAIL ADDRESS	ipprosecutionsf@orrick.com; beth.goldman@orrick.com; blee@orrick.com; eaghnam@orrick.com; aparker@orrick.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/Weiling Zhang/
* SIGNATORY'S NAME	Weiling Zhang
* SIGNATORY'S POSITION	Legal Counsel
SIGNATORY'S PHONE NUMBER	415-773-5700
* DATE SIGNED	02/09/2018

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87789926**

**Filing Date: 02/08/2018**

#### To the Commissioner for Trademarks:

**MARK:** TEAM APOLLO (Standard Characters, see [mark](#))

The mark in your application is TEAM APOLLO.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (ltd.) legally organized under the laws of China, having an address of

BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100094  
China

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 042: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Rental of web servers; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### The applicant's current Attorney Information:

Beth M. Goldman and Betsy Wang Lee, Eileen Z. Aghnami, Scott Lonardo, Chris Civil, Thomas H. Zellerbach, Kristin S. Cornuelle, Diana M. Rutowski, Jane E. Hinkson, Peter D. Vogl of Orrick, Herrington & Sutcliffe LLP

IP Prosecution Department  
2050 Main Street, Suite 1100  
Irvine, California 92614-8255  
United States

415-773-5700(phone)

415-773-5759(fax)

ipprosecutionsf@orrick.com (authorized)

The attorney docket/reference number is 22497-58.

#### The applicant's current Correspondence Information:

Beth M. Goldman

Orrick, Herrington & Sutcliffe LLP



IP Prosecution Department  
2050 Main Street, Suite 1100  
Irvine, California 92614-8255  
415-773-5700(phone)  
415-773-5759(fax)

ipprosecutionsf@orrick.com;beth.goldman@orrick.com;blee@orrick.com;eaghnami@orrick.com;aparker@orrick.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

#### **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

#### **AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

### **Declaration Signature**

Signature: /Weiling Zhang/ Date: 02/09/2018

Signatory's Name: Weiling Zhang

Signatory's Position: Legal Counsel

Signatory's Phone Number: 415-773-5700

Payment Sale Number: 87789926

Payment Accounting Date: 02/08/2018

Serial Number: 87789926

Internet Transmission Date: Thu Feb 08 13:19:50 EST 2018

TEAS Stamp: USPTO/FTK-X.XX.XXX.X-2018020813195045415

2-87789926-510c0d3d9b7d140c44eeaf9ed572

74628affacafe6c76298b39ce78827b36dccc-DA

-13159-20180126105247033083

# TEAM APOLLO

ESTTA Tracking number: **ESTTA930818**

Filing date: **10/24/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	10/24/2018
Address	40 Valleyview Dr. Ancaster Ontario, L9G2A5 CANADA

Attorney information	Timur E. Slonim Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. 666 Third Avenue New York, NY 10017 UNITED STATES teslonim@mintz.com, ipdocketingBOS@mintz.com, kparsons@mintz.com 212-692-6704
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### Applicant Information

Application No	87789917	Publication date	06/26/2018
Opposition Filing Date	10/24/2018	Opposition Period Ends	10/24/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100094 CHINA		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer application software for mobile phones, portable media players, handheld computers, namely, software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computer game software for use on mobile and cellular phones; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric

batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Global positioning system (GPS); Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors; Vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Related Proceedings	Opposition No. 91243746 Opposition No. 91243747 Opposition No. 91243953 Opposition No. 91243958 Opposition No. 91243960 Opposition No. 91243592
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Attachments	85895773#TMSN.png( bytes ) Opposition Team Apollo 87789917.PDF(94239 bytes ) Exs. 1,3,4.PDF(531422 bytes ) Ex. 2 Team Apollo 87789917.pdf(223080 bytes )
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Signature	/Timur E. Slonim/
Name	Timur E. Slonim
Date	10/24/2018

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

In the Matter of Application Serial No. 87/789,917

for TEAM APOLLO

Published in the *Official Gazette* on June 26, 2018

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Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/789,917
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

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**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/789,917 for the proposed mark TEAM APOLLO (“Proposed TEAM APOLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on June 26, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/789,917 under Trademark Act Section 1(b) on February 8, 2018 to register the proposed mark TEAM APOLLO for “augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; computer application software for mobile phones, portable media players, handheld computers, namely, software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; computer game software for use on mobile and cellular phones; computer hardware and computer peripherals; computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computerized vehicle engine analyzers; data processing apparatus;

downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; electric batteries for powering electric vehicles; electrical apparatus, namely, charging stations for charging electric vehicles; electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; global positioning system (GPS); navigation apparatus for vehicles; safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors; vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors” in International Class 009 (“Application”). (Ex. 2) The mark TEAM APOLLO was published in the *Official Gazette* on June 26, 2018.

3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others,

all of which are redirected to [www.arroware.ca](http://www.arroware.ca) website.

7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, recombu.com, betakit.com, alphr.com, rfi.fr, digitlife.fr, and dutchcowboys.nl.
9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, facebook.com, twitter.com, and youtube.com, consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.
10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.  
(Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and



goods.

12. Applicant has incorporated Opposer's source-identifying element APOLLO into the Proposed TEAM APOLLO Mark.
13. Applicant's Proposed TEAM APOLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed TEAM APOLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed TEAM APOLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 66 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information," "file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files," "electronic, electric, and digital transmission of voice, data, images, signals, and messages," "communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks," and "computer

services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest.” It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant’s APOLLO Family of Marks is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant’s APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer’s MYAPOLLO Mark.
19. Upon information and belief, Applicant intends to use its Proposed TEAM APOLLO Mark in connection with “augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; computer application software for mobile phones, portable media players, handheld computers, namely, software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; computer game software for use on mobile and cellular phones; computer hardware and computer peripherals; computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; computerized vehicle engine analyzers; data processing apparatus; downloadable software in the nature of a mobile application for locating and

tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; electric batteries for powering electric vehicles; electrical apparatus, namely, charging stations for charging electric vehicles; electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; global positioning system (GPS); navigation apparatus for vehicles; safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors; vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors” as fully recited in the Application. Proposed TEAM APOLLO Mark is part of the APOLLO Family of Marks.

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant’s Proposed TEAM APOLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are commercially related to the services and

goods identified by Opposer's MYAPOLLO Mark.

23. The services identified by Applicant's Proposed TEAM APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer's MYAPOLLO Mark.

24. The services identified by Applicant's Proposed TEAM APOLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.

25. Applicant's Proposed TEAM APOLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.

26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed TEAM APOLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/789,917 for the mark TEAM APOLLO under Section 2(d) of the Trademark Act.


## **COUNT TWO**

### **LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use TEAM APOLLO mark for each and every good and service recited in the Application when it was filed on February 8, 2018.

Dated: October 24, 2018

Respectfully submitted,

By: 

Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)

Attorneys for *Opposer Arroware Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on October 24, 2018 to:

ipprosecutionsf@orrick.com beth.goldman@orrick.com blee@orrick.com  
eaghnami@orrick.com aparker@orrick.com

Beth M. Goldman  
Orrick, Herrington & Sutcliffe LLP  
Ip Prosecution Department  
2050 Main Street, Suite 1100  
Irvine, California 92614-8255



---

Timur E. Slonim

# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER  
COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES,  
TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT  
BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE  
TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF  
GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office





United States Patent and Trademark Office

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# MYAPOLLO

<b>Word Mark</b>	MY APOLLO
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85895773
<b>Filing Date</b>	April 4, 2013
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 30, 2013
<b>Registration Number</b>	4668175
<b>Registration Date</b>	January 6, 2015
<b>Owner</b>	(REGISTRANT) Arrowware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5
<b>Attorney of Record</b>	Timur E. Slonim
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
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The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store, transmit, and display images or graphics, audio, video, and other multimedia content between registered users via global telecommunications networks, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent TIMUR E SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

**Assignment Abstract Of Title Information - Click to Load**

## Proceedings - Click to Load

## **Exhibit 3**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

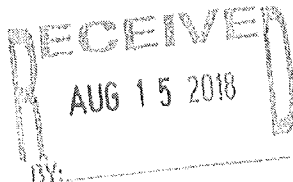


## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

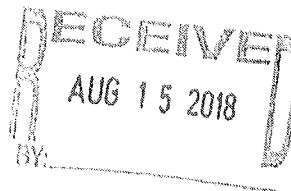
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



## United States Patent and Trademark Office

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**66 Records(s) found**  
**(This page: 1 ~ 66)**

Refine Search  (\$pol\$)[BI] and (baidu)[ALL]

Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 66 occ: 1451

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88027400		APOLONG	TSDR	LIVE
6	88027396		APOLONG	TSDR	LIVE
7	88027395		APOLONG	TSDR	LIVE
8	88027393		APOLONG	TSDR	LIVE
9	87873650		BIENAPOLLO	TSDR	LIVE
10	87873649		BIENAPOLLO	TSDR	LIVE
11	87672716		APOLLO PILOT	TSDR	LIVE
12	87672714		APOLLO PILOT	TSDR	LIVE
13	87672712		APOLLO PILOT	TSDR	LIVE
14	87672710		APOLLO PILOT	TSDR	LIVE
15	87672708		APOLLO PILOT	TSDR	LIVE
16	87672707		APOLLO PILOT	TSDR	LIVE
17	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
18	87677545		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87677544		APOLLO COMPUTING UNIT	TSDR	LIVE
20	87672706		APOLLO PILOT	TSDR	LIVE
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22	87873606		EMAPOLLO	TSDR	LIVE
23	87873605		EMAPOLLO	TSDR	LIVE
24	87873604		EMAPOLLO	TSDR	LIVE
25	87873601		COMAPOLLO	TSDR	LIVE
26	87873596		COMAPOLLO	TSDR	LIVE

27	87873595		COMAPOLLO	TSDR	LIVE
28	87895688		APOLLAI	TSDR	LIVE
29	87895680		APOLLAI	TSDR	LIVE
30	87895672		APOLLAI	TSDR	LIVE
31	87873641		BYAPOLLO	TSDR	LIVE
32	87873640		BYAPOLLO	TSDR	LIVE
33	87873637		BYAPOLLO	TSDR	LIVE
34	87798333		CAR-POLLO	TSDR	LIVE
35	87798332		CAR-POLLO	TSDR	LIVE
36	87798331		CAR-POLLO	TSDR	LIVE
37	87798330		ULTRAPOLLO	TSDR	LIVE
38	87798328		ULTRAPOLLO	TSDR	LIVE
39	87798327		ULTRAPOLLO	TSDR	LIVE
40	87798325		DATAPOLLO	TSDR	LIVE
41	87798318		DATAPOLLO	TSDR	LIVE
42	87798316		DATAPOLLO	TSDR	LIVE
43	87789926		TEAM APOLLO	TSDR	LIVE
44	87789924		TEAM APOLLO	TSDR	LIVE
45	87789917		TEAM APOLLO	TSDR	LIVE
46	87514258		<b>BAIDU</b> APOLLO	TSDR	LIVE
47	87514218		<b>BAIDU</b> APOLLO	TSDR	LIVE
48	87515130		APOLLO	TSDR	LIVE
49	87515123		APOLLO	TSDR	LIVE
50	87515121		APOLLO	TSDR	LIVE
51	87873594		FOREAPOLLO	TSDR	LIVE
52	87873592		FOREAPOLLO	TSDR	LIVE
53	87873590		FOREAPOLLO	TSDR	LIVE
54	87515111		APOLLO	TSDR	LIVE
55	87514261		<b>BAIDU</b> APOLLO	TSDR	LIVE
56	87514254		<b>BAIDU</b> APOLLO	TSDR	LIVE
57	87759024		LEAPOLLO	TSDR	LIVE
58	87720768		APOLLIANCE	TSDR	LIVE
59	87720763		APOLLONEER	TSDR	LIVE
60	87514209		<b>BAIDU</b> APOLLO	TSDR	LIVE
61	87515109		APOLLO	TSDR	LIVE
62	87672715		APOLLO PILOT	TSDR	LIVE
63	87515105		APOLLO	TSDR	LIVE
64	87515127		APOLLO	TSDR	LIVE
65	87515119		APOLLO	TSDR	LIVE
66	87514208		<b>BAIDU</b> APOLLO	TSDR	LIVE

## **Exhibit 2**



## United States Patent and Trademark Office

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# TEAM APOLLO

#### Word Mark TEAM APOLLO

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer application software for mobile phones, portable media players, handheld computers, namely, software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computer game software for use on mobile and cellular phones; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Global positioning system (GPS); Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors; Vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors

**Standard Characters Claimed**

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK



**Serial Number** 87789917  
**Filing Date** February 8, 2018  
**Current Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** June 26, 2018  
**Owner** (APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (Ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA 100094  
**Attorney of Record** Beth M. Goldman  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>
<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>					

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**Generated on:** This page was generated by TSDR on 2018-10-23 17:34:29 EDT

**Mark:** TEAM APOLLO

TEAM APOLLO

**US Serial Number:** 87789917

**Application Filing Date:** Feb. 08, 2018

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Jul. 23, 2018

**Publication Date:** Jun. 26, 2018

## Mark Information

**Mark Literal Elements:** TEAM APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer application software for mobile phones, portable media players, handheld computers, namely, software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computer game software for use on mobile and cellular phones; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Global positioning system (GPS); Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors; Vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

**Owner Address:** BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING CHINA 100094

**Legal Entity Type:** limited company (ltd.)

**State or Country** CHINA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Beth M. Goldman

**Docket Number:** 22497-58

**Attorney Primary** [ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** BETH M. GOLDMAN  
**Name/Address:** ORRICK, HERRINGTON & SUTCLIFFE LLP  
IP PROSECUTION DEPARTMENT  
2050 MAIN STREET, SUITE 1100  
IRVINE, CALIFORNIA UNITED STATES 92614-8255

**Phone:** 415-773-5700

**Fax:** 415-773-5759

**Correspondent e-mail:** [ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com) [beth.goldman@orrick.com](mailto:beth.goldman@orrick.com)  
[com\\_blee@orrick.com](mailto:com_blee@orrick.com) [eaghnami@orrick.com](mailto:eaghnami@orrick.com) [apa\\_rker@orrick.com](mailto:apa_rker@orrick.com)

**Correspondent e-mail** Yes  
**Authorized:**

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 23, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 26, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 26, 2018	PUBLISHED FOR OPPOSITION	
Jun. 06, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 24, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 23, 2018	ASSIGNED TO EXAMINER	76986
Feb. 16, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 12, 2018	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** OLANDRIA, WARREN L

**Law Office** LAW OFFICE 112  
**Assigned:**

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 24, 2018

## Proceedings

### Summary

**Number of** 1  
**Proceedings:**

**Type of Proceeding:** Extension of Time

Proceeding [87789917](#)  
Number:

Filing Date: Jul 23, 2018

Status: Extension of Time to Oppose Filed

Status Date: Jul 23, 2018

Interlocutory  
Attorney:

**Defendant**

Name: BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING)

Correspondent BETH M. GOLDMAN  
Address: ORRICK, HERRINGTON & SUTCLIFFE LLP  
IP PROSECUTION DEPARTMENT 2050 MAIN STREET, SUITE 1100  
IRVINE CA , 92614-8255

Correspondent e-mail: [ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com) , [beth.goldman@orrick.com](mailto:beth.goldman@orrick.com) , [blee@orrick.com](mailto:blee@orrick.com) , [eaghnami@orrick.com](mailto:eaghnami@orrick.com) , [aparker@orrick.com](mailto:aparker@orrick.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TEAM APOLLO	Request For Extension of Time to File Opposition	<a href="#">87789917</a>	

**Potential Opposer(s)**

Name: Arroware Industries, Inc.

