

04 TTAB DEFENSE · CROWDED-FIELD EVIDENCE

The opposer claims exclusivity. The register says thirty-seven owners.

Defending an opposition, the attorney needs to show the opposer's three-letter mark APS is weak and entitled to only narrow protection. Markus turns a hunch into an evidence table.

Opposer claims exclusive rights in APS. Run a crowded-field search — how many third parties actually hold live APS registrations, and in what classes?

Attorney

50 LIVE MARKS · 37 OWNERS

APS is about as crowded as a three-letter mark gets — an exclusivity claim is very hard to sustain on this record. Standalone APS: **50 live marks held by 37 distinct owners**. That blows past the standard crowded-field threshold (roughly 6+ independent owners). A sample of the genuinely unrelated third parties:

OWNER	CLASS(ES)	GOODS/SERVICES
Arizona Public Service Company	35, 39, 40, 42	Electric utility services
Biomet Manufacturing, LLC	10	Blood-collection kits
APS Limited	28	Airsoft / toy guns
"APS Trading" OOD	7, 9, 16, 37	Thermoprinters, circuit boards
Akron Polymer Systems Inc.	42	Polymer R&D
The American Pediatric Society	35, 41	Pediatric education

Distinct owners hold standalone APS registrations across **22 Nice classes** — with Classes 35, 9, 42, and 41 the most contested.

Markus · real session, Jul 16, 2026 · list_marks_containing_term, get_mark_owner_landscape · 45 seconds

WHY THIS NEEDS THE LIVE REGISTER

Generic AI will draft the shape of a crowded-field defense — with invented registrations. Markus counted the field (exactly 50 live marks, 37 owners — verified to the digit) and returned real owners with real classes, ready to become an exhibit. This isn't an argument; it's evidence.

Field counts and every owner row independently re-verified against the live USPTO register, July 2026. Opposition scenario fictionalized.