

ESTTA Tracking number: **ESTTA1090346**

Filing date: **10/21/2020**

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	Apple Inc.
Granted to Date of previous extension	10/21/2020
Address	ONE APPLE PARK WAY CUPERTINO, CA 95014 UNITED STATES
Attorney information	J. DAVID MAYBERRY KILPATRICK TOWNSEND & STOCKTON LLP 1114 AVENUE OF THE AMERICAS, 21ST FLOOR NEW YORK, NY 10036 UNITED STATES Primary Email: <a href="mailto:dmayberry@ktslaw.com">dmayberry@ktslaw.com</a> Secondary Email(s): <a href="mailto:ssadler@ktslaw.com">ssadler@ktslaw.com</a> , <a href="mailto:agarcia@ktslaw.com">agarcia@ktslaw.com</a> , <a href="mailto:tmadmin@ktslaw.com">tmadmin@ktslaw.com</a> 212-775-8700
Docket Number	

### Applicant Information

Application No.	88707638	Publication date	06/23/2020
Opposition Filing Date	10/21/2020	Opposition Period Ends	10/21/2020
Applicant	PROPAGANDA GOLD 1918 BOUL. SAINT-REGIS DORVAL, QUEBEC, H9P1H6 CANADA		

### 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: Telecommunications services, namely, transmission of digital media content, digital multimedia content, videos, movies, pictures, images, text and photos featuring user-generated content on a wide variety of topics and subjects via the Internet and other communications networks; broadcasting, webcasting, streaming, and transmission of audio, video, subscription television, and video-on-demand content via the internet and electronic communications networks; television broadcasting to mobile devices, namely, mobile phones, tablets, and personal computers; telecommunications services, namely, providing email alerts by means of push notification technology via the internet for use by virtual communities in social networking environments; providing online community forums and chat rooms for real-time interaction among users to post, search, watch, share, critique, rate, and comment on, videos and other multimedia content via the Internet and other communications networks

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

All goods and services in the class are opposed, namely: Online non-downloadable software for communicating with others in online community forums by posting, sharing and commenting on a wide variety of topics and subjects; software as a service (SAAS) services, namely, hosting software for use by others for use in communicating with others in online community forums by posting, sharing and commenting on a wide variety of topics and subjects; online non-downloadable software for posting online web links to other websites featuring images, audio recordings, video recordings, and text; online non-downloadable software for ranking, rating, and labeling internet content on a wide variety of topics and subjects; online non-downloadable software for finding persons in previous relationships with others and learning of their whereabouts for the purpose of building online social networking communities; online non-downloadable software for transmission of online messaging in a social networking environment using push notification technology via the internet; online downloadable software for creating and maintaining microblogs for others; online non-downloadable software for showing a user that user's desired and preferred content based on the user's online history and filtering from that history any undesired content; online non-downloadable software for use in community forums and chat rooms for the purpose of posting, searching, watching, sharing, critiquing, rating, and commenting on, videos and other multimedia content via the Internet and other communications networks

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3803176	Application Date	11/30/2009
Registration Date	06/15/2010	Foreign Priority Date	NONE
Word Mark	THINK DIFFERENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1997/09/28 First Use In Commerce: 1997/09/28 Computers, computer hardware, computer peripherals, [ and user manuals sold as a unit therewith; ] computer cables; computer terminals and monitors; computer keyboards; [ Portable and handheld digital electronic devices for recording, organizing, transmitting, receiving, manipulating, playing and reviewing text, data,image, audio and video files; MP3 and digital audio players; Hand held computers, personal digital assistants, electronic organizers; Computer software for use in organizing, transmitting, manipulating, and reviewing text, data, audio and video files on portable and handheld digital electronic devices; Computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing and organizing audio, video and other digital data; ] Computer operating system software [ ; Computer software for use in organizing, managing, viewing, browsing and accessing files, computer application software, disks, network connections, and computer hardware and peripheral devices; Computer software for use to navigate and search a global computer information network, as well as, organize and summarize the information retrieved; Computer software for the automatic configuration of computer networks, programs, peripherals, hardware and other computer devices; Computer programming software and computer software for software development; Application development tool programs; Computer utility software; Internet browser software; Computer fonts, typefaces, type designs and symbols; Computer software for use in font justification and font quality; Computer software for matching, correction, and reproduction of color; Computer programs for accessing, browsing and searching online databases; Computer software for use in providing multiple user access to a global computer information network for		