Correspondent Timur E. Slonim  
Address: Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
666 Third Avenue  
New York NY UNITED STATES , 10017

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com) , [mmims@mintz.com](mailto:mmims@mintz.com) , [ipdocketingBOS@mintz.com](mailto:ipdocketingBOS@mintz.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jul 23, 2018	
2	EXTENSION OF TIME GRANTED	Jul 23, 2018	

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, June 26, 2018 01:12 AM  
**To:** ipprosecutionsf@orrick.com  
**Cc:** beth.goldman@orrick.com ; blee@orrick.com ; eaghnam@orrick.com ; aparker@orrick.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87789917: TEAM APOLLO: Docket/Reference No. 22497-58

---

### **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87789917  
**Mark:** TEAM APOLLO  
**International Class(es):** 009  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** 22497-58

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jun 26, 2018.

#### **To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-06-26&serialNumber=87789917>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

#### **Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87789917&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87789917&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87789917&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87789917&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Jun 6, 2018

## NOTICE OF PUBLICATION

1. Serial No.:  
87-789,917
2. Mark:  
TEAM APOLLO  
(STANDARD CHARACTER MARK)
3. International Class(es):  
9
4. Publication Date:  
Jun 26, 2018
5. Applicant:  
BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING)

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

### Email Address(es):

[ipprosecutionsf@orrick.com](mailto:ipprosecutionsf@orrick.com)  
[beth.goldman@orrick.com](mailto:beth.goldman@orrick.com)  
[blee@orrick.com](mailto:blee@orrick.com)  
[eaghnam@orrick.com](mailto:eaghnam@orrick.com)  
[aparker@orrick.com](mailto:aparker@orrick.com)

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, June 6, 2018 05:02 AM  
**To:** ipprosecutionsf@orrick.com  
**Cc:** beth.goldman@orrick.com ; blee@orrick.com ; eaghnam@orrick.com ; aparker@orrick.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87789917: TEAM APOLLO: Docket/Reference No. 22497-58

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87789917) is scheduled to publish in the *Official Gazette* on Jun 26, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87789917>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87789917	FILING DATE	02/08/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OLANDRIA, WARREN L	L.O. ASSIGNED	112

**PUB INFORMATION**

RUN DATE	05/25/2018		
PUB DATE	06/26/2018		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	05/24/2018		
LITERAL MARK ELEMENT	TEAM APOLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	TEAM APOLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100094
ENTITY	99-limited company (ltd.)



CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer application software for mobile phones, portable media players, handheld computers, namely, software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computer game software for use on mobile and cellular phones; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Global positioning system (GPS); Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors; Vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/24/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	004
05/23/2018	DOCK	D	ASSIGNED TO EXAMINER	003
02/16/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/12/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	Beth M. Goldman
CORRESPONDENCE ADDRESS	BETH M. GOLDMAN ORRICK, HERRINGTON & SUTCLIFFE LLP IP PROSECUTION DEPARTMENT 2050 MAIN STREET, SUITE 1100 IRVINE, CA 92614-8255
DOMESTIC REPRESENTATIVE	NONE

# TEAM APOLLO

\*\*\* User:wolandria \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	87789917
02	241	N/A	0	0	0:01	"BAIDU ONLINE NETWORK TECHNOLOGY"[on] not dead[ld]
03	1	0	1	1	0:01	87789924
04	1	0	1	1	0:01	87789926
05	5414	N/A	0	0	0:02	*te{v}m*[bi,ti] not dead[ld]
06	2885	N/A	0	0	0:02	*ap{v}ll{v}*[bi,ti] or *ap{v}l{v}*[bi,ti] not dead[ld]
07	3	0	3	3	0:01	5 and 6 not dead[ld]
08	664	N/A	0	0	0:01	*ap{v}ll{v}*[bi,ti] not dead[ld]
09	4852807	N/A	0	0	0:02	"009"[cc] or "012"[cc] or "042"[cc] not dead[ld]
10	438	0	438	420	0:01	8 and 9 not dead[ld]
11	1	0	1	1	0:01	5265059
12	307	0	12	12	0:02	"team"[bi,ti] and "009"[ic] not 44e[CB] not dead[ld] and registrant[on]
13	24577	N/A	0	0	0:02	"team"[bi,ti] and "009"[ic] or (a or b or 200)[ic]
14	4260	N/A	0	0	0:02	5 and 9 not dead[ld]
15	4138	N/A	0	0	0:01	te{v}m*[bi,ti] not dead[ld]
16	3449	N/A	44	44	0:01	9 and 15 not dead[ld]

Session started 5/24/2018 10:36:27 AM

Session finished 5/24/2018 1:37:33 PM

Total search duration 0 minutes 22 seconds

Session duration 181 minutes 6 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 87789917

**TEAM APOLLO**

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87789917

Filing Date: 02/08/2018

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">TEAM APOLLO</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	TEAM APOLLO
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	100094
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	009
	Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of <b>locating vehicles, creating maps, navigating</b> ; Computer application software for <b>mobile phones, portable media players, handheld computers</b> , namely, software for <b>locating and tracking vehicles using radio frequency</b> ,

<p><b>*IDENTIFICATION</b></p>	<p>global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computer game software for use on mobile and cellular phones; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for <b>locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information</b>; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking <b>vehicles</b> using <b>radio frequency, global positioning systems, cellular communication network</b>; Global positioning system (GPS); Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors; Vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors</p>
<p><b>*FILING BASIS</b></p>	<p>SECTION 1(b)</p>
<p><b>ADDITIONAL STATEMENTS INFORMATION</b></p>	
<p><b>*TRANSLATION</b> (if applicable)</p>	
<p><b>*TRANSLITERATION</b> (if applicable)</p>	
<p><b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)</p>	
<p><b>*CONSENT (NAME/LIKENESS)</b> (if applicable)</p>	
<p><b>*CONCURRENT USE CLAIM</b> (if applicable)</p>	
<p><b>ATTORNEY INFORMATION</b></p>	
<p><b>NAME</b></p>	<p>Beth M. Goldman</p>
<p><b>ATTORNEY DOCKET NUMBER</b></p>	<p>22497-58</p>
<p><b>FIRM NAME</b></p>	<p>Orrick, Herrington &amp; Sutcliffe LLP</p>
<p><b>INTERNAL ADDRESS</b></p>	<p>IP Prosecution Department</p>
<p><b>STREET</b></p>	<p>2050 Main Street, Suite 1100</p>
<p><b>CITY</b></p>	<p>Irvine</p>
<p><b>STATE</b></p>	<p>California</p>
<p><b>COUNTRY</b></p>	<p>United States</p>
<p><b>ZIP/POSTAL CODE</b></p>	<p>92614-8255</p>
<p><b>PHONE</b></p>	<p>415-773-5700</p>
<p><b>FAX</b></p>	<p>415-773-5759</p>

EMAIL ADDRESS	ipprosecutionsf@orrick.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Betsy Wang Lee, Eileen Z. Aghnami, Scott Lonardo, Chris Civil, Thomas H. Zellerbach, Kristin S. Cornuelle, Diana M. Rutowski, Jane E. Hinkson, Peter D. Vogl
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	Beth M. Goldman
FIRM NAME	Orrick, Herrington & Sutcliffe LLP
INTERNAL ADDRESS	IP Prosecution Department
*STREET	2050 Main Street, Suite 1100
*CITY	Irvine
*STATE (Required for U.S. addresses)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	92614-8255
PHONE	415-773-5700
FAX	415-773-5759
*EMAIL ADDRESS	ipprosecutionsf@orrick.com; beth.goldman@orrick.com; blee@orrick.com; eaghnam@orrick.com; aparker@orrick.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/Weiling Zhang/
* SIGNATORY'S NAME	Weiling Zhang
* SIGNATORY'S POSITION	Legal Counsel
SIGNATORY'S PHONE NUMBER	415-773-5700
* DATE SIGNED	02/09/2018

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87789917**

**Filing Date: 02/08/2018**

#### To the Commissioner for Trademarks:

**MARK:** TEAM APOLLO (Standard Characters, see [mark](#))  
The mark in your application is TEAM APOLLO.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (Ltd.) legally organized under the laws of China, having an address of  
BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100094  
China

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 009: Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer application software for mobile phones, portable media players, handheld computers, namely, software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computer game software for use on mobile and cellular phones; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Global positioning system (GPS); Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors; Vehicle safety equipment, namely, electronic vibration, shock, motion, angle, temperature and voltage monitors

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### The applicant's current Attorney Information:

Beth M. Goldman and Betsy Wang Lee, Eileen Z. Aghnami, Scott Lonardo, Chris Civil, Thomas H. Zellerbach, Kristin S. Cornuelle, Diana M. Rutowski, Jane E. Hinkson, Peter D. Vogl of Orrick, Herrington & Sutcliffe LLP

IP Prosecution Department  
2050 Main Street, Suite 1100  
Irvine, California 92614-8255  
United States  
415-773-5700(phone)  
415-773-5759(fax)

ipprosecutionsf@orrick.com (authorized)

The attorney docket/reference number is 22497-58.

#### The applicant's current Correspondence Information:

Beth M. Goldman



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IP Prosecution Department  
2050 Main Street, Suite 1100  
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415-773-5700(phone)  
415-773-5759(fax)

ipprosecutionsf@orrick.com;beth.goldman@orrick.com;blee@orrick.com;eaghnami@orrick.com;aparker@orrick.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

#### Declaration

☒ **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
  - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
  - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- ☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- ☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- ☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

#### Declaration Signature

Signature: /Weiling Zhang/ Date: 02/09/2018  
Signatory's Name: Weiling Zhang  
Signatory's Position: Legal Counsel  
Signatory's Phone Number: 415-773-5700  
Payment Sale Number: 87789917  
Payment Accounting Date: 02/08/2018

Serial Number: 87789917  
Internet Transmission Date: Thu Feb 08 13:18:57 EST 2018  
TEAS Stamp: USPTO/FTK-X.XX.XXX.X-2018020813185795129  
0-87789917-5106ec114103f16544a512eb07484  
7e7073694f7de863fa99cef6e188d8575c767a-D  
A-13145-20180126102839748125

# TEAM APOLLO

ESTTA Tracking number: **ESTTA936523**

Filing date: **11/20/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	11/21/2018
Address	40 Valleyview Dr. Ancaster,, L9G2A5 CANADA
Attorney information	TIMUR E SLONIM MINTZ LEVIN 666 THIRD AVE NEW YORK, NY 10017 UNITED STATES tslonim@mintz.com, kparsons@mintz.com, ipdocketingbos@mintz.com 212-692-6704

**Applicant Information**

Application No	87798333	Publication date	07/24/2018
Opposition Filing Date	11/20/2018	Opposition Period Ends	11/21/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100085 CHINA		

**Goods/Services Affected by Opposition**

Class 042. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large

and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Related Proceedings	Opposition No. 91243746 Opposition No. 91243747 Opposition No. 91243953 Opposition No. 91243958 Opposition No. 91243960
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Attachments	85895773#TMSN.png( bytes ) Opposition Car-Pollo 87798333.PDF(3243461 bytes ) Ex. 2 Car-pollo 87798333.pdf(596998 bytes ) Exs. 1,3,4.PDF(490697 bytes )
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Signature	/TIMUR E SLONIM/
Name	TIMUR E SLONIM
Date	11/20/2018

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

In the Matter of Application Serial No. 87/798,333

for CAR-POLLO

Published in the *Official Gazette* on July 24, 2018

Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/798,333
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/798,333 for the proposed mark CAR-POLLO (“Proposed CAR-POLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on July 24, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/798,333 under Trademark Act Section 1(b) on February 15, 2018 to register the proposed mark CAR-POLLO for “Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor

vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing” in International Class 042 (“Application”). (Ex. 2) The mark CAR-POLLO was published in the *Official Gazette* on July 24, 2018.

3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013 until 2015.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others, all of which are redirected to www.arroware.ca website.
7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to

describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.

8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, recombun.com, betakit.com, alphr.com, rfi.fr, digitlife.fr, and dutchcowboys.nl.
9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, facebook.com, twitter.com, and youtube.com, consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.
10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.  
(Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into the



Proposed CAR-POLLO Mark.

13. Applicant's Proposed CAR-POLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed CAR-POLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed CAR-POLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 73 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, APOLLO CYBER RT, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information," "file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files," "electronic, electric, and digital transmission of voice, data, images, signals, and messages," "communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks," and "computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest." It is clear from this extensive list that

Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant's APOLLO Family of Marks is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant's APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer's MYAPOLLO Mark.
19. Upon information and belief, Applicant intends to use its Proposed CAR-POLLO Mark in connection with "Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring

technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing” as fully recited in the Application. Proposed CAR-POLLO Mark is part of the APOLLO Family of Marks.

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant’s Proposed CAR-POLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer’s MYAPOLLO Mark.
23. The services identified by Applicant’s Proposed CAR-POLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer’s MYAPOLLO Mark.

24. The services identified by Applicant's Proposed CAR-POLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.
25. Applicant's Proposed CAR-POLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed CAR-POLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/798,333 for the mark CAR-POLLO under Section 2(d) of the Trademark Act.

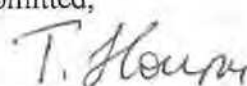
**COUNT TWO**  
**LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use CAR-POLLO mark for each and every good and service recited in the Application when it was filed on February 15, 2018.

Dated: November 20, 2018

Respectfully submitted,

By:

  
\_\_\_\_\_  
Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)  
*Attorneys for Opposer Arroware Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on November 20, 2018 to:

bon.tbcl@gmail.com  
XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT HONG KONG



---

Timur E. Slonim

## **Exhibit 2**



# United States Patent and Trademark Office

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# Car-pollo

**Word Mark** CAR-POLLO

**Translations** The English translation of the word "POLLO" in the mark is "CHICKEN".

**Goods and Services** IC 042. US 100 101. G & S: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

87798333

**Serial Number**  
**Filing Date** February 15, 2018  
**Current Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** July 24, 2018  
**Owner** (APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA 100085  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>
<a href="#">NEXT LIST</a>	<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>					

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**Generated on:** This page was generated by TSDR on 2018-11-20 18:40:57 EST

**Mark:** CAR-POLLO

# Car-pollo

**US Serial Number:** 87798333

**Application Filing Date:** Feb. 15, 2018

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Aug. 23, 2018

**Publication Date:** Jul. 24, 2018

## Mark Information

**Mark Literal Elements:** CAR-POLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Translation:** The English translation of the word "POLLO" in the mark is "CHICKEN".

