

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

APPLE INC.,

Plaintiff,

v.

SAND MEDIA CORP INC, APPLE
CINEMAS DANVILLE INC., APPLE
CINEMAS VAN NESS INC, JAAS MEDIA
INC., APPLE CINEMAS GREECE RIDGE
INC, APPLE CINEMAS HARTFORD,
INC, APPLE CINEMAS PITTSFORD INC,
APPLE CINEMAS SIMSBURY INC,
APPLE CINEMAS TORRINGTON INC,
APPLE CINEMAS VII, INC, APPLE
CINEMAS WARWICK, INC, APPLE
CINEMAS WATERBURY INC, APPLE
CINEMAS RIVERVIEW PLAZA INC.,
APPLE CINEMAS WHITE PLAINS INC.

Defendants.

CASE NO.: 1:25-CV-12173

COMPLAINT

JURY TRIAL DEMANDED

PLAINTIFF APPLE INC.'S COMPLAINT

Plaintiff Apple Inc. (“Apple”), by and through the undersigned counsel, hereby alleges the following against Defendants Sand Media Corp Inc (“Sand Media”), Apple Cinemas Danville Inc., Apple Cinemas Van Ness Inc, Jaas Media Inc., Apple Cinemas Greece Ridge Inc, Apple Cinemas Hartford, Inc, Apple Cinemas Pittsford Inc, Apple Cinemas Simsbury Inc, Apple Cinemas Torrington Inc, Apple Cinemas VII, Inc, Apple Cinemas Warwick, Inc, Apple Cinemas Waterbury Inc, Apple Cinemas Riverview Plaza Inc., and Apple Cinemas White Plains Inc. (collectively, “Defendants”).

NATURE OF THE ACTION

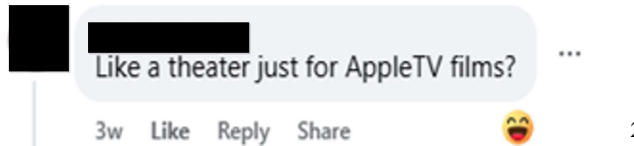
1. This case concerns Defendants' deliberate misuse of Apple's world famous APPLE trademark and service mark, as well as their efforts to capitalize on the highly-regarded Apple brand in connection with the aggressive nationwide expansion of a movie theater chain under the name "Apple Cinemas." Defendants refused to engage with Apple's repeated efforts to resolve the matter amicably. Faced with Defendants' plan to expand to 100 theaters nationwide, as well as widespread public confusion about Apple's involvement in the theaters, Apple has no alternative but to file this lawsuit to protect its brand and customers from deception.

2. As part of its aggressive national expansion to 100 theaters, on or about July 10, 2025, Apple Cinemas opened in the historic movie theater location at 1000 Van Ness Avenue in San Francisco, California. Defendants announced the opening with a media blitz, touted its "high-tech" offerings, and teased another San Francisco Bay Area theater coming soon. Until recently, Apple Cinemas had not operated outside a few suburbs and city outskirts in New England. But now, these two San Francisco Bay Area locations are each less than 50 miles from Apple's flagship headquarters in Cupertino, California, and Apple Cinemas is pursuing a nationwide expansion near Apple retail store locations on both coasts.

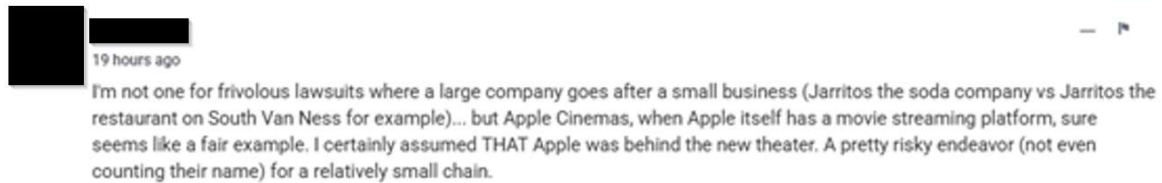
3. Already, Defendants' actions have confused customers and diluted Apple's brand. The comment sections of articles and social media posts promoting the new Apple Cinemas opening are full of questions from the public. For example, one user responded to the announcement of the San Francisco location, "Is this another Apple brand?"



