

ESTTA Tracking number: **ESTTA1138821**

Filing date: **06/08/2021**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

| | | | |
|---------|---|-------------|-------|
| Name | Baidu Online Network Technology (Beijing) Co., Ltd. | | |
| Entity | Limited Company | Citizenship | China |
| Address | BAIDU CAMPUS NO. 10 SHANGDI 10TH STREET HAIDIAN DISTRICT, BEIJING, 100085 CHINA | | |

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|----------------------|--|--|--|
| Attorney information | BEN NATTER HAUG PARTNERS, LLP 745 FIFTH AVENUE NEW YORK, NY 10151 UNITED STATES Primary Email: bnatter@haugpartners.com Secondary Email(s): mharris@haugpartners.com, docket@haugpartners.com No phone number provided. | | |
| Docket Number | A693-1.2 | | |

Registrations Subject to Cancellation

| | | | |
|--------------------------------|--|---------------------------------|------------|
| Registration No. | 6035838 | Registration date | 04/21/2020 |
| International Registration No. | NONE | International Registration Date | NONE |
| Registrant | Apollo Automobile Limited AFRICA HOUSE 70 KINGSWAY LONDON WC2B 6AH UNITED KINGDOM | | |

Goods/Services Subject to Cancellation

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| Class 012. First Use: 0 First Use In Commerce: 0 All goods and services in the class are subject to cancellation, namely: Sports cars; Parts and fittings for sports cars and racing cars, namely, engines and brakes; Automobiles, namely, racing cars |
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Grounds for Cancellation

| | | | |
|--------------------------------|--|---------------------------------|------------|
| The mark is merely descriptive | Trademark Act Sections 14(1) and 2(e)(1) | | |
| Registration No. | 6066221 | Registration date | 06/02/2020 |
| International Registration No. | NONE | International Registration Date | NONE |
| Registrant | Apollo Automobile Limited AFRICA HOUSE 70 KINGSWAY | | |

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| | UNITED KINGDOM |
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Goods/Services Subject to Cancellation

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Grounds for Cancellation

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|--------------------------------------|---------------------------------------|
| Priority and likelihood of confusion | Trademark Act Sections 14(1) and 2(d) |
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|-------------|--|
| Attachments | Consolidated Petition for Cancellation and Modification 0608.pdf(80213 bytes) |
|-------------|--|

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|-----------|----------------|
| Signature | //Ben Natter// |
| Name | Ben Natter |
| Date | 06/08/2021 |

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

| | | |
|---|---|------------------|
| Baidu Online Network Technology (Beijing) Co., Ltd., | : | |
| | : | |
| Petitioner, | : | Cancellation No. |
| | : | |
| v. | : | |
| | : | |
| Apollo Automobile Ltd., | : | |
| | : | |
| Registrant. | : | |

CONSOLIDATED PETITION FOR CANCELLATION AND MODIFICATION

Petitioner, Baidu Online Network Technology (Beijing) Co., Ltd. (“Petitioner”), believes that it has been and will continue to be damaged by U.S. Trademark Registration Nos. 6,035,838 and 6,066,221 for the marks A APOLLO (plus design) and APOLLO (stylized) (collectively, the “Subject Registrations”), and hereby petitions to cancel the same. Alternatively, Petitioner seeks relief under Section 18 of the Lanham Act, 15 U.S.C. § 1068, requiring Apollo Automobile Ltd. (“Registrant”) to modify and/or limit the goods and services specified in the Subject Registrations.

As grounds for partial cancellation and/or modification, Petitioner alleges as follows:

1. Petitioner is a Chinese Company having an address at Baidu Campus, no.10, Shangdi 10th Street, Haidian District, Beijing, China 100085.
2. Petitioner owns Application Serial Nos. 87/515,109, 88/177,266, and 87/514,209 for the marks APOLLO (stylized), APOLLO CYBER RT, and BAIDU APOLLO, respectively,

which have been refused because of a likelihood of confusion with the marks in the Subject Registrations.