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

**Owner Address:** BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING CHINA 100085

**Legal Entity Type:** limited company (ltd.)

**State or Country** CHINA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Docket Number:** VM89277

### Correspondent

**Correspondent Name/Address:** XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT HONG KONG

**Correspondent e-mail:** [bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 23, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 24, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 24, 2018	PUBLISHED FOR OPPOSITION	
Jul. 04, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 18, 2018	ASSIGNED TO LIE	68123
Jun. 07, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 05, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 05, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 05, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 25, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 25, 2018	NON-FINAL ACTION E-MAILED	6325
May 25, 2018	NON-FINAL ACTION WRITTEN	76986
May 24, 2018	ASSIGNED TO EXAMINER	76986
Feb. 23, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 19, 2018	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** OLANDRIA, WARREN L

**Law Office Assigned:** LAW OFFICE 112

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jun. 20, 2018

## Proceedings

### Summary

**Number of** 1

Proceedings:

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [87798333](#)

**Filing Date:** Aug 23, 2018

**Status:** Extension of Time to Oppose Filed

**Status Date:** Aug 23, 2018

**Interlocutory Attorney:**

**Defendant**

**Name:** Baidu Online Network Technology (Beijing ) Co., Ltd.

**Correspondent Address:** XIANG HAILONG  
FLAT C 29/F TOWER 3 DISCOVERY PARK  
TSUEN WAN NT HONG KONG

**Correspondent e-mail:** [bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAR-POLLO	Request For Extension of Time to File Opposition	<a href="#">87798333</a>	
<b>Potential Opposer(s)</b>			

**Name:** Arroware Industries, Inc.

**Correspondent Address:** TIMUR E SLONIM  
MINTZ LEVIN  
666 THIRD AVE  
NEW YORK NY UNITED STATES , 10017

**Correspondent e-mail:** [tslonim@mintz.com](mailto:tslonim@mintz.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FIRST 90-DAY REQUEST TO EXT TIME TO OPPOSE	Aug 23, 2018	
2	EXT GRANTED	Aug 24, 2018	

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, July 24, 2018 00:55 AM  
**To:** bon.tbcl@gmail.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87798333: CAR-POLLO: Docket/Reference No. VM89277

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## **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87798333  
**Mark:** CAR-POLLO  
**International Class(es):** 042  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** VM89277

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jul 24, 2018.

### **To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-07-24&serialNumber=87798333>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

### **Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87798333&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87798333&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87798333&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87798333&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Jul 4, 2018

## NOTICE OF PUBLICATION

1. Serial No.:  
87-798,333
2. Mark:  
CAR-POLLO  
(STANDARD CHARACTER MARK)
3. International Class(es):  
42
4. Publication Date:  
Jul 24, 2018
5. Applicant:  
BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING)

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

**Email Address(es):**

[bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

---

**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, July 4, 2018 04:39 AM  
**To:** bon.tbcl@gmail.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87798333: CAR-POLLO: Docket/Reference No. VM89277

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87798333) is scheduled to publish in the *Official Gazette* on Jul 24, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87798333>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87798333	FILING DATE	02/15/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OLANDRIA, WARREN L	L.O. ASSIGNED	112

**PUB INFORMATION**

RUN DATE	06/08/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	06/07/2018		
LITERAL MARK ELEMENT	CAR-POLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CAR-POLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100085
ENTITY	99-limited company (ltd.)

CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	042
DESCRIPTION TEXT	Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	042	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
TRANSLATION	The English translation of the word "POLLO" in the mark is "CHICKEN".

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/07/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	010
06/05/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
06/05/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
06/05/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
05/25/2018	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/25/2018	GNRT	F	NON-FINAL ACTION E-MAILED	005
05/25/2018	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/24/2018	DOCK	D	ASSIGNED TO EXAMINER	003
02/23/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/19/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE



# Car-pollo

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87798333	FILING DATE	02/15/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OLANDRIA, WARREN L	L.O. ASSIGNED	112

**PUB INFORMATION**

RUN DATE	06/06/2018		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	06/05/2018		
LITERAL MARK ELEMENT	CAR-POLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CAR-POLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100085
ENTITY	99-limited company (ltd.)

CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	042
DESCRIPTION TEXT	Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	042	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
TRANSLATION	The English translation of the word "POLLO" in the mark is "CHICKEN".

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/05/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
06/05/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
06/05/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
05/25/2018	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/25/2018	GNRT	F	NON-FINAL ACTION E-MAILED	005
05/25/2018	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/24/2018	DOCK	D	ASSIGNED TO EXAMINER	003
02/23/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/19/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE

# Car-pollo

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87798333
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87798333/large
LITERAL ELEMENT	CAR-POLLO
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ADDITIONAL STATEMENTS SECTION	
TRANSLATION	The English translation of the word "POLLO" in the mark is "CHICKEN".
SIGNATURE SECTION	
RESPONSE SIGNATURE	/xhl/
SIGNATORY'S NAME	XIANG, HAILONG
SIGNATORY'S POSITION	Director
DATE SIGNED	06/05/2018
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jun 05 06:02:37 EDT 2018
TEAS STAMP	USPTO/ROA-XXX.XX.XXX.XXX- 20180605060237816347-8779 8333-610c21fb0b9cbe10ff71 36b76f64e591494565a4a9255 ba7d19cb467aa8694a37-N/A- N/A-20180605060108572592

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **87798333** CAR-POLLO(Standard Characters, see https://tmng-al.uspto.gov/resting2/api/img/87798333/large) has been amended as follows:

## **ADDITIONAL STATEMENTS**

### **Translation**

The English translation of the word "POLLO" in the mark is "CHICKEN".

## **SIGNATURE(S)**

### **Response Signature**

Signature: /xhl/ Date: 06/05/2018

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder ; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 87798333

Internet Transmission Date: Tue Jun 05 06:02:37 EDT 2018

TEAS Stamp: USPTO/ROA-XXX.XX.XXX.XXX-201806050602378

16347-87798333-610c21fb0b9cbe10ff7136b76

f64e591494565a4a9255ba7d19cb467aa8694a37

-N/A-N/A-20180605060108572592

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87798333 - CAR-POLLO - VM89277  
**Sent:** 5/25/2018 5:46:07 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:** [Attachment - 1](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**  
**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION**  
**SERIAL NO.** 87798333

**MARK:** CAR-POLLO

**\*87798333\***

**CORRESPONDENT**  
**ADDRESS:**

XIANG, HAILONG  
  
FLAT C, 29/F,  
TOWER 3, DISCOVERY  
PARK

TSUEN WAN, NT  
  
HONG KONG

**CLICK HERE TO RESPOND TO THIS  
LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

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**APPLICANT:** BAIDU  
ONLINE NETWORK  
TECHNOLOGY  
(BEIJING ETC.)

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

VM89277

**CORRESPONDENT  
E-MAIL ADDRESS:**

[bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

**ISSUE/MAILING DATE:** 5/25/2018

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

### **E-MAIL RESPONSE SUGGESTED**

Warren L. Olandria  
Trademark Examining Attorney  
U.S. Patent & Trademark Office  
Law Office 112  
Phone: 571-272-9718  
[Warren.Olandria@uspto.gov](mailto:Warren.Olandria@uspto.gov)

Applicant is encouraged to telephone or e-mail the assigned trademark examining attorney to resolve the issues raised in this Office action by examiner's amendment. Although the USPTO will not accept a formal response by e-mail, an applicant may communicate informally by phone or e-mail with the trademark examining attorney to agree to a proposed amendment to the application that will immediately place the application in condition for publication for opposition, issuance of a registration, or suspension. *See* 37 C.F.R. §2.62(c); TMEP §707.

### **SUMMARY OF ISSUES:**

- Translation.

### **INFORMALITIES**

### **ENGLISH TRANSLATION REQUIRED**

Applicant must submit an English translation of all foreign wording in the mark. 37 C.F.R. §§2.32(a)(9), 2.61(b); *see* TMEP §809. In the present case, the wording "POLLO" requires translation.

The following translation statement is suggested:

**The English translation of the word "POLLO" in the mark is "CHICKEN".**

TMEP §809.03. See attached translation evidence.

The USPTO applies the following legal authorities when processing a trademark and/or service mark application:

- The Trademark Act of 1946, as amended
- The Trademark Rules of Practice, as amended



- Precedential court and Trademark Trial and Appeal Board decisions
- The USPTO's *Trademark Manual of Examining Procedure* (TMEP), as periodically updated
- The USPTO's *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), as periodically updated

See 15 U.S.C. §§1051 *et seq.*; 37 C.F.R. pts. 2, 3, 6, 7, 11; TMEP intro., §§101, 107, 110.

Official USPTO letters and notices sent to applicants generally refer to one or more of these legal resources. Both the Trademark Act and Trademark Rules of Practice can be viewed online at <http://www.uspto.gov/trademarks/law/index.jsp>. The TMEP is available online at <http://www.uspto.gov/trademarks/resources/index.jsp> and the TBMP and Trademark Trial and Appeal Board decisions are available online at <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

/Warren L. Olandria/  
 Trademark Examining Attorney  
 U.S. Patent & Trademark Office  
 Law Office 112  
 Phone: 571-272-9718  
 Warren.Olandria@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailling date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at

<http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Spanish

pollo

English

**chicken** *n.*

Bueno para comidas sencillas, se recomienda especialmente el pollo.

↳ The right place for simple meals, the chicken is especially recommended.

Hay varias maneras de mejorar al pollo.

↳ So we have a number of ways that we actually can fix the chicken.

**chick** *n.*

Ven, pollo, pollo, pollo.

↳ Here, chick, chick, chick.

Consult translations in [Collins](#) and [Reverso Dictionaries](#)

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XITI

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87798333 - CAR-POLLO - VM89277  
**Sent:** 5/25/2018 5:46:09 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR**  
**U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **5/25/2018** FOR U.S. APPLICATION SERIAL NO. 87798333

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

(1) **READ THE LETTER** by clicking on this [link](#) or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **5/25/2018**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). A response transmitted through TEAS must be received before midnight **Eastern Time** of the last day of the response period.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

(3) **QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Warren L. Olandria/  
Trademark Examining Attorney  
U.S. Patent & Trademark Office  
Law Office 112  
Phone: 571-272-9718  
[Warren.Olandria@uspto.gov](mailto:Warren.Olandria@uspto.gov)

## **WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:wolandria \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	87798331
02	241	0	4	4	0:02	"BAIDU ONLINE NETWORK TECHNOLOGY"[on] not dead[ld]
03	49997	N/A	0	0	0:02	*{"ckqx"}ar*[bi,ti] not dead[ld]
04	16561	N/A	0	0	0:11	*p{v}ll{v}*[bi,ti] or *{"ckqx"}h{"iy"}{"ckqx"}*[bi,ti] not dead[ld]
05	168	0	114	109	0:01	3 and 4 not dead[ld]
06	4852807	N/A	0	0	0:03	"009"[cc] or "012"[cc] or "042"[cc] not dead[ld]
07	114	0	114	109	0:01	5 and 6 not dead[ld]

Session started 5/24/2018 6:21:10 PM

Session finished 5/24/2018 7:12:54 PM

Total search duration 0 minutes 21 seconds

Session duration 51 minutes 44 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICSRS as Serial Number: 87798333

# Car-pollo

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87798333

Filing Date: 02/15/2018

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">Car-pollo</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Car-pollo
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	100085
EMAIL ADDRESS	bon.tbcl@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	042
	Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an



<p><b>*IDENTIFICATION</b></p>	<p>interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of <b>vehicles, driverless vehicles, sports, education, food and wine</b>; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of <b>motor vehicles, driverless cars, automobiles and structural parts therefore</b>; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing</p>
<p><b>*FILING BASIS</b></p>	<p>SECTION 1(b)</p>
<p><b>ADDITIONAL STATEMENTS SECTION</b></p>	
<p><b>*TRANSLATION</b> (if applicable)</p>	<p>The wording Car-pollo has no meaning in a foreign language.</p>
<p><b>*TRANSLITERATION</b> (if applicable)</p>	
<p><b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)</p>	
<p><b>*CONSENT (NAME/LIKENESS)</b> (if applicable)</p>	
<p><b>*CONCURRENT USE CLAIM</b> (if applicable)</p>	
<p><b>SIGNIFICANCE OF MARK</b></p>	<p>Car-pollo appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Car-pollo has no meaning in a foreign language.</p>
<p><b>CORRESPONDENCE INFORMATION</b></p>	
<p><b>*NAME</b></p>	<p>XIANG, HAILONG</p>
<p><b>DOCKET/REFERENCE NUMBER</b></p>	<p>VM89277</p>
<p><b>*STREET</b></p>	<p>FLAT C, 29/F, TOWER 3, DISCOVERY PARK</p>
<p><b>*CITY</b></p>	<p>TSUEN WAN, NT</p>
<p><b>*COUNTRY</b></p>	<p>Hong Kong</p>
<p><b>*EMAIL ADDRESS</b></p>	<p>bon.tbcl@gmail.com</p>
<p><b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b></p>	<p>Yes</p>
<p><b>FEE INFORMATION</b></p>	

<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	225
<b>* TOTAL FEE PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/xhl/
<b>* SIGNATORY'S NAME</b>	XIANG, HAILONG
<b>* SIGNATORY'S POSITION</b>	Director
<b>* DATE SIGNED</b>	02/15/2018

---

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87798333**

**Filing Date: 02/15/2018**

#### To the Commissioner for Trademarks:

**MARK:** Car-pollo (Standard Characters, see [mark](#))  
The mark in your application is Car-pollo.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (ltd.) legally organized under the laws of China, having an address of  
BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100085  
China  
bon.tbcl@gmail.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 042: Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing  
Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### Translation

The wording Car-pollo has no meaning in a foreign language.

#### Significance of wording, letter(s), or numeral(s)

Car-pollo appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Car-pollo has no meaning in a foreign language.

The applicant's current Correspondence Information:

XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT, Hong Kong  
bon.tbcl@gmail.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's

attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

The docket/reference number is VM89277.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

☒ **Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

☒ To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

☒ To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

☒ The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

### **Declaration Signature**

Signature: /xhl/ Date: 02/15/2018

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

Payment Sale Number: 87798333

Payment Accounting Date: 02/15/2018

Serial Number: 87798333

Internet Transmission Date: Thu Feb 15 01:02:10 EST 2018

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-201802150102105

99773-87798333-51058716a7d47e975651f719f

961559797c53cb7c419835b18383aaef71ea4af-

CC-6613-20180215010103004220

# Car-pollo

# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER  
COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES,  
TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT  
BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE  
TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF  
GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



United States Patent and Trademark Office

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# MYAPOLLO

**Word Mark** MY APOLLO  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85895773

**Filing Date** April 4, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 30, 2013

**Registration Number** 4668175

**Registration Date** January 6, 2015

**Owner** (REGISTRANT) Arroware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5

**Attorney of Record** Timur E. Slonim

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE



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TSDR now includes a Post Registration Maintenance Tab that appears as a third tab next to the "Status" and "Document" tabs for registered marks. The tab will not appear if the mark is not registered.