4. Another wondered if the theater showed only Apple TV films—referencing Apple’s APPLE TV mark:



5. A third stated, “I certainly assumed THAT Apple was behind the new theater.”



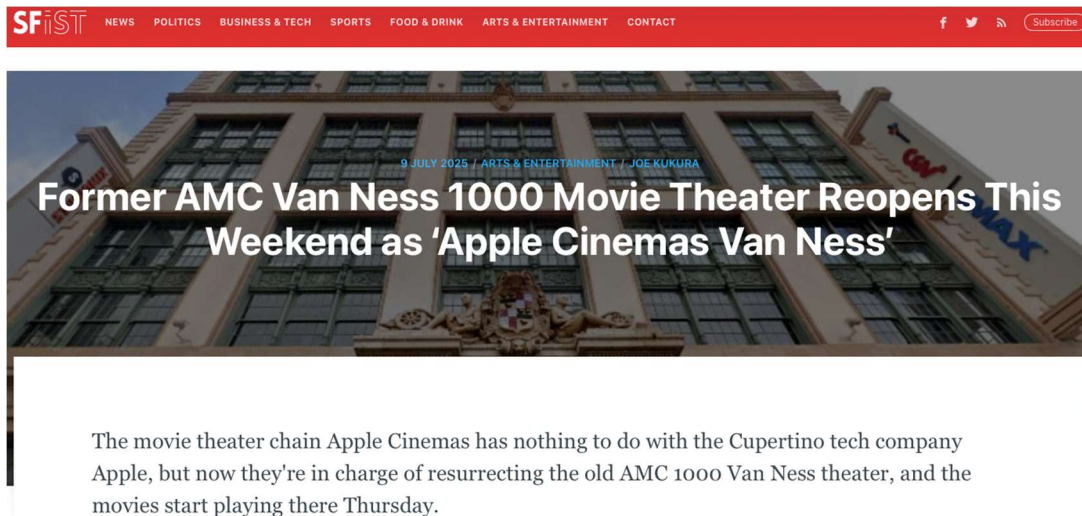
6. Media coverage of the theater openings on both coasts found it necessary to explain that Apple Cinemas was not affiliated with Apple Inc. Westchester County local news covering the White Plains, New York opening noted that “Apple Cinemas is not related to the computer company.”⁴ In some cases, San Francisco local media, led with the following clarification:

¹ <https://www.facebook.com/reel/706561949028963>

² <https://www.facebook.com/groups/CinemaTour/posts/23974942918784234>

³ https://sfist.com/2025/07/09/former-amc-van-ness-1000-movie-theater-reopens-this-weekend-as-apple-cinemas-van-ness/?fbclid=IwY2xjawLc675leHRuA2FlbQIxMQABHsSJYsAYNMAhw4Hj71U8eljXNrL87pY08PDrWgkM5HvjsxRHRMIYYbSeemDp_aem_btISqTU4Xx25v4Yq3xpO4g

⁴ <https://westfaironline.com/latest-news/white-plains-cinema-launches-screenx-massive-wide-screen-system/>



7. This confusion was expected but preventable. The companies behind Apple Cinemas received multiple warnings that the name would cause confusion (including a cease and desist letter from Apple directly), but Defendants knowingly pushed forward.

8. The first warning came from The United States Patent and Trademark Office (“USPTO”). In 2024, planning its expansion and seeking nationwide trademark rights, Sand Media applied to register APPLE CINEMAS and the related mark ACX – APPLE CINEMATIC EXPERIENCE (collectively, the “Infringing APPLE Marks”). The USPTO denied the applications on October 21, 2024, explaining that Defendants’ Infringing APPLE Marks were likely to cause confusion with Apple’s prior trademark rights.

9. Following the USPTO’s denial, Apple sent a cease and desist letter to Sand Media and warned it that customers would be confused that the two brands were affiliated if Sand Media expanded on a national scale as proposed under the Apple Cinemas name. By this time, Defendants had newly adopted a stylized apple logo to accompany the Apple Cinemas name,

⁵ https://sfist.com/2025/07/09/former-amc-van-ness-1000-movie-theater-reopens-this-weekend-as-apple-cinemas-van-ness/?fbclid=IwY2xjawLc675leHRuA2FlbQIxMQABHsSJYsAYNMAhw4Hj71U8eljXNrL87pY08PDrWgkM5HvjxRHRMIYYbSeemDp_aem_btISqTU4Xx25v4Yq3xpO4g

shifted their location focus away from strip malls to shopping malls and city centers, and targeted locations near Apple retail stores and offices. Fully aware that their actions risked infringing and diluting the distinctiveness of Apple's trademarks and confusing consumers familiar with APPLE, APPLE TV, and the family of APPLE-formative marks (including Apple's earlier APPLE CINEMA DISPLAY mark), Defendants refused to resolve the matter amicably or adjust their plans despite Apple's cease and desist letter.