3. Petitioner’s Application Serial Nos. 87/515,109, 88/177,266, and 87/514,209 cover the following goods and services:

| Application Serial No. | Class | Goods and Services |
|------------------------|-------------------------|--|
| 87/515,109 | International Class 012 | Anti-theft devices for vehicles; Autonomous cars; Camera drones, other than toys; Cars; Driverless cars; Electric vehicles, namely, automobiles, trucks, vans, sport utility vehicles; Electrically-powered motor vehicles; Motors for land vehicles |
| 88/177,266 | International Class 012 | Anti-theft devices for vehicles; Autonomous cars; Camera drones, other than toys; Civilian drones |
| 87/514,209 | International Class 012 | Autonomous cars; Driverless cars; structural parts for autonomous electric automobiles |

4. On information and belief, Registrant is a United Kingdom Private Limited Company with an address of Africa House, 70 Kingsway, London WC2B 6AH, United Kingdom.

5. On information and belief, Registrant is a hyper-car, or high-performance supercar, manufacturer.

6. On information and belief, Registrant’s hyper-car products are not available for purchase by the general public in the U.S.

7. Registrant’s website, accessed on June 4, 2021, states that its only hyper-car product, the “Intensa Emozione,” is “a new breed of hyper-car [] born out of [Registrant’s] engineering and design precision,” which “is a car that balances form and function,” and “is a precise engineered piece of art.”

8. Media coverage of Registrant and its hyper-car products as of February 6, 2020, states that “just 10 examples [of Registrant’s Intensa Emozione] will be built up, and of these

only three will reach North America.” Earlier media coverage of Registrant and its hyper-car products states that each of Registrant’s ten example products would be sold “at a price approaching \$2.71 million.”

9. The Subject Registrations broadly cover the following goods and services:

| Reg. No. | Class | Goods and Services |
|-----------|-------------------------|---|
| 6,035,838 | International Class 012 | Sports cars; Parts and fittings for sports cars and racing cars, namely, engines and brakes; Automobiles, namely, racing cars |
| 6,066,221 | International Class 012 | Sports cars; Parts and fittings for sports cars and racing cars, namely, engines and brakes; Automobiles, namely, racing cars |

10. On information and belief, based upon extensive internet research, Registrant does not use the subject marks in connection with the overbroad description of goods and services in the Subject Registrations.

11. On information and belief, based upon extensive internet research, Registrant does not have a bona fide intent to use the subject marks in connection with the overbroad description of goods and services in the Subject Registrations.

12. On information and belief, based upon extensive internet research, Registrant does not have a bona fide intent to use the subject marks in connection with “Parts and fittings for sports cars and racing cars, namely, engines and brakes.” Extensive internet research provides no indication or suggestion that Registrant has a bona fide intent to introduce “Parts and fittings for sports cars and racing cars, namely, engines and brakes” into commerce.

13. On information and belief, based upon extensive internet research, Registrant only uses and/or has a bona fide intent to use the marks of the Subject Registrations, A APOLLO (plus design) and APOLLO (stylized), with the following goods and services:

| Reg. No. | Class | Goods and Services |
|-----------|-------------------------|--|
| 6,035,838 | International Class 012 | hypercars , namely limited and rare human operated supercars ranking in the top percentile of all automobiles in pricing, acceleration, rarity, handling, speed, sound and appearance |
| 6,066,221 | International Class 012 | hypercars , namely limited and rare human operated supercars ranking in the top percentile of all automobiles in pricing, acceleration, rarity, handling, speed, sound and appearance |

14. On information and belief, this narrower description of goods and services is commercially significant and will obviate Registration Nos. 6,035,838 and 6,066,221 being cited as bases for refusal of Petitioner's Application Serial Nos. 87/515,109, 88/177,266, and 87/514,209.

15. The Subject Registrations should be cancelled with respect to the goods as to which Registrant lacks a bona fide intent-to-use the marks of the Subject Registrations.

16. Alternatively, the goods and services of the Subject Registrations should be modified pursuant to Section 18 of the Lanham Act, 15 U.S.C. § 1068, in accordance with the above.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that Registration Nos. 6,035,838 and 6,066,221 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner. Alternatively, Petitioner respectfully requests that, pursuant to 15 U.S.C. § 1068, Registrant be required to modify the goods and services of the Subject Registrations.

Dated: New York, NY
June 8, 2021

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 Petitioner