The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and retrieve images or graphics, audio, video, and other multimedia content between registered users via global communication networks, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent TIMUR E SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

**Assignment Abstract Of Title Information - Click to Load**

## Proceedings - Click to Load

## **Exhibit 3**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

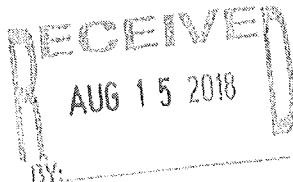
## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688



Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

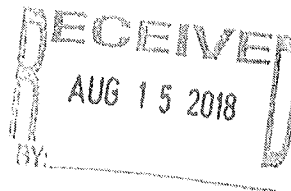
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

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Re: SECTION 45 PROCEEDINGS

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The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



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**74 Records(s) found**  
**(This page: 1 ~ 74)**

Refine Search  (\$pol\$)[BI] and (baidu)[ALL]

Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 74 occ: 1574

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88177281		APOLLO CYBER RT	TSDR	LIVE
6	88177277		APOLLO CYBER RT	TSDR	LIVE
7	88177273		APOLLO CYBER RT	TSDR	LIVE
8	88177270		APOLLO CYBER RT	TSDR	LIVE
9	88177268		APOLLO CYBER RT	TSDR	LIVE
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11	88177266		APOLLO CYBER RT	TSDR	LIVE
12	88177265		APOLLO CYBER RT	TSDR	LIVE
13	88027400		APOLONG	TSDR	LIVE
14	88027396		APOLONG	TSDR	LIVE
15	88027395		APOLONG	TSDR	LIVE
16	88027393		APOLONG	TSDR	LIVE
17	87515105		APOLLO	TSDR	DEAD
18	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87514254		BAIDU APOLLO	TSDR	LIVE
20	87514208		BAIDU APOLLO	TSDR	LIVE
21	87514261		BAIDU APOLLO	TSDR	LIVE
22	87515121		APOLLO	TSDR	LIVE
23	87515111		APOLLO	TSDR	LIVE
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25	87789924		TEAM APOLLO	TSDR	LIVE

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56	<a href="#">87798332</a>		CAR-POLLO	TSDR	LIVE
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ESTTA Tracking number: **ESTTA936529**

Filing date: **11/20/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	11/21/2018
Address	40 Valleyview Dr. Ancaster,, L9G2A5 CANADA
Attorney information	TIMUR E SLONIM MINTZ LEVIN 666 THIRD AVE NEW YORK, NY 10017 UNITED STATES tslonim@mintz.com, kparsons@mintz.com, ipdocketingbos@mintz.com 212-692-6704

### Applicant Information

Application No	87798332	Publication date	07/24/2018
Opposition Filing Date	11/20/2018	Opposition Period Ends	11/21/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100085 CHINA		


### Goods/Services Affected by Opposition

Class 012. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Autonomous cars; Bodies for vehicles; Cars; Civilian drones; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Remotely controlled land vehicle; Tires for vehiclewheels
--

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization		

Related Proceedings	Opposition No. 91243746 Opposition No. 91243747 Opposition No. 91243953 Opposition No. 91243958 Opposition No. 91243960
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Attachments	85895773#TMSN.png( bytes ) Opposition Car-Pollo 87798332.PDF(2863605 bytes ) Exs. 1,3,4.PDF(490697 bytes ) Ex. 2 Car-pollo 87798332.pdf(578213 bytes )
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Signature	/TIMUR E SLONIM/
Name	TIMUR E SLONIM
Date	11/20/2018



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

In the Matter of Application Serial No. 87/798,332

for CAR-POLLO

Published in the *Official Gazette* on July 24, 2018

---

Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/798,332
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

---

**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/798,332 for the proposed mark CAR-POLLO (“Proposed CAR-POLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on July 24, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/798,332 under Trademark Act Section 1(b) on February 15, 2018 to register the proposed mark CAR-POLLO for “Autonomous cars; Bodies for vehicles; Cars; Civilian drones; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Remotely controlled land vehicle; Tires for vehicle wheels” in International Class 012 (“Application”). (Ex. 2) The mark CAR-POLLO was published in the *Official Gazette* on July 24, 2018.
3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013 until

2015.

6. Opposer has been using its MYAPOLLO Mark on its website [www.arroware.ca](http://www.arroware.ca) since 2016, and on its website [www.myapolloenterprise.com](http://www.myapolloenterprise.com) since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as [myapollobigdata.com](http://myapollobigdata.com), [myapollobigdata.net](http://myapollobigdata.net), [myapollohardware.com](http://myapollohardware.com), [myapollohardware.net](http://myapollohardware.net), [myapolloservers.com](http://myapolloservers.com), [myapolloservers.net](http://myapolloservers.net), [myapollo.cloud](http://myapollo.cloud), [myapollo.org](http://myapollo.org), [myapollo.tech](http://myapollo.tech), as well as many others, all of which are redirected to [www.arroware.ca](http://www.arroware.ca) website.
7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, [recombu.com](http://recombu.com), [betakit.com](http://betakit.com), [alphr.com](http://alphr.com), [rfi.fr](http://rfi.fr), [digitlife.fr](http://digitlife.fr), and [dutchcowboys.nl](http://dutchcowboys.nl).
9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, [facebook.com](http://facebook.com), [twitter.com](http://twitter.com), and [youtube.com](http://youtube.com), consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.

10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada. (Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.
12. Applicant has incorporated Opposer's source-identifying element APOLLO into the Proposed CAR-POLLO Mark.
13. Applicant's Proposed CAR-POLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed CAR-POLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed CAR-POLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 73 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, APOLLO CYBER RT, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing,

organizing, modifying, book marking, transmission, storage and sharing of data and information,” “file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files,” “electronic, electric, and digital transmission of voice, data, images, signals, and messages,” “communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks,” and “computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest.” It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant’s APOLLO Family of Marks is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant’s APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer’s MYAPOLLO Mark.
19. Upon information and belief, Applicant intends to use its Proposed CAR-POLLO Mark in connection with “Autonomous cars; Bodies for vehicles; Cars; Civilian drones; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Remotely controlled land vehicle; Tires for vehicle wheels” as fully recited in the Application. Proposed CAR-POLLO Mark is part of the APOLLO Family of Marks. For

example, in another Application No. 87/798,333 Applicant seeks to register CAR-POLLO mark for “Advanced product research in the field of artificial intelligence; Computer services, namely, cloud hosting provider services; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, creating, maintaining, designing, and implementing websites for others in the field of vehicles, driverless vehicles, sports, education, food and wine; Consulting services in the field of software as a service (SAAS); Customized software development in the field of traffic and transportation; Electronic data storage; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Mapping services; Motor vehicle inspections; Motor vehicle parts design services; Product research and development; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a website featuring technology enabling users to remotely view, monitor, program, operate and control large and small appliances, electrical systems and security systems in homes, offices and vehicles; Quality management services, namely, quality evaluation and analysis, quality assurance, and quality control, in the field of motor vehicles, driverless cars, automobiles and structural parts therefore; Research, development, design and upgrading of computer software; Vehicle roadworthiness testing.”

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio,



video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.

21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware's peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant's Proposed CAR-POLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer's MYAPOLLO Mark.
23. The services identified by Applicant's Proposed CAR-POLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed through the same or similar retail and online outlets as the services and goods identified by Opposer's MYAPOLLO Mark.
24. The services identified by Applicant's Proposed CAR-POLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.
25. Applicant's Proposed CAR-POLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed CAR-POLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and

refuse registration to Applicant of U.S. Application Serial No. 87/798,332 for the mark CAR-POLLO under Section 2(d) of the Trademark Act.


**COUNT TWO**

**LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use CAR-POLLO mark for each and every good and service recited in the Application when it was filed on February 15, 2018.

Dated: November 20, 2018

Respectfully submitted,

By:   
\_\_\_\_\_  
Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)

*Attorneys for Opposer Arroware Industries, Inc.*



CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on November 20, 2018 to:

bon.tbcl@gmail.com  
XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT HONG KONG



---

Timur E. Slonim

# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER  
COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES,  
TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT  
BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE  
TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF  
GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Nichelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



United States Patent and Trademark Office

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## Trademarks &gt; Trademark Electronic Search System (TESS)

TESS was last updated on Tue Sep 11 04:51:02 EDT 2018

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[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) [List At:](#)  [OR](#) [Jump](#) to record:  **Record 116 out of 187**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# MYAPOLLO

**Word Mark** MY APOLLO  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85895773

**Filing Date** April 4, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 30, 2013

**Registration Number** 4668175

**Registration Date** January 6, 2015

**Owner** (REGISTRANT) Arrowware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5

**Attorney of Record** Timur E. Slonim

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
<a href="#">FIRST DOC</a>	<a href="#">PREV DOC</a>	<a href="#">NEXT DOC</a>	<a href="#">LAST DOC</a>							

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TSDR now includes a Post Registration Maintenance Tab that appears as a third tab next to the "Status" and "Document" tabs for registered marks. The tab will not appear if the mark is not registered.

The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store, transmit, and display images or graphics, audio, video, and other multimedia content between registered users via global telecommunications networks, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent TIMUR E SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

**Assignment Abstract Of Title Information - Click to Load**



## Proceedings - Click to Load

## **Exhibit 3**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

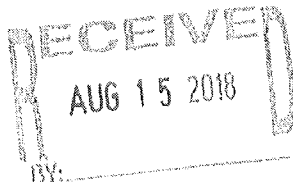
In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

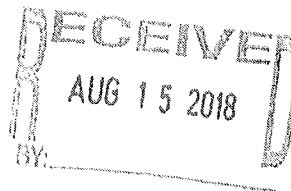
cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Marque de commerce - Trade-mark  
APOLLO

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



# United States Patent and Trademark Office

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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88177281		APOLLO CYBER RT	TSDR	LIVE
6	88177277		APOLLO CYBER RT	TSDR	LIVE
7	88177273		APOLLO CYBER RT	TSDR	LIVE
8	88177270		APOLLO CYBER RT	TSDR	LIVE
9	88177268		APOLLO CYBER RT	TSDR	LIVE
10	88177267		APOLLO CYBER RT	TSDR	LIVE
11	88177266		APOLLO CYBER RT	TSDR	LIVE
12	88177265		APOLLO CYBER RT	TSDR	LIVE
13	88027400		APOLONG	TSDR	LIVE
14	88027396		APOLONG	TSDR	LIVE
15	88027395		APOLONG	TSDR	LIVE
16	88027393		APOLONG	TSDR	LIVE
17	87515105		APOLLO	TSDR	DEAD
18	87677546		APOLLO COMPUTING UNIT	TSDR	LIVE
19	87514254		BAIDU APOLLO	TSDR	LIVE
20	87514208		BAIDU APOLLO	TSDR	LIVE
21	87514261		BAIDU APOLLO	TSDR	LIVE
22	87515121		APOLLO	TSDR	LIVE
23	87515111		APOLLO	TSDR	LIVE
24	87789926		TEAM APOLLO	TSDR	LIVE
25	87789924		TEAM APOLLO	TSDR	LIVE



26	<a href="#">87789917</a>		TEAM APOLLO	TSDR	LIVE
27	<a href="#">87515130</a>		APOLLO	TSDR	LIVE
28	<a href="#">87515123</a>		APOLLO	TSDR	LIVE
29	<a href="#">87672712</a>		APOLLO PILOT	TSDR	LIVE
30	<a href="#">87672710</a>		APOLLO PILOT	TSDR	LIVE
31	<a href="#">87672708</a>		APOLLO PILOT	TSDR	LIVE
32	<a href="#">87672707</a>		APOLLO PILOT	TSDR	LIVE
33	<a href="#">87515119</a>		APOLLO	TSDR	LIVE
34	<a href="#">87515109</a>		APOLLO	TSDR	LIVE
35	<a href="#">87895688</a>		APOLLAI	TSDR	LIVE
36	<a href="#">87895680</a>		APOLLAI	TSDR	LIVE
37	<a href="#">87895672</a>		APOLLAI	TSDR	LIVE
38	<a href="#">87873651</a>		BIENAPOLLO	TSDR	LIVE
39	<a href="#">87873606</a>		EMAPOLLO	TSDR	LIVE
40	<a href="#">87873605</a>		EMAPOLLO	TSDR	LIVE
41	<a href="#">87873604</a>		EMAPOLLO	TSDR	LIVE
42	<a href="#">87873601</a>		COMAPOLLO	TSDR	LIVE
43	<a href="#">87873596</a>		COMAPOLLO	TSDR	LIVE
44	<a href="#">87873595</a>		COMAPOLLO	TSDR	LIVE
45	<a href="#">87873650</a>		BIENAPOLLO	TSDR	LIVE
46	<a href="#">87873649</a>		BIENAPOLLO	TSDR	LIVE
47	<a href="#">87672716</a>		APOLLO PILOT	TSDR	LIVE
48	<a href="#">87672714</a>		APOLLO PILOT	TSDR	LIVE
49	<a href="#">87677545</a>		APOLLO COMPUTING UNIT	TSDR	LIVE
50	<a href="#">87677544</a>		APOLLO COMPUTING UNIT	TSDR	LIVE
51	<a href="#">87672706</a>		APOLLO PILOT	TSDR	LIVE
52	<a href="#">87873641</a>		BYAPOLLO	TSDR	LIVE
53	<a href="#">87873640</a>		BYAPOLLO	TSDR	LIVE
54	<a href="#">87873637</a>		BYAPOLLO	TSDR	LIVE
55	<a href="#">87798333</a>		CAR-POLLO	TSDR	LIVE
56	<a href="#">87798332</a>		CAR-POLLO	TSDR	LIVE
57	<a href="#">87798331</a>		CAR-POLLO	TSDR	LIVE
58	<a href="#">87798330</a>		ULTRAPOLLO	TSDR	LIVE
59	<a href="#">87798328</a>		ULTRAPOLLO	TSDR	LIVE
60	<a href="#">87798327</a>		ULTRAPOLLO	TSDR	LIVE
61	<a href="#">87798325</a>		DATAPOLLO	TSDR	LIVE
62	<a href="#">87798318</a>		DATAPOLLO	TSDR	LIVE
63	<a href="#">87798316</a>		DATAPOLLO	TSDR	LIVE
64	<a href="#">87514258</a>		BAIDU APOLLO	TSDR	LIVE
65	<a href="#">87514218</a>		BAIDU APOLLO	TSDR	LIVE
66	<a href="#">87873594</a>		FOREAPOLLO	TSDR	LIVE
67	<a href="#">87873592</a>		FOREAPOLLO	TSDR	LIVE
68	<a href="#">87873590</a>		FOREAPOLLO	TSDR	LIVE
69	<a href="#">87759024</a>		LEAPOLLO	TSDR	LIVE
70	<a href="#">87720768</a>		APOLLIANCE	TSDR	LIVE

71	<a href="#">87720763</a>		<a href="#">APOLLONEER</a>	<a href="#">TSDR</a>	<a href="#">LIVE</a>
72	<a href="#">87514209</a>		<a href="#">BAIDU APOLLO</a>	<a href="#">TSDR</a>	<a href="#">LIVE</a>
73	<a href="#">87672715</a>		<a href="#">APOLLO PILOT</a>	<a href="#">TSDR</a>	<a href="#">LIVE</a>
74	<a href="#">87515127</a>		<a href="#">APOLLO</a>	<a href="#">TSDR</a>	<a href="#">LIVE</a>

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## **Exhibit 2**



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# Car-pollo

<b>Word Mark</b>	<b>CAR-POLLO</b>
<b>Translations</b>	The English translation of the word "POLLO" in the mark is "CHICKEN".
<b>Goods and Services</b>	IC 012. US 019 021 023 031 035 044. G & S: Autonomous cars; Bodies for vehicles; Cars; Civilian drones; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Remotely controlled land vehicle; Tires for vehicle wheels
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	87798332
<b>Filing Date</b>	February 15, 2018
<b>Current Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 24, 2018
<b>Owner</b>	(APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (Ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA 100085
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL LIVE

**Live/Dead  
Indicator**

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**Mark:** CAR-POLLO

Car-pollo

**US Serial Number:** 87798332

**Application Filing Date:** Feb. 15, 2018

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Aug. 23, 2018

**Publication Date:** Jul. 24, 2018

## Mark Information

**Mark Literal Elements:** CAR-POLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Translation:** The English translation of the word "POLLO" in the mark is "CHICKEN".