10. Apple respects the rights of others to conduct legitimate business and has facilitated many such efforts through its developer program, coding workshops, and the hardware and software it creates. Nevertheless, it cannot stand by while a company knowingly trades off its trademarks in a manner that harms consumers. Consumers should not go to an "Apple Cinemas" theater thinking it is connected to the famous Apple brand, with all its goodwill and brand equity, when Apple Cinemas has no relation whatsoever to Apple.

11. Unfortunately, Apple has no choice but to now file this lawsuit to stop Defendants' use of the Infringing APPLE Marks.

PARTIES

12. Plaintiff Apple is a California corporation with its principal place of business located at One Apple Park Way, Cupertino, California.

13. Defendant Sand Media is a Massachusetts corporation with its principal place of business located at 19 Anderson Way, East Walpole, Massachusetts.

14. Defendant Apple Cinemas Danville Inc. is a Delaware corporation with its principal place of business located at 19 Anderson Way, East Walpole, Massachusetts.

15. Defendant Apple Cinemas Van Ness Inc is a Delaware corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

16. Defendant Jaas Media Inc. is a Massachusetts corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

17. Apple Cinemas Greece Ridge Inc is a Massachusetts corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

18. Apple Cinemas Hartford, Inc is a Massachusetts corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

19. Apple Cinemas Pittsford Inc is a Massachusetts corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

20. Apple Cinemas Simsbury Inc is a Massachusetts corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

21. Apple Cinemas Torrington Inc is a Massachusetts corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

22. Apple Cinemas VII, Inc is a Massachusetts corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

23. Apple Cinemas Warwick, Inc is a Massachusetts corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

24. Apple Cinemas Waterbury Inc is a Massachusetts corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

25. Apple Cinemas Riverview Plaza Inc. is a Delaware corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

26. Apple Cinemas White Plains Inc. Delaware corporation with its principal place of business at 19 Anderson Way, East Walpole, Massachusetts.

27. Based on public records, Defendants are affiliated entities sharing numerous principals, employees, and a principal place of business and collectively hold themselves out to the public as “Apple Cinemas.” Based on public records and news coverage, each Defendant was established in connection with a new Apple Cinemas theater, but Defendants work together to offer services, operate theaters, operate a joint website, and operate joint social media accounts under the Apple Cinemas mark from within the state of Massachusetts. Given their shared ownership, employees, and principal place of business, Defendants are collectively responsible for, and collectively benefit from, the use, advertising, and conduct discussed herein.

JURISDICTION AND VENUE

28. This Court has subject-matter jurisdiction over this action pursuant to 15 U.S.C. § 1121, 28 U.S.C. §§ 1331, 1338(a), and 2201. Apple’s claims are based, in part, on violations of the Lanham Act, 15 U.S.C. §§ 1051–1141.

29. This Court has personal jurisdiction over Defendants because their principal places of business are located in Massachusetts. This Court also has personal jurisdiction over Defendants because, according to public records and reporting, they managed, oversaw, and directed the infringing conduct discussed herein from within the Commonwealth of Massachusetts and entered into contracts and negotiations with third parties from within Massachusetts to facilitate and further the infringing conduct discussed herein. According to public business records, Defendants also operate an Apple Cinemas location in Cambridge, Massachusetts with Jaas Media as the signatory for the business record associated with that theater.

30. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because all Defendants reside in this jurisdiction and a substantial part of the events giving rise to this action occurred in Massachusetts.

FACTUAL BACKGROUND

A. Apple's Famous APPLE Trademark

31. Apple is one of the most successful companies in the world. Since its founding in 1976, it has offered consumers a wide range of innovative goods and services under its famous



APPLE house brand, logo (), and numerous trademarks containing the word APPLE (collectively, the “APPLE Marks”). These good and services include smartphones, tablets, operating systems, and an array of entertainment platforms and services for consuming movies, television, podcasts, books, and other media. In the past two decades, Apple has become one of the world’s largest distributors of motion pictures and other entertainment content.

32. Movies and entertainment have long been a part of the APPLE brand. As early as 1998, Apple offered Final Cut Pro, a professional, Emmy winning, video editing software that is still part of Apple’s suite of products today.

33. The following year, Apple introduced the groundbreaking iMovie video editing software, which allowed consumers to create professional quality movies.⁶ Like Final Cut Pro, Apple continues to offer iMovie today.

34. Since 1991, Apple’s QuickTime video player has provided consumers with a way to play digital video. In March 1999, Apple exclusively premiered the trailer for the highly anticipated film *Star Wars: Episode I – The Phantom Menace*. Available only in Apple’s QuickTime digital video format, the trailer was downloaded over 600,000 times in a single day.