	<p>searching, retrieving, transferring, manipulating and disseminating a wide range of information; Electronic mail and messaging software; Computer software for task list management, automated reminders, and scheduling; Computer software for management of personal and business information for individuals and groups; Computer software for personal information and contact information management; Computer software for the creation, delivery, editing and viewing of digital media, namely, video, sound, animation, graphics, text, music and virtual reality; Computer software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing and organizing text, data, audio, video and still images; Computer game software; Computer graphics software; Computer software for data backup; Computer software for protecting, restoring and recovering data; Data synchronization software; Computer software for use in network server sharing; Local networking software; Computer software for analyzing and troubleshooting other computer software; Computer software for website development; Computer software for the creation, editing, authoring and/or playback of digital versatile disks; Computer software used for image editing, image processing, image acquisition, image file management, image viewing, image sharing, and the creation of documents incorporating images; Computer software for use in video editing; Computer software for use in word processing and database management; Computer programs for creating, editing and printing documents comprised of text and graphics; Computer software for use in word processing and database management; Computer software for creating spreadsheets, tables, graphs, and charts, and for organizing and analyzing data, for home, education, business, and developer use; Computer software for presentation graphics, namely, software for generating, storing, retrieving, manipulating and altering texts and graphics for use in presentations ]</p>
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U.S. Registration No.	2707257	Application Date	06/28/2002
Registration Date	04/15/2003	Foreign Priority Date	NONE
Word Mark	THINK DIFFERENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1997/09/28 First Use In Commerce: 1997/09/28 Computers hardware; hand held computers; [ computer terminals and monitors;] personal digital assistants; portable digital audio players; electronic organizers; [ computer keyboards,] cables, [modems;] computer programs for personal information management; database management software; [character recognition software; telephony management software;] electronic mail and messaging software; [paging software;] database synchronization software; computer programs for accessing, browsing and searching online databases; operating system software; data synchronization programs; application development tool programs; [blank computer storage media;] computer fonts, typefaces, type designs and symbols; [chips,] [ discs ] [and tapes bearing or for recording computer programs and software;] computer software for use in providing multiple user access to a global computer information network for searching, retrieving, transferring, manipulating and disseminating a wide range of information; computer software for use as a programming interface; computer software for use in network server sharing; local networking software; computer software for matching, correction, and reproduction of color; [computer software for use to assist in dialing telephone numbers;] computer software for use in video editing; computer software for use in enhancing text and graphics; computer software for use in font justification and font quality; computer software for use to navigate and search a global computer information network, as well as, organize and summarize the informa-</p>		

	tion retrieved; computer software for use in word processing and database management; computer software for use inauthoring, downloading, transmitting, receiving, editing, extracting, encoding,decoding, playing, storing and organizing audio, video and other digital data; computer software for analyzing and troubleshooting other computer software; [Children's educational software; ]Computergame software; Computer graphics software; Computer search engine software; [ Web site development software; ] [computer peripherals;] instructional manuals packaged in association with all of the above
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Attachments	Final Notice of Opposition - THINK DIFFERENT AGAIN.pdf(403184 bytes ) Exhibit A.pdf(186748 bytes ) Exhibit B.pdf(386275 bytes ) Exhibit C.pdf(68302 bytes ) Exhibit D.pdf(323464 bytes ) Exhibit E.pdf(95520 bytes )
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Signature	/Sara K. Stadler/
Name	Sara K. Stadler
Date	10/21/2020

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

*In re* Application Serial No.: 88/707,638

Mark: THINK DIFFERENT, AGAIN

Filing Date: November 26, 2019

Publication Date: June 23, 2020

APPLE INC.,

Opposer,

v.

PROPAGANDA GOLD,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposer Apple Inc. (“Apple”), a corporation organized and existing under the laws of California with a principal place of business at One Apple Park Way, Cupertino, California 95014, will be damaged by registration of the mark THINK DIFFERENT, AGAIN (“Applicant’s Mark”) as shown in Application Serial No. 88/707,638 (the “Application”) and published in the *Official Gazette* on June 23, 2020, and accordingly, Apple opposes the Application. Apple timely sought extensions of time in which to file this Notice of Opposition, and those extensions were granted.

As grounds for this Notice of Opposition, Apple alleges as follows:

1. Apple designs, manufactures and markets smartphones, personal computers, tablets, wearables and accessories, and sells a variety of related services. Its products include the

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