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Autonomous cars; Bodies for vehicles; Cars; Civilian drones; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Remotely controlled land vehicle; Tires for vehicle wheels

**International Class(es):** 012 - Primary Class

**U.S Class(es):** 019, 021, 023, 031, 035, 044

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** Yes

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

**Owner Address:** BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100085  
CHINA

**Legal Entity Type:** limited company (ltd.)

**State or Country** CHINA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Docket Number:** VM89276

### Correspondent

**Correspondent Name/Address:** XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT  
HONG KONG

**Correspondent e-mail:** [bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 23, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 24, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 24, 2018	PUBLISHED FOR OPPOSITION	
Jul. 04, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 18, 2018	ASSIGNED TO LIE	68123
Jun. 07, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 05, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 05, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 05, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 25, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 25, 2018	NON-FINAL ACTION E-MAILED	6325
May 25, 2018	NON-FINAL ACTION WRITTEN	76986
May 24, 2018	ASSIGNED TO EXAMINER	76986
Feb. 23, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 19, 2018	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** OLANDRIA, WARREN L

**Law Office Assigned:** LAW OFFICE 112

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jun. 20, 2018

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [87798332](#)

**Filing Date:** Aug 23, 2018

**Status:** Extension of Time to Oppose Filed

**Status Date:** Aug 23, 2018

**Interlocutory Attorney:**

### Defendant

**Name:** Baidu Online Network Technology (Beijing ) Co., Ltd.

**Correspondent Address:** XIANG HAILONG  
FLAT C 29/F TOWER 3 DISCOVERY PARK

TSUEN WAN NT HONG KONG

Correspondent e-mail: [bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAR-POLLO	Request For Extension of Time to File Opposition	<a href="#">87798332</a>	

**Potential Opposer(s)**

**Name:** Arroware Industries, Inc.

**Correspondent Address:** TIMUR E SLONIM  
MINTZ LEVIN  
666 THIRD AVE  
NEW YORK NY , 10017  
UNITED STATES

Correspondent e-mail: [tslonim@mintz.com](mailto:tslonim@mintz.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FIRST 90-DAY REQUEST TO EXT TIME TO OPPOSE	Aug 23, 2018	
2	EXT GRANTED	Aug 24, 2018	



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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, July 24, 2018 00:55 AM  
**To:** bon.tbcl@gmail.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87798332: CAR-POLLO: Docket/Reference No. VM89276

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## **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87798332  
**Mark:** CAR-POLLO  
**International Class(es):** 012  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** VM89276

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jul 24, 2018.

### **To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-07-24&serialNumber=87798332>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

### **Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87798332&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87798332&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87798332&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87798332&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Jul 4, 2018

## NOTICE OF PUBLICATION

- |                                      |  |
|--------------------------------------|--|
| 1. Serial No.:<br>87-798,332         | 2. Mark:<br>CAR-POLLO<br>(STANDARD CHARACTER MARK)         |
| 3. International Class(es):<br>12    |  |
| 4. Publication Date:<br>Jul 24, 2018 | 5. Applicant:<br>BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

**Email Address(es):**

[bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

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**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, July 4, 2018 04:39 AM  
**To:** bon.tbcl@gmail.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87798332: CAR-POLLO: Docket/Reference No. VM89276

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NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87798332) is scheduled to publish in the *Official Gazette* on Jul 24, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87798332>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

Do NOT hit "Reply" to this e-mail notification. If you have any questions about the content of the Notice of Publication, contact [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov).

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87798332	FILING DATE	02/15/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OLANDRIA, WARREN L	L.O. ASSIGNED	112

**PUB INFORMATION**

RUN DATE	06/08/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	06/07/2018		
LITERAL MARK ELEMENT	CAR-POLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CAR-POLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100085
ENTITY	99-limited company (ltd.)

CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	012
DESCRIPTION TEXT	Autonomous cars; Bodies for vehicles; Cars; Civilian drones; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Remotely controlled land vehicle; Tires for vehicle wheels

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	012	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
TRANSLATION	The English translation of the word "POLLO" in the mark is "CHICKEN".

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/07/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	010
06/05/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
06/05/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
06/05/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
05/25/2018	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/25/2018	GNRT	F	NON-FINAL ACTION E-MAILED	005
05/25/2018	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/24/2018	DOCK	D	ASSIGNED TO EXAMINER	003
02/23/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/19/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE

# Car-pollo

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87798332	FILING DATE	02/15/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OLANDRIA, WARREN L	L.O. ASSIGNED	112

**PUB INFORMATION**

RUN DATE	06/06/2018		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	06/05/2018		
LITERAL MARK ELEMENT	CAR-POLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CAR-POLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100085
ENTITY	99-limited company (ltd.)

CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	012
DESCRIPTION TEXT	Autonomous cars; Bodies for vehicles; Cars; Civilian drones; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Remotely controlled land vehicle; Tires for vehicle wheels

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	012	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
TRANSLATION	The English translation of the word "POLLO" in the mark is "CHICKEN".

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/05/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
06/05/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
06/05/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
05/25/2018	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/25/2018	GNRT	F	NON-FINAL ACTION E-MAILED	005
05/25/2018	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/24/2018	DOCK	D	ASSIGNED TO EXAMINER	003
02/23/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/19/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE



# Car-pollo

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87798332
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87798332/large
LITERAL ELEMENT	CAR-POLLO
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ADDITIONAL STATEMENTS SECTION	
TRANSLATION	The English translation of the word "POLLO" in the mark is "CHICKEN".
SIGNATURE SECTION	
RESPONSE SIGNATURE	/xhl/
SIGNATORY'S NAME	XIANG, HAILONG
SIGNATORY'S POSITION	Director
DATE SIGNED	06/05/2018
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jun 05 06:00:36 EDT 2018
TEAS STAMP	USPTO/ROA-XXX.XX.XXX.XXX- 20180605060036083317-8779 8332-610a3cbeaa123a6359c3 ba8a44208766fdc3cb52591ab 34bb2d92b21d5f47927e4-N/A -N/A-20180605055908255017

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **87798332** CAR-POLLO(Standard Characters, see https://tmng-al.uspto.gov/resting2/api/img/87798332/large) has been amended as follows:

## **ADDITIONAL STATEMENTS**

### **Translation**

The English translation of the word "POLLO" in the mark is "CHICKEN".

## **SIGNATURE(S)**

### **Response Signature**

Signature: /xhl/ Date: 06/05/2018

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder ; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 87798332

Internet Transmission Date: Tue Jun 05 06:00:36 EDT 2018

TEAS Stamp: USPTO/ROA-XXX.XX.XXX.XXX-201806050600360

83317-87798332-610a3cbeaa123a6359c3ba8a4

4208766fdc3cb52591ab34bb2d92b21d5f47927e

4-N/A-N/A-20180605055908255017

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87798332 - CAR-POLLO - VM89276  
**Sent:** 5/25/2018 5:45:39 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:** [Attachment - 1](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**  
**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION**  
**SERIAL NO.** 87798332

**MARK:** CAR-POLLO

**\*87798332\***

**CORRESPONDENT**  
**ADDRESS:**

XIANG, HAILONG  
  
FLAT C, 29/F,  
TOWER 3, DISCOVERY  
PARK

TSUEN WAN, NT  
  
HONG KONG

**CLICK HERE TO RESPOND TO THIS  
LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** BAIDU  
ONLINE NETWORK  
TECHNOLOGY  
(BEIJING ETC.)

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

VM89276

**CORRESPONDENT  
E-MAIL ADDRESS:**

[bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

**ISSUE/MAILING DATE:** 5/25/2018

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

### **E-MAIL RESPONSE SUGGESTED**

Warren L. Olandria  
Trademark Examining Attorney  
U.S. Patent & Trademark Office  
Law Office 112  
Phone: 571-272-9718  
[Warren.Olandria@uspto.gov](mailto:Warren.Olandria@uspto.gov)

Applicant is encouraged to telephone or e-mail the assigned trademark examining attorney to resolve the issues raised in this Office action by examiner's amendment. Although the USPTO will not accept a formal response by e-mail, an applicant may communicate informally by phone or e-mail with the trademark examining attorney to agree to a proposed amendment to the application that will immediately place the application in condition for publication for opposition, issuance of a registration, or suspension. *See* 37 C.F.R. §2.62(c); TMEP §707.

### **SUMMARY OF ISSUES:**

- Translation.

### **INFORMALITIES**

### **ENGLISH TRANSLATION REQUIRED**

Applicant must submit an English translation of all foreign wording in the mark. 37 C.F.R. §§2.32(a)(9), 2.61(b); *see* TMEP §809. In the present case, the wording "POLLO" requires translation.

The following translation statement is suggested:

**The English translation of the word "POLLO" in the mark is "CHICKEN".**

TMEP §809.03. See attached translation evidence.

The USPTO applies the following legal authorities when processing a trademark and/or service mark application:

- The Trademark Act of 1946, as amended
- The Trademark Rules of Practice, as amended
- Precedential court and Trademark Trial and Appeal Board decisions
- The USPTO's *Trademark Manual of Examining Procedure* (TMEP), as periodically updated

- The USPTO's *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), as periodically updated

See 15 U.S.C. §§1051 *et seq.*; 37 C.F.R. pts. 2, 3, 6, 7, 11; TMEP intro., §§101, 107, 110.

Official USPTO letters and notices sent to applicants generally refer to one or more of these legal resources. Both the Trademark Act and Trademark Rules of Practice can be viewed online at <http://www.uspto.gov/trademarks/law/index.jsp>. The TMEP is available online at <http://www.uspto.gov/trademarks/resources/index.jsp> and the TBMP and Trademark Trial and Appeal Board decisions are available online at <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

/Warren L. Olandria/  
Trademark Examining Attorney  
U.S. Patent & Trademark Office  
Law Office 112  
Phone: 571-272-9718  
Warren.Olandria@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailling date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking

status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Spanish

pollo

English

**chicken** *n.*

Bueno para comidas sencillas, se recomienda especialmente el pollo.

↳ The right place for simple meals, the chicken is especially recommended.

Hay varias maneras de mejorar al pollo.

↳ So we have a number of ways that we actually can fix the chicken.

**chick** *n.*

Ven, pollo, pollo, pollo.

↳ Here, chick, chick, chick.

Consult translations in [Collins](#) and [Reverso Dictionaries](#)

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XITI



**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87798332 - CAR-POLLO - VM89276  
**Sent:** 5/25/2018 5:45:41 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR**  
**U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **5/25/2018** FOR U.S. APPLICATION SERIAL NO. 87798332

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

(1) **READ THE LETTER** by clicking on this [link](#) or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **5/25/2018**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). A response transmitted through TEAS must be received before midnight **Eastern Time** of the last day of the response period.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

(3) **QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Warren L. Olandria/  
Trademark Examining Attorney  
U.S. Patent & Trademark Office  
Law Office 112  
Phone: 571-272-9718  
[Warren.Olandria@uspto.gov](mailto:Warren.Olandria@uspto.gov)

## **WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:wolandria \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	87798331
02	241	0	4	4	0:02	"BAIDU ONLINE NETWORK TECHNOLOGY"[on] not dead[ld]
03	49997	N/A	0	0	0:02	*{"ckqx"}ar*[bi,ti] not dead[ld]
04	16561	N/A	0	0	0:11	*p{v}ll{v}*[bi,ti] or *{"ckqx"}h{"iy"}{"ckqx"}*[bi,ti] not dead[ld]
05	168	0	114	109	0:01	3 and 4 not dead[ld]
06	4852807	N/A	0	0	0:03	"009"[cc] or "012"[cc] or "042"[cc] not dead[ld]
07	114	0	114	109	0:01	5 and 6 not dead[ld]

Session started 5/24/2018 6:21:10 PM

Session finished 5/24/2018 7:12:29 PM

Total search duration 0 minutes 21 seconds

Session duration 51 minutes 19 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICSRS as Serial Number: 87798332

# Car-pollo

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87798332

Filing Date: 02/15/2018

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">Car-pollo</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Car-pollo
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	100085
EMAIL ADDRESS	bon.tbcl@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	012
	Autonomous cars; Bodies for vehicles; Cars; Civilian drones; Driverless cars; Electric bicycles; Electric vehicles, namely, <b>automobiles, trucks, vans, sport utility vehicles and</b>

<b>*IDENTIFICATION</b>	<b>structural parts therefor</b> ; Electrically-powered motor vehicles; Motors for land vehicles; Remotely controlled land vehicle; Tires for vehicle wheels
<b>*FILING BASIS</b>	SECTION 1(b)
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>*TRANSLATION</b> (if applicable)	The wording Car-pollo has no meaning in a foreign language.
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT (NAME/LIKENESS)</b> (if applicable)	
<b>*CONCURRENT USE CLAIM</b> (if applicable)	
<b>SIGNIFICANCE OF MARK</b>	Car-pollo appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Car-pollo has no meaning in a foreign language.
<b>CORRESPONDENCE INFORMATION</b>	
<b>*NAME</b>	XIANG, HAILONG
<b>DOCKET/REFERENCE NUMBER</b>	VM89276
<b>*STREET</b>	FLAT C, 29/F, TOWER 3, DISCOVERY PARK
<b>*CITY</b>	TSUEN WAN, NT
<b>*COUNTRY</b>	Hong Kong
<b>*EMAIL ADDRESS</b>	bon.tbcl@gmail.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS Plus
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	225
<b>*TOTAL FEE PAID</b>	225
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/xhl/
<b>* SIGNATORY'S NAME</b>	XIANG, HAILONG
<b>* SIGNATORY'S POSITION</b>	Director
<b>* DATE SIGNED</b>	02/15/2018

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87798332**

**Filing Date: 02/15/2018**

#### To the Commissioner for Trademarks:

**MARK:** Car-pollo (Standard Characters, see [mark](#))  
The mark in your application is Car-pollo.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (Ltd.) legally organized under the laws of China, having an address of  
BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100085  
China  
bon.tbcl@gmail.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 012: Autonomous cars; Bodies for vehicles; Cars; Civilian drones; Driverless cars; Electric bicycles; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor; Electrically-powered motor vehicles; Motors for land vehicles; Remotely controlled land vehicle; Tires for vehicle wheels

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### Translation

The wording Car-pollo has no meaning in a foreign language.

#### Significance of wording, letter(s), or numeral(s)

Car-pollo appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Car-pollo has no meaning in a foreign language.