⁶ <https://www.apple.com/newsroom/2000/04/28Apple-Offers-iMovie-as-Free-Download-for-PowerBook-BR-and-Power-Mac-G4-Users/>

Over 24 hours, the trailer had been viewed over 1 million times, and within three weeks it had been downloaded 6.4 million times.

35. Three months later, on July 21, 1999, Apple debuted the QuickTime Movie Trailers channel, one of the stations on Apple's new QuickTime TV network. The popular channel allowed consumers to view movie trailers for films from a wide array of studios.

36. Also in 1999, Apple introduced the Apple Cinema Display, a widescreen monitor that Apple offered for several years designed for creative professionals needing enhanced color and image quality for their work.

37. A few years later, in April 2002, Apple introduced Cinema Tools, a software tool that worked with Final Cut Pro to make film editing more accessible. The technology was used to edit professional films as early as 2002.⁷

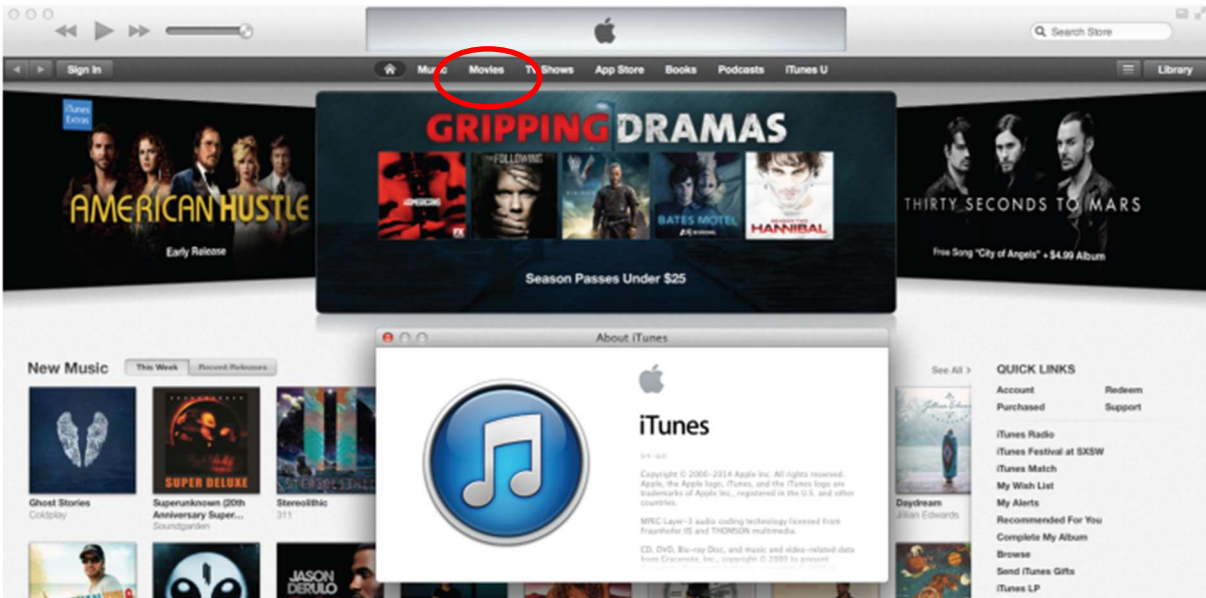
38. In 2003, Apple launched the iTunes Music Store platform, which revolutionized the way consumers accessed music by allowing them to purchase licenses and download digital copies of songs.⁸ In 2005, Apple began distributing television shows through iTunes. By 2006, it began offering movies.⁹ And by 2007, it was the "largest online video store in the world" selling "50 million TV shows and over 1.3 million movies[.]"¹⁰

⁷ <https://www.apple.com/newsroom/2002/04/05Apple-Announces-Cinema-Tools-for-Final-Cut-Pro/>

⁸ <https://www.apple.com/newsroom/2003/04/28Apple-Launches-the-iTunes-Music-Store/>

⁹ <https://www.apple.com/newsroom/2006/09/12Apple-Announces-iTunes-7-with-Amazing-New-Features/>

¹⁰ <https://www.apple.com/newsroom/2007/01/09iTunes-Store-Tops-Two-Billion-Songs/>



March 13, 2014 iTunes Specimen of Use filed with the USPTO¹¹

39. Shortly thereafter, in 2007, Apple launched the Apple TV device and service, which allowed consumers to watch movies and television shows on their high definition and widescreen televisions.¹² By 2013, Apple delivered over 350,000 movies daily through the Apple TV service.¹³ Consumers continue to access movies through Apple TV today.

40. Apple Music launched the first series produced for Apple, *Carpool Karaoke: The Series*, on August 9, 2017. The series was available on Apple TV in its second season.

41. Two years later, in 2019, Apple launched APPLE TV+, a subscription-based streaming service focused on delivering Apple Original films, series, and specials to a global audience.¹⁴ Apple Original films, documentaries and series have been honored with numerous,

¹¹

<https://tsdr.uspto.gov/documentviewer?caseId=sn77236568&docId=SPE20140314144533&linkId=9#docIndex=8&page=1>

¹²

<https://www.apple.com/newsroom/2007/03/21Apple-TV-Now-Shipping/>

¹³

<https://www.apple.com/newsroom/2013/06/19HBO-GO-WatchESPN-Come-to-Apple-TV/>

¹⁴

<https://www.apple.com/newsroom/2019/11/apple-tv-plus-is-now-available/>

record-breaking nominations and awards, including Best Picture at the 94th Academy Awards, BAFTAs, Golden Globes, AFI Awards, and Emmy Awards.¹⁵ An excerpt from Apple's current webpage describing Apple TV+ is below.

The screenshot shows the Apple TV+ website. At the top, there's a navigation bar with the Apple TV+ logo and a 'Stream now' button. The main content area features a dark background with a blurred image of a man in a tuxedo. The text on the page reads:

Hundreds of exclusive shows and movies, with new releases weekly.

Thrilling dramas, epic sci-fi, and feel-good comedies — no ads.

Stream on the Apple TV app on Apple and Android devices, smart TVs, and sticks.

With Family Sharing, one subscription works for up to six people.

Below this, there are three columns of promotional offers:

- Buy an Apple device**
3 months free.
Apple TV+ is included for 3 months when you purchase an Apple device and redeem the offer within 90 days.¹
[Check eligibility](#)
- Free 7-day trial**
\$9.99/mo.
A monthly subscription is just \$9.99 per month after a free 7-day trial.² Share Apple TV+ with your family.³
[Try it free](#)
- Free 1-month trial**
Apple One
Bundle Apple TV+ with up to five other great services for one low monthly price. And enjoy more for less.
[Learn more >](#)
[Try Apple One free*](#)

16

¹⁵ <https://www.apple.com/newsroom/2022/03/apples-coda-wins-historic-oscar-for-best-picture-at-the-academy-awards/>; <https://www.apple.com/newsroom/2025/07/apple-lands-record-breaking-81-emmy-award-nominations-with-severance-leading/>

¹⁶ <https://www.apple.com/apple-tv-plus/>

42. In 2023, Apple launched Apple Vision Pro, a spatial computer that let users “transform any space into their own personal movie theater with a screen that feels 100 feet wide.”



Users can transform any space into their own personal movie theater with a screen that feels 100 feet wide. (Viewers can stream *Foundation* on Apple TV+ with a subscription.)

17

43. In addition to these hardware and software products and related services, Apple has long offered live entertainment programs at its retail stores, including music performances, live interviews, and film screenings. Just a few examples include premiering the short film *Hotel Chevalier* by Wes Anderson in 2007¹⁸; premiering the Gorillaz documentary *Bananaz* in 2009¹⁹; hosting a series of films by film students at the Apple Store SoHo location’s theater²⁰; and screening the documentary film “On the Record: P!NK - Beautiful Trauma,” which Apple also

¹⁷ <https://www.apple.com/newsroom/2023/06/introducing-apple-vision-pro/>

¹⁸ <https://www.businessinsider.com/2007/9/natalie-portman>

¹⁹ <https://asifacast.com/437>

²⁰ <https://fssanews.com/2013/11/20/film-students-get-screened-at-soho-apple-stor/>

produced through its Apple Music team, in 2017²¹. An advertisement for one such event is below.