The applicant's current Correspondence Information:

XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT, Hong Kong  
bon.tbcl@gmail.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

The docket/reference number is VM89276.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

#### Declaration

**Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

**Declaration Signature**

Signature: /xhl/ Date: 02/15/2018

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

Payment Sale Number: 87798332

Payment Accounting Date: 02/15/2018

Serial Number: 87798332

Internet Transmission Date: Thu Feb 15 01:00:09 EST 2018

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-201802150100094

85634-87798332-510e133c26c23e2bdda32dbed

21d18a3f514181cda11426a2f181f77e987983e-

CC-6612-20180215005852287229



# Car-pollo

ESTTA Tracking number: **ESTTA936530**

Filing date: **11/20/2018**

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	Arroware Industries, Inc.
Granted to Date of previous extension	11/21/2018
Address	40 Valleyview Dr. Ancaster,, L9G2A5 CANADA
Attorney information	TIMUR E SLONIM MINTZ LEVIN 666 THIRD AVE NEW YORK, NY 10017 UNITED STATES tslonim@mintz.com, kparsons@mintz.com, ipdocketingbos@mintz.com 212 692-6704

### Applicant Information

Application No	87798331	Publication date	07/24/2018
Opposition Filing Date	11/20/2018	Opposition Period Ends	11/21/2018
Applicant	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100085 CHINA		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and track-

ingvehicles using radio frequency, global positioning systems, cellular communication network; Electronic navigational andpositioning apparatus and instruments; Global positioning system (GPS); Humanoid robots with artificial intelligence; Navigation apparatus for vehicles; Safetyand driving assistant system for mobilevehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4668175	Application Date	04/04/2013
Registration Date	01/06/2015	Foreign Priority Date	NONE
Word Mark	MY APOLLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/00 Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents,files, text, images or graphics, audio,video, and other multimedia content between registered users via global computer networks, mobile telephones, and othercommunications networks for the purposeof general communication, file sharing,and synchronization		

Related Proceedings	Opposition No. 91243746 Opposition No. 91243747 Opposition No. 91243953 Opposition No. 91243958 Opposition No. 91243960
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Attachments	85895773#TMSN.png( bytes ) Opposition Car-Pollo 87798331.PDF(3328553 bytes ) Exs. 1,3,4.PDF(490697 bytes ) Ex. 2 Car-pollo 87798331.pdf(583616 bytes )
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Signature	/TIMUR E SLONIM/
Name	TIMUR E SLONIM
Date	11/20/2018

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

In the Matter of Application Serial No. 87/798,331

for CAR-POLLO

Published in the *Official Gazette* on July 24, 2018

Arroware Industries, Inc.,	:	
Opposer,	:	
v.	:	APPLICATION NO. 87/798,331
Baidu Online Network Technology	:	
(Beijing) Co., Ltd.,	:	OPPOSITION NO.: TBA
Applicant.	:	
	:	

**NOTICE OF OPPOSITION**

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

Sir/Madam:

Arroware Industries, Inc. (“Opposer” or “Arroware”), a corporation organized under the laws of Canada with a business address at 40 Valleyview Dr., Ancaster, Ontario, Canada, L9G2A5, believes it will be damaged by the registration of U.S. Application Serial No. 87/798,331 for the proposed mark CAR-POLLO (“Proposed CAR-POLLO Mark”) which was filed by Baidu Online Network Technology (Beijing) Co., Ltd. (“Applicant” or “Baidu”) based on an alleged bona fide intent to use the mark under Trademark Act Section 1(b) and published for opposition in the *Official Gazette* on July 24, 2018, and hereby opposes the same.

In support of its Opposition, Opposer alleges the following:

**COUNT ONE**  
**LIKELIHOOD OF CONFUSION AND PRIORITY**

1. Opposer is the owner of U.S. Registration No. 4,668,175 for the mark MYAPOLLO for “peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization” in International Class 009 (“Registration”). (Ex. 1) Opposer has been using its registered mark MYAPOLLO since as early as 2013.
2. Upon information and belief, Applicant is a limited company organized under the laws of China with a business address at Baidu Campus, No. 10 Shangdi 10th Street, Haidian District Beijing China. Applicant filed Application Serial No. 87/798,331 under Trademark Act Section 1(b) on February 15, 2018 to register the proposed mark CAR-POLLO for “Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular

communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Electronic navigational and positioning apparatus and instruments; Global positioning system (GPS); Humanoid robots with artificial intelligence; Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors” in International Class 009 (“Application”). (Ex. 2) The mark CAR-POLLO was published in the *Official Gazette* on July 24, 2018.

3. Opposer’s first commercial use of the MYAPOLLO Mark in the U.S. dates back to at least as early as 2013.
4. Opposer’s use rights tied to its MYAPOLLO Mark pre-date the filing date of the contested Application.
5. Opposer has been using its MYAPOLLO Mark on its website myapollo.ca since 2013 until 2015.
6. Opposer has been using its MYAPOLLO Mark on its website www.arroware.ca since 2016, and on its website www.myapolloenterprise.com since 2017. Opposer owns other numerous domain names comprising its MYAPOLLO Mark, such as myapollobigdata.com, myapollobigdata.net, myapollohardware.com, myapollohardware.net, myapolloservers.com, myapolloservers.net, myapollo.cloud, myapollo.org, myapollo.tech, as well as many others, all of which are redirected to www.arroware.ca website.

7. Since at least 2013, Opposer has been using its MYAPOLLO Mark in US commerce to describe, promote, and offer its software related goods and services, including peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization.
8. Since at least 2013, Opposer's software related goods and services described, promoted, and offered under its MYAPOLLO Mark in US commerce have been the subject of numerous articles published by news media in the US and foreign countries. They were featured in IB Times, IT Business, Marketing Mag, Commerce Lab, Backbone Mag, recombun.com, betakit.com, alphr.com, rfi.fr, digitlife.fr, and dutchcowboys.nl.
9. As a result of Opposer's extensive marketing, promotion, and adoption through its websites, and through online marketplaces such as Apple App Store, Google Play store, facebook.com, twitter.com, and youtube.com, consumers uniquely associate its MYAPOLLO Mark with Opposer's software related goods and services.
10. Opposer protects its MYAPOLLO Mark by policing the marketplace and taking appropriate action against confusingly similar marks. For example, Opposer has successfully opposed and forced Hewlett Packard affiliates to expressly abandon applications for HP APOLLO and HPE APOLLO marks in the United States and two registered APOLLO marks in Canada.  
(Ex. 3)
11. Opposer's MYAPOLLO Mark is inherently distinctive as applied to Opposer's services and goods.

12. Applicant has incorporated Opposer's source-identifying element APOLLO into the Proposed CAR-POLLO Mark.
13. Applicant's Proposed CAR-POLLO Mark is identical or substantially similar in appearance to Opposer's MYAPOLLO Mark.
14. Applicant's Proposed CAR-POLLO Mark is identical or substantially similar in sound to Opposer's MYAPOLLO Mark.
15. Applicant's Proposed CAR-POLLO Mark conveys an overall commercial impression that is the same or confusingly similar to that conveyed by Opposer's MYAPOLLO Mark.
16. Applicant has incorporated Opposer's source-identifying element APOLLO into a family of 73 APOLLO-comprising marks, including BYAPOLLO, BienApollo, APOLLO, TEAM APOLLO, APOLLO, APOLLO PILOT, APOLLONG, EMAPOLLO, COMAPOLLO, APOLLAI, ULTRAPOLLO, DATAPOLLO, CAR-POLLO, FOREAPOLLO, LEAPOLLO, APOLLO CYBER RT, and APOLLO COMPUTING UNIT, which Applicant applied to register with the PTO (the "APOLLO Family of Marks"). (Ex. 4) Applicant proposes to use the APOLLO Family of Marks in connection with, among others, the sale and promotion of computer software and hardware, including "computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information," "file sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files," "electronic, electric, and digital transmission of voice, data, images, signals, and messages," "communication services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communication networks, the Internet, information services networks and data networks," and "computer services, namely, providing on-line facilities for real-time interaction with other



computer users concerning topics of general interest.” It is clear from this extensive list that Applicant has made the APOLLO Family of Marks the centerpiece of its branding strategy for computer related and other goods and services which present a unified message under the common APOLLO term.

17. Applicant’s APOLLO Family of Marks is confusingly similar to Opposer’s MYAPOLLO Mark in sight, sound and overall commercial impression.
18. The services and goods identified by Applicant’s APOLLO Family of Marks, are commercially related to, are likely to be marketed through the same or similar retail and online outlets, and are likely to be marketed to the same or similar consumers as the services and goods identified by Opposer’s MYAPOLLO Mark.
19. Upon information and belief, Applicant intends to use its Proposed CAR-POLLO Mark in connection with “Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and

traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Electronic navigational and positioning apparatus and instruments; Global positioning system (GPS); Humanoid robots with artificial intelligence; Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors” as fully recited in the Application. Proposed CAR-POLLO Mark is part of the APOLLO Family of Marks.

20. Opposer uses its MYAPOLLO Mark in connection with identical and/or similar services and goods, such as peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization, and associated services.
21. Opposer also plans to offer a peer-to-peer platform that allows companies world-wide to use Arroware’s peer-to-peer technology to streamline their products and services under the MYAPOLLO Mark.
22. The services identified by Applicant’s Proposed CAR-POLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are commercially related to the services and goods identified by Opposer’s MYAPOLLO Mark.
23. The services identified by Applicant’s Proposed CAR-POLLO Mark, as a constituent part of Applicant’s APOLLO Family of Marks, are likely to be marketed through the same or

similar retail and online outlets as the services and goods identified by Opposer's MYAPOLLO Mark.

24. The services identified by Applicant's Proposed CAR-POLLO Mark, as a constituent part of Applicant's APOLLO Family of Marks, are likely to be marketed to the same or similar consumers as are the services and goods identified by Opposer's MYAPOLLO Mark.
25. Applicant's Proposed CAR-POLLO Mark is confusingly similar to Opposer's MYAPOLLO Mark in sight, sound and overall commercial impression.
26. In view of the substantial similarity between the Parties' respective marks as well as the commercial relationship between the respective services and goods, registration of Applicant's Proposed CAR-POLLO Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's services and/or Opposer's services, and therefore it is requested that the Trademark Trial and Appeal Board sustain this opposition and refuse registration to Applicant of U.S. Application Serial No. 87/798,331 for the mark CAR-POLLO under Section 2(d) of the Trademark Act.

## **COUNT TWO**

### **LACK OF BONA FIDE INTENT TO USE**

27. On information and belief, Applicant lacked bona fide intent to use CAR-POLLO mark for each and every good and service recited in the Application when it was filed on February 15, 2018.

Dated: November 20, 2018

Respectfully submitted,

By:



Timur Slonim, Esq.  
MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY and POPEO, PC  
666 Third Avenue, 24<sup>TH</sup> Fl.  
New York, NY 10017  
(212) 935-3000  
(212) 983-3115 (Fax)

*Attorneys for Opposer Arroware Industries, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION with accompanying exhibits has been served on the following by emailing said copy on November 20, 2018 to:

bon.tbcl@gmail.com  
XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT HONG KONG



---

Timur E. Slonim

# **Exhibit 1**

**United States of America**  
United States Patent and Trademark Office

**MYAPOLLO**

**Reg. No. 4,668,175**

**Registered Jan. 6, 2015**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

ARROWARE INDUSTRIES, INC. (CANADA LIMITED LIABILITY COMPANY)  
C/O INCH HAMMOND, 1 KING ST. WEST  
HAMILTON, ONTARIO, CANADA L8P4X8

FOR: PEER-TO-PEER COMPUTER SOFTWARE AND DOWNLOADABLE PEER-TO-PEER  
COMPUTER SOFTWARE USED TO STORE AND SHARE DATA, DOCUMENTS, FILES,  
TEXT, IMAGES OR GRAPHICS, AUDIO, VIDEO, AND OTHER MULTIMEDIA CONTENT  
BETWEEN REGISTERED USERS VIA GLOBAL COMPUTER NETWORKS, MOBILE  
TELEPHONES, AND OTHER COMMUNICATIONS NETWORKS FOR THE PURPOSE OF  
GENERAL COMMUNICATION, FILE SHARING, AND SYNCHRONIZATION, IN CLASS 9  
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-4-2013; IN COMMERCE 4-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-895,773, FILED 4-4-2013.

AMY C. KEAN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office



United States Patent and Trademark Office

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## Trademarks &gt; Trademark Electronic Search System (TESS)

TESS was last updated on Tue Sep 11 04:51:02 EDT 2018

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[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)[Logout](#) Please logout when you are done to release system resources allocated for you.[Start](#) [List At:](#)  [OR](#) [Jump](#) to record:  **Record 116 out of 187**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# MYAPOLLO

**Word Mark** MY APOLLO  
**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and share data, documents, files, text, images or graphics, audio, video, and other multimedia content between registered users via global computer networks, mobile telephones, and other communications networks for the purpose of general communication, file sharing, and synchronization. FIRST USE: 20130404. FIRST USE IN COMMERCE: 20130400

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85895773

**Filing Date** April 4, 2013

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** July 30, 2013

**Registration Number** 4668175

**Registration Date** January 6, 2015

**Owner** (REGISTRANT) Arroware Industries, Inc. LIMITED LIABILITY COMPANY CANADA 40 Valleyview Dr. Ancaster, Ontario CANADA L9G2A5

**Attorney of Record** Timur E. Slonim

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

<a href="#">TESS HOME</a>	<a href="#">NEW USER</a>	<a href="#">STRUCTURED</a>	<a href="#">FREE FORM</a>	<a href="#">BROWSE DICT</a>	<a href="#">SEARCH OG</a>	<a href="#">TOP</a>	<a href="#">HELP</a>	<a href="#">PREV LIST</a>	<a href="#">CURR LIST</a>	<a href="#">NEXT LIST</a>
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TSDR now includes a Post Registration Maintenance Tab that appears as a third tab next to the "Status" and "Document" tabs for registered marks. The tab will not appear if the mark is not registered.

The information provided on the Post Registration Maintenance Tab, including due dates for maintenance documents and status of renewal and declaration of use filings, is provided as a courtesy and may not be current due to system issues.

**Trademark owners should not rely on the Post Registration Maintenance Tab to determine their maintenance obligations and deadlines.**

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Mark: MY APOLLO

# MYAPOLLO

US Serial Number: 85895773

Application Filing Date: Apr. 04, 2018

US Registration Number: 4668175

Registration Date: Jan. 06, 2018

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation

This trademark application has been registered and is currently undergoing a challenge which may result in its re

**Status:** A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, please visit the Trademark Trial and Appeal Board web page.

Status Date: Dec. 11, 2017

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

## Mark Information

Mark Literal Elements: MY APOLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Peer-to-peer computer software and downloadable peer-to-peer computer software used to store and retrieve images or graphics, audio, video, and other multimedia content between registered users via global telecommunications networks, and other communications networks for the purpose of general communication, file

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2013

Use in Commerce: Apr. 2013

**Basis Information (Case Level)**

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Arroware Industries, Inc.