22

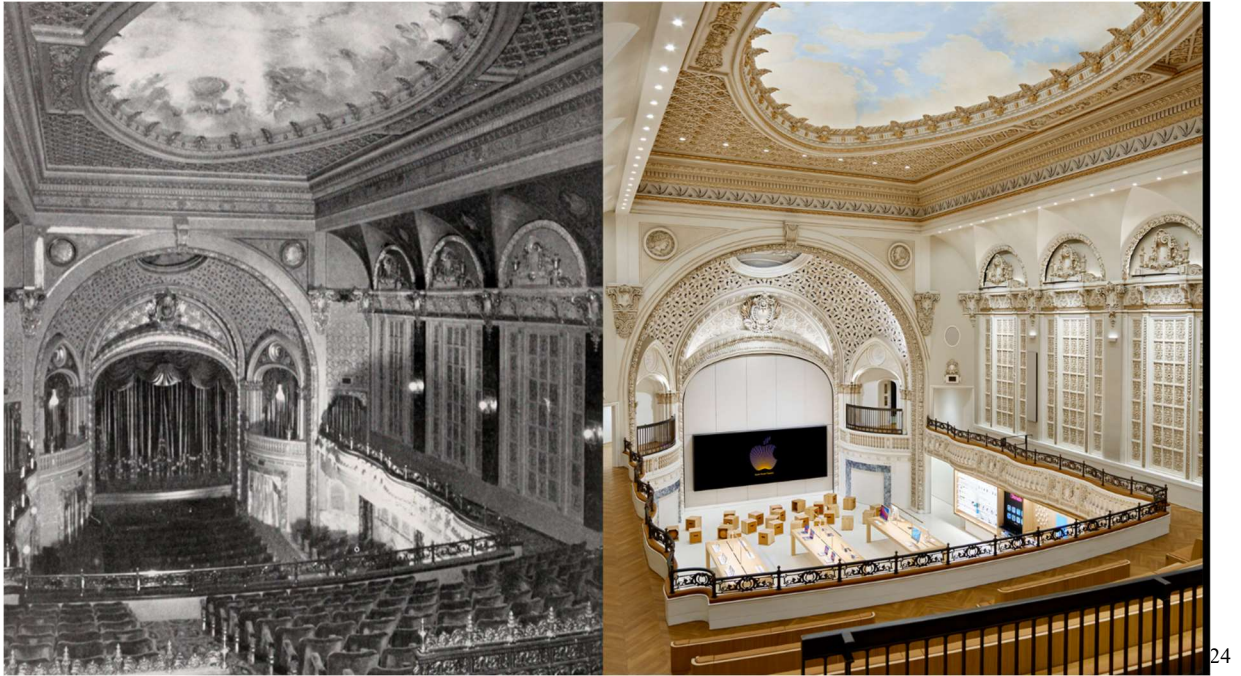
44. From the late 2000's to mid-2010's, Apple also held various events in connection with the Tribeca Film Festival, including an opening night party and filmmaker panels where filmmakers discussed their movies and presented clips and trailers.²³

45. As shown below, Apple's retail store location in Los Angeles is itself a converted theater with a screen and surrounding seating. An image of the original historic theater is on the left and the converted Apple Store is on the right.

²¹ https://www.instagram.com/p/BaH_iX7nQ5Q/

²² <https://gorillaz-news.livejournal.com/252404.html>

²³ <https://michaelsteeber.substack.com/p/tribeca-film-festival>;
<https://tribecafilm.com/news/512c14d81c7d76d9a90008e4-an-apple-talk-a-day-or-tw>



46. To protect its rights in the well-known APPLE Marks, Apple has secured dozens of trademark and service mark registrations and has numerous pending applications to register those and other APPLE-formative trademarks in the United States. Many of these trademarks include the word APPLE in connection with a descriptive term, such as APPLE STORE, APPLE TV, APPLE MUSIC, APPLE NEWS, APPLE EARPODS, APPLE ARCADE, and APPLE CONFIGURATOR.

47. In fact, Apple owned a trademark registration for the trademark APPLE CINEMA DISPLAY in connection with a widescreen display monitor (Reg. No. 2474021) when Defendants adopted the Apple Cinemas name. A complete list of all of Apple's U.S. trademark and service mark registrations covering marks containing the word APPLE or the Apple logo is attached hereto as **Exhibit A** (the "Registered APPLE Marks").

²⁴ <https://www.apple.com/newsroom/2021/06/apple-tower-theatre-opens-thursday-in-downtown-los-angeles/>

48. Unsurprisingly given Apple's extensive history in the movie production and distribution space, several of these registrations, and numerous pending applications, cover services related to the distribution and production of films and other entertainment. Examples of such trademark registrations include (emphasis added):

- APPLE (Reg. No. 4088195) for various services, including “**providing information, podcasts and webcasts in the field of** entertainment via the Internet concerning **movies**, music, videos, television, sports, news, history, science, politics, comedy, children's entertainment, animation, culture, and current events; . . . **providing entertainment information regarding movies**, music, videos, television, sports, news, . . . ; **providing information, reviews and personalized recommendations of movies**, music, videos, television, . . . ; **rental of digital entertainment content in the nature of movies**, music, videos, television, sports, news, history, science, politics, comedy, children's entertainment, animation, culture, and current events, by means of communications networks, namely, provision of non-downloadable audio and audiovisual programs via an online video-on-demand service; **providing a database of digital entertainment content in the nature of movies**, music, videos, television, sports, . . . ; **entertainment services, namely, providing prerecorded audio and audiovisual content, information and commentary in the fields of** music, concerts, videos, **movies**, television, books, news, sports, games and cultural events all via a global computer network” (Sept. 28, 2007 priority date; Mar. 1, 1981 first use date);
- APPLE (Reg. No. 3928818) for various goods, including “**computer hardware and computer software for** the reproduction, processing and **streaming of audio, video and multimedia content**; computer hardware and software for controlling the operation of audio and video devices and for **viewing, searching and/or playing** audio, video, television, **movies**, photographs and other digital images, and other multimedia content; computer monitors; . . . MP3 and other digital format audio and **video players**; . . . **computer software for use in organizing, transmitting, receiving, manipulating, playing and reviewing** text, data, image, audio, and **video files**” (May 3, 2007 priority date; Apr. 1, 1976 first use date);
- APPLE (Reg. No. 3317089) for various goods, including “**cinematographic films**” and “audio and visual recordings featuring or relating to music, entertainment and films” (June 4, 2004 priority date);
- APPLE TV (Reg. No. 7269838) for various services, including “**production, and distribution of television** programs, **motion pictures, and multimedia entertainment content**; **rental and presentation of** ongoing television programs, **motion pictures, and multimedia entertainment content**, all in the fields of comedy, drama, children's entertainment, sci-fi, documentary, music, health, fitness, and sports; **providing ongoing television, audio, video, and webcast programs** in the fields of comedy, drama, children's entertainment, sci-fi, documentary, music, health, fitness, and sports; **providing entertainment, sports, animation, music, informational, news, reality, documentary, current events, and arts and culture programming** by means of telecommunications networks, computer networks, the Internet, satellite, wireless communications networks,

television, and cable television; **providing non-downloadable entertainment**, sports, **animation**, music, **informational**, news, reality, **documentary**, current events, **and arts and culture programming . . .**” (Feb. 20, 2019 priority date; Jan. 17, 2008 first use date)

- APPLE TV (Reg. No. 3359045) for various goods, including “**digital electronic devices for recording, organizing, transmitting, receiving, manipulating, playing and reviewing** text, data, image, audio and **video files; computer software for use in organizing, transmitting, receiving, manipulating, playing and reviewing** text, data, image, audio, and **video files**; computer hardware and computer software for the reproduction, processing and **streaming of audio, video and multimedia content**; computer hardware and software for controlling the operation of audio and video devices and for **viewing, searching and/or playing** audio, video, television, **movies**, photographs and other digital images, and other multimedia content” (Nov. 13, 2006 priority date; Mar. 21, 2007 first use date)



- (Reg. No. 3298028) for various services, including “providing a website for the uploading, sharing, viewing and posting of photographs, digital images, **movies . . .**” and “providing information in the field of entertainment via the Internet concerning **movies . . .**” (Aug. 2, 2006 priority date; Mar. 1, 1981 first use date)



- (Reg. No. 7043229) for various services, including “**production, and distribution of** television programs, **motion pictures**, and multimedia entertainment content; **rental and presentation of** ongoing television programs, **motion pictures . . .**; providing interactive guides for searching, selecting, recording, and archiving television programs, **motion pictures**, and other multimedia entertainment content” (Feb. 20, 2019 priority date; Jan. 17, 2008 first use date)

49. Since its inception, Apple has invested heavily in the APPLE Marks. They have have been the subject of substantial advertising, marketing, promotion, and use across a wide range of media including print, social media, billboards, television, sporting events, and in retail stores.

50. Apple and its trademarks and service marks have also received substantial unsolicited press coverage, including from national and local newspapers, magazines, bloggers, and on-air news reports.

51. The company has garnered substantial consumer support and sales both within the United States and abroad. Indeed, brand loyalty is so strong that videos posted online from the

annual Worldwide Developers Conference where Apple announces new products and services regularly receive over 10 million views.²⁵

52. Apple and its logo are now among the world's most recognized, famous brands, and have been for years. For example, Apple appeared first on Forbes' list of "World's Most Valuable Brands" as early as 2010 and has appeared on the list every year since then.²⁶ Apple has also appeared first on Fortune's list of the World's Most Admired Companies for 18 straight years (2008-2025).²⁷ Apple thus has very strong trademark rights in its APPLE Marks in connection with a wide range of goods and services, including movie distribution.