Owner Address: 40 Valleyview Dr.  
Ancaster, Ontario CANADA L9G2A5

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where CANADA  
Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Timur E. Slonim

Docket Number: 51149-00

Attorney Primary Email [teslonim@mintz.com](mailto:teslonim@mintz.com)

Attorney Email Authorized: Yes

Address:

**Correspondent**

Correspondent: TIMUR E. SLONIM

Name/Address: MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC  
666 THIRD AVENUE 24TH FL  
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 212-692-6704

Fax: 212-983-3

Correspondent e-mail: [teslonim@mintz.com](mailto:teslonim@mintz.com)Correspondent e-mail Yes  
Authorized:[ipdocketingbos@mintz.com](mailto:ipdocketingbos@mintz.com) [tedis@mintz.com](mailto:tedis@mintz.com)

Domestic Representative - Not Found

**Prosecution History****Date****Description****Proceeding Number**

Jan. 23, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 11, 2017	CANCELLATION INSTITUTED NO. 999999	67494
Jan. 06, 2015	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68123
Nov. 07, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68123
Nov. 04, 2014	ASSIGNED TO LIE	68123
Nov. 03, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 05, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
May 05, 2014	NON-FINAL ACTION E-MAILED	
May 05, 2014	SU - NON-FINAL ACTION - WRITTEN	81843
Apr. 12, 2014	STATEMENT OF USE PROCESSING COMPLETE	70565
Mar. 24, 2014	USE AMENDMENT FILED	70565
Apr. 12, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 24, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2013	ASSIGNED TO EXAMINER	81843
Apr. 11, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

### TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 01, 2

Assignment Abstract Of Title Information - Click to Load

## Proceedings - Click to Load

## **Exhibit 3**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

lw

Mailed: December 12, 2017

Opposition No. 91236915

*Arroware Industries, Inc.*

*v.*

*Hewlett-Packard Development Company, L.P.*

**By the Trademark Trial and Appeal Board:**

On December 4, 2017, Applicant filed an abandonment of its application Serial No. 86296023.

Trademark Rule 2.135 provides that if, in an *inter partes* proceeding, the Applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against Applicant.

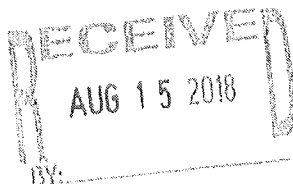
In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

## Request for Express Abandonment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86591411
LAW OFFICE ASSIGNED	LAW OFFICE 117
PUBLISH FOR OPPOSITION DATE	03/13/2018
MARK SECTION	
MARK	HPE APOLLO
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/James F. Struthers/
SIGNATORY NAME	James F. Struthers
SIGNATORY DATE	05/11/2018
SIGNATORY POSITION	Attorney of Record, TX Bar Member
SIGNATORY PHONE NUMBER	214 206-4300
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri May 11 14:27:40 EDT 2018
TEAS STAMP	USPTO/REA-XX.XXX.XX.XXX-2 0180511142740536121-86591 411-6107f7e9c44a1f17490dc ec9a86fa4d61d2e1e012b26e2 91f83db84929075f25fdc-N/A -N/A-20180511142417473688

Hewlett Packard Enterprise Development  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date
10 août/Aug 2018
Voire référence - Your File
Notre référence - Our File
1015829
Numéro d'enregistrement - Registration Number
TMA541,760
Date d'enregistrement - Registration Date
1 mars/Mar 2001

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

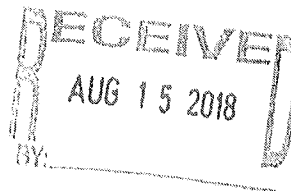
Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA00

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5



Hewlett Packard Enterprise Developm  
LP  
11445 Compaq Center Drive West  
Houston, Texas 77070  
UNITED STATES OF AMERICA



Marque de commerce - Trade-mark  
APOLLO

Date	10 août/Aug 2018
Votre référence - Your File	
Notre référence - Our File	891710
Numéro d'enregistrement - Registration Number	TMA525,214
Date d'enregistrement - Registration Date	17 mars/Mar 2000

Objet: PROCÉDURES SELON L'ARTICLE 45

La présente fait suite à l'avis émis le 28 novembre 2017 en vertu du paragraphe 45(1) de la *Loi sur les marques de commerce* relativement à l'enregistrement ci-dessus mentionné.

Vous êtes avisé par la présente qu'en raison de l'omission de fournir la preuve requise, l'enregistrement sera radié du registre, conformément au paragraphe 45(4) de la *Loi sur les marques de commerce*.

Les dispositions prescrites au paragraphe 45(5) de la *Loi* seront suivies à moins qu'un appel soit produit au Bureau du registraire et à la Cour Fédérale dans le délai prévu par l'article 56 de la *Loi*.

Re: SECTION 45 PROCEEDINGS

Reference is made to the notice issued on November 28, 2017 under the provisions of Sub-Section 45(1) of the *Trade-marks Act* relative to the above-mentioned registration.

You are advised that by reason of the failure to file the evidence required, the registration will be expunged from the register pursuant to Sub-Section 45(4) of the *Trade-mark Act*.

The procedure prescribed by Sub-Section 45(5) of the *Act* will be followed unless an appeal is filed with the Registrar and in the Federal Court within the time limited by Section 56 of the *Act*.

pour le / for  
Registraire des marques de commerce  
Registrar of Trade-marks

cc: YURI CHUMAK  
(c/o Chumak & Company LLP)  
1201 Dundas Street East  
Suite 201  
Toronto  
ONTARIO M4M 1S2

Partie requérante/Requester:  
YURI CHUMAK  
(Chumak & Company LLP)

CT1007CA01

cc: GOWLING WLG (CANADA) LLP  
SUITE 1600  
1 FIRST CANADIAN PLACE  
100 KING STREET WEST  
TORONTO  
ONTARIO M5X 1G5

## **Exhibit 4**



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**(This page: 1 ~ 74)**

Refine Search  (\$pol\$)[BI] and (baidu)[ALL]

Current Search: S3: (\$pol\$)[BI] and (baidu)[ALL] docs: 74 occ: 1574

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88027432		APOLLONG	TSDR	LIVE
2	88027404		APOLLONG	TSDR	LIVE
3	88027403		APOLLONG	TSDR	LIVE
4	88027401		APOLLONG	TSDR	LIVE
5	88177281		APOLLO CYBER RT	TSDR	LIVE
6	88177277		APOLLO CYBER RT	TSDR	LIVE
7	88177273		APOLLO CYBER RT	TSDR	LIVE
8	88177270		APOLLO CYBER RT	TSDR	LIVE
9	88177268		APOLLO CYBER RT	TSDR	LIVE
10	88177267		APOLLO CYBER RT	TSDR	LIVE
11	88177266		APOLLO CYBER RT	TSDR	LIVE
12	88177265		APOLLO CYBER RT	TSDR	LIVE
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14	88027396		APOLONG	TSDR	LIVE
15	88027395		APOLONG	TSDR	LIVE
16	88027393		APOLONG	TSDR	LIVE
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19	87514254		BAIDU APOLLO	TSDR	LIVE
20	87514208		BAIDU APOLLO	TSDR	LIVE
21	87514261		BAIDU APOLLO	TSDR	LIVE
22	87515121		APOLLO	TSDR	LIVE
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## **Exhibit 2**



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# Car-pollo

**Word Mark** **CAR-POLLO**

**Translations** The English translation of the word "POLLO" in the mark is "CHICKEN".

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Electronic navigational and positioning apparatus and instruments; Global positioning system (GPS); Humanoid robots with artificial intelligence; Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors

**Standard Characters Claimed**

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Serial Number** 87798331  
**Filing Date** February 15, 2018  
**Current Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** July 24, 2018  
**Owner** (APPLICANT) BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD. limited company (ltd.) CHINA BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING CHINA 100085  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Mark:** CAR-POLLO

Car-pollo

**US Serial Number:** 87798331

**Application Filing Date:** Feb. 15, 2018

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

**Status Date:** Aug. 23, 2018

**Publication Date:** Jul. 24, 2018

## Mark Information

**Mark Literal Elements:** CAR-POLLO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Translation:** The English translation of the word "POLLO" in the mark is "CHICKEN".

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Electronic navigational and positioning apparatus and instruments; Global positioning system (GPS); Humanoid robots with artificial intelligence; Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No  
**Filed ITU:** Yes  
**Filed 44D:** No  
**Filed 44E:** No  
**Filed 66A:** No

**Currently Use:** No  
**Currently ITU:** Yes  
**Currently 44D:** No  
**Currently 44E:** No  
**Currently 66A:** No

**Amended Use:** No  
**Amended ITU:** No  
**Amended 44D:** No  
**Amended 44E:** No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

**Owner Name:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.

**Owner Address:** BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100085  
CHINA

**Legal Entity Type:** limited company (ltd.)

**State or Country** CHINA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Docket Number:** VM89275

### Correspondent

**Correspondent** XIANG, HAILONG  
**Name/Address:** FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT  
HONG KONG

**Correspondent e-mail:** [bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 23, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 24, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 24, 2018	PUBLISHED FOR OPPOSITION	
Jul. 04, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 18, 2018	ASSIGNED TO LIE	68123
Jun. 07, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 05, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 05, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 05, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 25, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 25, 2018	NON-FINAL ACTION E-MAILED	6325
May 25, 2018	NON-FINAL ACTION WRITTEN	76986
May 23, 2018	ASSIGNED TO EXAMINER	76986
Feb. 23, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 19, 2018	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** OLANDRIA, WARREN L

**Law Office** LAW OFFICE 112  
**Assigned:**

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jun. 20, 2018

## Proceedings

### Summary

**Number of** 1  
**Proceedings:**

### Type of Proceeding: Extension of Time

**Proceeding** [87798331](#)

**Filing Date:** Aug 23, 2018

Number: \_\_\_\_\_

Status: Extension of Time to Oppose Filed

Status Date: Aug 23, 2018

Interlocutory  
Attorney:

**Defendant**

Name: Baidu Online Network Technology (Beijing ) Co., Ltd.

Correspondent XIANG HAILONG

Address: FLAT C 29/F TOWER 3 DISCOVERY PARK  
TSUEN WAN NT HONG KONG

Correspondent e-mail: [bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CAR-POLLO	Request For Extension of Time to File Opposition	<a href="#">87798331</a>	

**Potential Opposer(s)**

Name: Arroware Industries, Inc.

Correspondent TIMUR E SLONIM

Address: MINTZ LEVIN  
666 THIRD AVE  
NEW YORK NY , 10017  
UNITED STATES

Correspondent e-mail: [tslonim@mintz.com](mailto:tslonim@mintz.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FIRST 90-DAY REQUEST TO EXT TIME TO OPPOSE	Aug 23, 2018	
2	EXT GRANTED	Aug 24, 2018	

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, July 24, 2018 00:55 AM  
**To:** bon.tbcl@gmail.com  
**Subject:** Official USPTO Notice of Publication Confirmation: U.S. Trademark SN 87798331: CAR-POLLO: Docket/Reference No. VM89275

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## **TRADEMARK OFFICIAL GAZETTE PUBLICATION CONFIRMATION**

**U.S. Serial Number:** 87798331  
**Mark:** CAR-POLLO  
**International Class(es):** 009  
**Owner:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.  
**Docket/Reference Number:** VM89275

The mark identified above has been published in the Trademark Official Gazette (TMOG) on Jul 24, 2018.

### **To Review the Mark in the TMOG:**

Click on the following link or paste the URL into an internet browser: <https://tmog.uspto.gov/#issueDate=2018-07-24&serialNumber=87798331>

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the TMOG for accuracy. If any information is incorrect due to USPTO error, the applicant should immediately email the requested correction to [TMPostPubQuery@uspto.gov](mailto:TMPostPubQuery@uspto.gov). For applicant corrections or amendments after publication, please file a post publication amendment using the form available at <http://teasroa.uspto.gov/ppa/>. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

### **Significance of Publication for Opposition:**

- \* Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then eleven (11) weeks after the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a complete Statement of Use or Extension Request with the required fees within six (6) months after the NOA issues to avoid abandonment of the application.)

To check the status of the application, go to [http://tsdr.uspto.gov/#caseNumber=87798331&caseType=SERIAL\\_NO&searchType=statusSearch](http://tsdr.uspto.gov/#caseNumber=87798331&caseType=SERIAL_NO&searchType=statusSearch) or contact the Trademark Assistance Center at 1-800-786-9199. Please check the status of the application at least every three (3) months after the application filing date.

To view this notice and other documents for this application on-line, go to [http://tsdr.uspto.gov/#caseNumber=87798331&caseType=SERIAL\\_NO&searchType=documentSearch](http://tsdr.uspto.gov/#caseNumber=87798331&caseType=SERIAL_NO&searchType=documentSearch). NOTE: This notice will only become available on-line the next business day after receipt of this e-mail.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Jul 4, 2018

## NOTICE OF PUBLICATION

- |                                      |  |
|--------------------------------------|--|
| 1. Serial No.:<br>87-798,331         | 2. Mark:<br>CAR-POLLO<br>(STANDARD CHARACTER MARK)         |
| 3. International Class(es):<br>9     |  |
| 4. Publication Date:<br>Jul 24, 2018 | 5. Applicant:<br>BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

**Email Address(es):**

[bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

---

**From:** TMOOfficialNotices@USPTO.GOV  
**Sent:** Wednesday, July 4, 2018 04:39 AM  
**To:** bon.tbcl@gmail.com  
**Subject:** Official USPTO Notification of Notice of Publication: U.S. Trademark SN 87798331: CAR-POLLO: Docket/Reference No. VM89275

---

NOTIFICATION OF "NOTICE OF PUBLICATION"

Your trademark application (U.S. Serial No. 87798331) is scheduled to publish in the *Official Gazette* on Jul 24, 2018. To preview the Notice of Publication, go to the Trademark Status & Document Retrieval (TSDR) database, accessible at <https://tsdr.uspto.gov/search.action?sn=87798331>. If you have difficulty accessing the Notice of Publication, contact the Trademark Assistance Center (TAC) by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or by telephone at 800-786-9199.

**PLEASE NOTE:**

1. The Notice of Publication may not be immediately available but will be viewable within 24 hours of this e-mail notification.
2. You will receive a second e-mail on the actual "Publication Date," which will include a link to the issue of the *Official Gazette* in which the mark has published.

Please confirm that the correspondence information shown in TSDR is correct. If the correspondence information is not correct, please update this information using the online Change of Correspondence Address Form, Accessible at <https://teas.uspto.gov/ccr/cca>.

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**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	87798331	FILING DATE	02/15/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OLANDRIA, WARREN L	L.O. ASSIGNED	112

**PUB INFORMATION**

RUN DATE	06/08/2018		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	06/07/2018		
LITERAL MARK ELEMENT	CAR-POLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CAR-POLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100085
ENTITY	99-limited company (ltd.)

CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Electronic navigational and positioning apparatus and instruments; Global positioning system (GPS); Humanoid robots with artificial intelligence; Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
TRANSLATION	The English translation of the word "POLLO" in the mark is "CHICKEN".

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/07/2018	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	010
06/05/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
06/05/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
06/05/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
05/25/2018	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/25/2018	GNRT	F	NON-FINAL ACTION E-MAILED	005
05/25/2018	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/23/2018	DOCK	D	ASSIGNED TO EXAMINER	003
02/23/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/19/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE



# Car-pollo

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87798331	FILING DATE	02/15/2018
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	OLANDRIA, WARREN L	L.O. ASSIGNED	112

**PUB INFORMATION**

RUN DATE	06/06/2018		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	06/05/2018		
LITERAL MARK ELEMENT	CAR-POLLO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	CAR-POLLO
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
ADDRESS	BAIDU CAMPUS, NO. 10 SHANGDI 10TH STREET, HAIDIAN DISTRICT BEIJING, 100085
ENTITY	99-limited company (ltd.)

CITIZENSHIP	China
<b>GOODS AND SERVICES</b>	
INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Electronic navigational and positioning apparatus and instruments; Global positioning system (GPS); Humanoid robots with artificial intelligence; Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors

<b>GOODS AND SERVICES CLASSIFICATION</b>							
INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>	
CHANGE IN REGISTRATION	NO
TRANSLATION	The English translation of the word "POLLO" in the mark is "CHICKEN".

<b>PROSECUTION HISTORY</b>				
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
06/05/2018	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
06/05/2018	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
06/05/2018	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
05/25/2018	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
05/25/2018	GNRT	F	NON-FINAL ACTION E-MAILED	005
05/25/2018	CNRT	R	NON-FINAL ACTION WRITTEN	004
05/23/2018	DOCK	D	ASSIGNED TO EXAMINER	003
02/23/2018	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
02/19/2018	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

<b>CURRENT CORRESPONDENCE INFORMATION</b>	
ATTORNEY	NONE
CORRESPONDENCE ADDRESS	XIANG, HAILONG FLAT C, 29/F, TOWER 3, DISCOVERY PARK TSUEN WAN, NT HONG KONG
DOMESTIC REPRESENTATIVE	NONE

# Car-pollo

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87798331
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87798331/large
LITERAL ELEMENT	CAR-POLLO
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ADDITIONAL STATEMENTS SECTION	
TRANSLATION	The English translation of the word "POLLO" in the mark is "CHICKEN".
SIGNATURE SECTION	
RESPONSE SIGNATURE	/xhl/
SIGNATORY'S NAME	XIANG, HAILONG
SIGNATORY'S POSITION	Director
DATE SIGNED	06/05/2018
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jun 05 05:54:11 EDT 2018
TEAS STAMP	USPTO/ROA-XXX.XX.XXX.XXX- 20180605055411285144-8779 8331-6107534f8a4f6e4474e1 a461425e66f1d3433b8bf71cf 3daf47b5b3f1ffbd4ae0-N/A- N/A-20180605055146993912

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **87798331** CAR-POLLO(Standard Characters, see https://tmng-al.uspto.gov/resting2/api/img/87798331/large) has been amended as follows:

## **ADDITIONAL STATEMENTS**

### **Translation**

The English translation of the word "POLLO" in the mark is "CHICKEN".

### **SIGNATURE(S)**

#### **Response Signature**

Signature: /xhl/ Date: 06/05/2018

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either: (1) the owner/holder ; or (2) a person(s) with legal authority to bind the owner/holder; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

Serial Number: 87798331

Internet Transmission Date: Tue Jun 05 05:54:11 EDT 2018

TEAS Stamp: USPTO/ROA-XXX.XX.XXX.XXX-201806050554112

85144-87798331-6107534f8a4f6e4474e1a4614

25e66f1d3433b8bf71cf3daf47b5b3f1ffbd4ae0

-N/A-N/A-20180605055146993912

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87798331 - CAR-POLLO - VM89275  
**Sent:** 5/25/2018 5:45:13 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:** [Attachment - 1](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**  
**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION**  
**SERIAL NO.** 87798331

**MARK:** CAR-POLLO

**\*87798331\***

**CORRESPONDENT**  
**ADDRESS:**

XIANG, HAILONG  
  
FLAT C, 29/F,  
TOWER 3, DISCOVERY  
PARK

TSUEN WAN, NT  
  
HONG KONG

**CLICK HERE TO RESPOND TO THIS  
LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** BAIDU  
ONLINE NETWORK  
TECHNOLOGY  
(BEIJING ETC.)

**CORRESPONDENT'S  
REFERENCE/DOCKET  
NO:**

VM89275

**CORRESPONDENT  
E-MAIL ADDRESS:**

[bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW. A RESPONSE TRANSMITTED THROUGH THE TRADEMARK ELECTRONIC APPLICATION SYSTEM (TEAS) MUST BE RECEIVED BEFORE MIDNIGHT **EASTERN TIME** OF THE LAST DAY OF THE RESPONSE PERIOD.

**ISSUE/MAILING DATE:** 5/25/2018

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

### **E-MAIL RESPONSE SUGGESTED**

Warren L. Olandria  
Trademark Examining Attorney  
U.S. Patent & Trademark Office  
Law Office 112  
Phone: 571-272-9718  
[Warren.Olandria@uspto.gov](mailto:Warren.Olandria@uspto.gov)

Applicant is encouraged to telephone or e-mail the assigned trademark examining attorney to resolve the issues raised in this Office action by examiner's amendment. Although the USPTO will not accept a formal response by e-mail, an applicant may communicate informally by phone or e-mail with the trademark examining attorney to agree to a proposed amendment to the application that will immediately place the application in condition for publication for opposition, issuance of a registration, or suspension. *See* 37 C.F.R. §2.62(c); TMEP §707.

### **SUMMARY OF ISSUES:**

- Translation.

### **INFORMALITIES**

### **ENGLISH TRANSLATION REQUIRED**

Applicant must submit an English translation of all foreign wording in the mark. 37 C.F.R. §§2.32(a)(9), 2.61(b); *see* TMEP §809. In the present case, the wording "POLLO" requires translation.

The following translation statement is suggested:

**The English translation of the word "POLLO" in the mark is "CHICKEN".**

TMEP §809.03. See attached translation evidence.

The USPTO applies the following legal authorities when processing a trademark and/or service mark application:

- The Trademark Act of 1946, as amended
- The Trademark Rules of Practice, as amended
- Precedential court and Trademark Trial and Appeal Board decisions
- The USPTO's *Trademark Manual of Examining Procedure* (TMEP), as periodically updated



- The USPTO's *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), as periodically updated

See 15 U.S.C. §§1051 *et seq.*; 37 C.F.R. pts. 2, 3, 6, 7, 11; TMEP intro., §§101, 107, 110.

Official USPTO letters and notices sent to applicants generally refer to one or more of these legal resources. Both the Trademark Act and Trademark Rules of Practice can be viewed online at <http://www.uspto.gov/trademarks/law/index.jsp>. The TMEP is available online at <http://www.uspto.gov/trademarks/resources/index.jsp> and the TBMP and Trademark Trial and Appeal Board decisions are available online at <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney, (2) the serial number and filing date of the application, (3) the date of issuance of this Office action, (4) applicant's name, address, telephone number and e-mail address (if applicable), and (5) the mark. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. See 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$125 per class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner's amendment by telephone or e-mail without incurring this additional fee.

/Warren L. Olandria/  
Trademark Examining Attorney  
U.S. Patent & Trademark Office  
Law Office 112  
Phone: 571-272-9718  
Warren.Olandria@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailling date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking

status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

Spanish

pollo

English

**chicken** *n.*

Bueno para comidas sencillas, se recomienda especialmente el pollo.

↳ The right place for simple meals, the chicken is especially recommended.

Hay varias maneras de mejorar al pollo.

↳ So we have a number of ways that we actually can fix the chicken.

**chick** *n.*

Ven, pollo, pollo, pollo.

↳ Here, chick, chick, chick.

Consult translations in [Collins](#) and [Reverso Dictionaries](#)

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French translation | Spanish translation | Italian translation | German translation | Russian translation | Chinese translation | Portuguese translation | Arabic translation | Hebrew translation

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XITI

**To:** BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING ETC. ([bon.tbcl@gmail.com](mailto:bon.tbcl@gmail.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87798331 - CAR-POLLO - VM89275  
**Sent:** 5/25/2018 5:45:15 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR**  
**U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **5/25/2018** FOR U.S. APPLICATION SERIAL NO. 87798331

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

(1) **READ THE LETTER** by clicking on this [link](#) or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **5/25/2018**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). A response transmitted through TEAS must be received before midnight **Eastern Time** of the last day of the response period.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

(3) **QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Warren L. Olandria/  
Trademark Examining Attorney  
U.S. Patent & Trademark Office  
Law Office 112  
Phone: 571-272-9718  
[Warren.Olandria@uspto.gov](mailto:Warren.Olandria@uspto.gov)

## **WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:wolandria \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	87798331
02	241	0	4	4	0:02	"BAIDU ONLINE NETWORK TECHNOLOGY"[on] not dead[ld]
03	49997	N/A	0	0	0:02	*{"ckqx"}ar*[bi,ti] not dead[ld]
04	16561	N/A	0	0	0:11	*p{v}ll{v}*[bi,ti] or *{"ckqx"}h{"iy"}{"ckqx"}*[bi,ti] not dead[ld]
05	168	0	114	109	0:01	3 and 4 not dead[ld]
06	4852807	N/A	0	0	0:03	"009"[cc] or "012"[cc] or "042"[cc] not dead[ld]
07	114	0	114	109	0:01	5 and 6 not dead[ld]

Session started 5/24/2018 6:21:10 PM

Session finished 5/24/2018 7:11:43 PM

Total search duration 0 minutes 21 seconds

Session duration 50 minutes 33 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICSRS as Serial Number: 87798331

# Car-pollo

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 87798331

Filing Date: 02/15/2018

**NOTE:** Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<a href="#">Car-pollo</a>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Car-pollo
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD.
INTERNAL ADDRESS	BAIDU CAMPUS, NO. 10
*STREET	SHANGDI 10TH STREET, HAIDIAN DISTRICT
*CITY	BEIJING
*COUNTRY	China
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	100085
EMAIL ADDRESS	bon.tbcl@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	limited company (ltd.)
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	China
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	009
	Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of <b>locating vehicles, creating maps, navigating;</b>



<p><b>*IDENTIFICATION</b></p>	<p>Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for <b>locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information</b>; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for <b>locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information</b>; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking <b>vehicles using radio frequency, global positioning systems, cellular communication network</b>; Electronic navigational and positioning apparatus and instruments; Global positioning system (GPS); Humanoid robots with artificial intelligence; Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors</p>
<p><b>*FILING BASIS</b></p>	<p>SECTION 1(b)</p>
<p><b>ADDITIONAL STATEMENTS SECTION</b></p>	
<p><b>*TRANSLATION</b> (if applicable)</p>	<p>The wording Car-pollo has no meaning in a foreign language.</p>
<p><b>*TRANSLITERATION</b> (if applicable)</p>	
<p><b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)</p>	
<p><b>*CONSENT (NAME/LIKENESS)</b> (if applicable)</p>	
<p><b>*CONCURRENT USE CLAIM</b> (if applicable)</p>	
<p><b>SIGNIFICANCE OF MARK</b></p>	<p>Car-pollo appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Car-pollo has no meaning in a foreign language.</p>
<p><b>CORRESPONDENCE INFORMATION</b></p>	
<p><b>*NAME</b></p>	<p>XIANG, HAILONG</p>
<p><b>DOCKET/REFERENCE NUMBER</b></p>	<p>VM89275</p>
<p><b>*STREET</b></p>	<p>FLAT C, 29/F, TOWER 3, DISCOVERY PARK</p>
<p><b>*CITY</b></p>	<p>TSUEN WAN, NT</p>
<p><b>*COUNTRY</b></p>	<p>Hong Kong</p>
<p><b>*EMAIL ADDRESS</b></p>	<p>bon.tbcl@gmail.com</p>
<p><b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b></p>	<p>Yes</p>

FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/xhl/
* SIGNATORY'S NAME	XIANG, HAILONG
* SIGNATORY'S POSITION	Director
* DATE SIGNED	02/15/2018

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## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 87798331**

**Filing Date: 02/15/2018**

#### To the Commissioner for Trademarks:

**MARK:** Car-pollo (Standard Characters, see [mark](#))  
The mark in your application is Car-pollo.

The applicant, BAIDU ONLINE NETWORK TECHNOLOGY (BEIJING) CO., LTD., a limited company (ltd.) legally organized under the laws of China, having an address of  
BAIDU CAMPUS, NO. 10  
SHANGDI 10TH STREET, HAIDIAN DISTRICT  
BEIJING 100085  
China  
bon.tbcl@gmail.com

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 009: Augmented reality software for use in mobile devices for integrating electronic data with real world environments for the purpose of locating vehicles, creating maps, navigating; Computer hardware and computer peripherals; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Computerized vehicle engine analyzers; Data processing apparatus; Downloadable software in the nature of a mobile application for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication networks, for making, recording, analyzing, storing and retrieving measurements of distance, slope, speed, for navigation, for displaying maps and traffic information; Electric batteries for powering electric vehicles; Electrical apparatus, namely, charging stations for charging electric vehicles; Electronic devices for locating and tracking vehicles using radio frequency, global positioning systems, cellular communication network; Electronic navigational and positioning apparatus and instruments; Global positioning system (GPS); Humanoid robots with artificial intelligence; Navigation apparatus for vehicles; Safety and driving assistant system for mobile vehicles and vessels comprised of electronic proximity sensors and switches, high-resolution cameras, integrated circuits for the purpose of imaging processing, and display monitors

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

#### Translation

The wording Car-pollo has no meaning in a foreign language.

#### Significance of wording, letter(s), or numeral(s)

Car-pollo appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services listed in the application, or any geographical significance. The word(s) Car-pollo has no meaning in a foreign language.

The applicant's current Correspondence Information:

XIANG, HAILONG  
FLAT C, 29/F, TOWER 3, DISCOVERY PARK  
TSUEN WAN, NT, Hong Kong  
bon.tbcl@gmail.com (authorized)

**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

The docket/reference number is VM89275.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

**Basis:**

**If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):**

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

**AND/OR**

**If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):**

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

### **Declaration Signature**

Signature: /xhl/ Date: 02/15/2018

Signatory's Name: XIANG, HAILONG

Signatory's Position: Director

Payment Sale Number: 87798331

Payment Accounting Date: 02/15/2018

Serial Number: 87798331

Internet Transmission Date: Thu Feb 15 00:58:15 EST 2018

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XXX-201802150058157

50741-87798331-5108127f52137c182f6beef76

2e3855c10e7fff717c1b164c14d68937e11623f

-CC-6609-20180215005702658519

# Car-pollo

# EXHIBIT B

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

Hewlett Packard Enterprise Development LP,	§	
	§	
Petitioner,	§	Cancellation No. 92067494
	§	
v.	§	Reg. No. 4668175
	§	
Arroware Industries, Inc.,	§	Mark: MY APOLLO
	§	
Registrant.	§	

### **SURRENDER OF REGISTRATION WITH PREJUDICE**

Registrant hereby surrenders Registration No. 4668175 for cancellation *with prejudice*.

Respectfully Submitted:

Date: June 28, 2019

/Harvey Medcalf/, President  
[Officer Name, Title]  
Arroware Industries, Inc.

Date: July 9, 2019

/Mintz, Levin, Cohn, Ferris, Glovsky & Popeo. P.C./  
[]  
Attorneys for Registrant, Arroware Industries, Inc.

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing document has been served on James F. Struthers, counsel for Hewlett Packard Enterprise Development LP, by forwarding a copy of said document on July 9, 2019, 2019 via email to clarissa@richardlawgroup.com, jim@richardlawgroup.com, david@richardlawgroup.com.

/Michael R. Graif/