B. Apple Cinemas Theaters and Attempted Expansion

53. According to public records, news reports, and the applecinemas.com website, Defendants own and operate movie theaters under the name APPLE CINEMAS. They also provide a specialized screen and sound experience at certain locations called ACX – APPLE CINEMATIC EXPERIENCE.

54. Based on news reports and historic preservations of the applecinemas.com website, Apple Cinemas started in New England with minimal fanfare, no logo, and a basic website. Defendants claim they adopted the Apple Cinemas name due to a planned first location at the Apple Valley Mall in suburban New England, but they never opened a location there. Instead, they adopted the Apple Cinemas name even after that location fell through and used it despite awareness of Apple's rights and the confusion caused by the name.

²⁵ <https://www.youtube.com/@Apple/search?query=wwdc>

²⁶ <https://www.forbes.com/forbes/2010/0830/international-ibm-att-disney-apple-most-valuable-brands.html>

²⁷ <https://fortune.com/ranking/worlds-most-admired-companies/>

55. According to news reports, the first theater opened in 2013 in the Alewife neighborhood of North Cambridge, Massachusetts. The theater is located in a standalone building set-off behind the Fresh Pond strip mall on the commuter artery, Alewife Brook Parkway. It was followed by one theater in Waterbury, Connecticut in 2014 and another in Barkhamsted, Connecticut in 2015.



North Cambridge, picture reportedly dated 2013²⁸



Waterbury, picture reportedly dated 2015²⁹

²⁸ https://www.yelp.com/biz_photos/apple-cinemas-cambridge?select=DcGKVXd6d-8t4ZMa2-Gifg

²⁹ https://www.yelp.com/biz_photos/apple-cinemas-waterbury-waterbury?select=xMpTDD79MZgETtY5ml6Tww

56. According to Sand Media’s statements to the USPTO, Defendants opened no other theaters from 2016 through 2018. They opened a few theaters in New England from 2019 to 2022, but these openings were quickly followed by multiple closures. In fact, based on information reported to the USPTO, Defendants closed more theaters in 2023 than they opened. Similarly, during the first three quarters of 2023, archive.org records show that the applecinemas.com website was frequently “not accessible”:

www.applecinemas.com

 **This web property is not accessible via this address.** ³⁰

57. Then, Defendants’ conduct changed. Based on Sand Media’s statement to the USPTO, in December 2023, Defendants opened their first cinema outside New England, in Pittsford, New York, a suburb of Rochester.

58. On February 29, 2024, Defendant Sand Media applied to register the APPLE CINEMAS mark with the USPTO in an apparent attempt to secure nationwide trademark rights in the name. On March 11, 2024, it applied to register ACX - APPLE CINEMATIC EXPERIENCE with the USPTO.

59. Defendants then opened another New York theater in May 2024 in White Plains, New York, just a half mile from Apple’s White Plains Apple Store.

³⁰

<https://web.archive.org/web/20230119173710/https://www.applecinemas.com/web/20230119173710/https://www.applecinemas.com/>; *see also, e.g.*, <https://web.archive.org/web/20230405101535/https://www.applecinemas.com/web/20230405101535/https://www.applecinemas.com/>, <https://web.archive.org/web/20230912144708/https://www.applecinemas.com/web/20230912144708/https://www.applecinemas.com/>

60. As discussed in greater detail further below, on October 21, 2024, the USPTO denied both of Sand Media's applications. On December 4, 2024, Apple sent a cease and desist letter.

61. Yet Defendants were undeterred. According to news reports, in March 2025, Defendants opened yet another theater outside New England, in Rochester, New York.

62. In April 2025, Defendant Sand Media tried to convince the USPTO that the infringing APPLE CINEMAS and ACX – APPLE CINEMATIC EXPERIENCE trademarks should be registered and submitted voluminous evidence to try to reverse the USPTO's refusal. Yet the USPTO maintained its refusal based on the likelihood of confusion with Apple's trademarks.

63. Nonetheless, Defendants expanded even further. On or about June 2025, Defendants announced plans to open a theater in San Francisco, California, under an hour drive from Apple's headquarters.

64. Based on news reports, Defendants tapped many prominent media sources and members of the local community to promote this opening. For example, on or about June 17, 2025, San Francisco Mayor Daniel Lurie announced on social media that Apple Cinemas would open in San Francisco. ABC7 in San Francisco and other news outlets quickly picked up the story.³¹ Defendants' employees also began doing interviews for local news outlets, such as the *San Francisco Chronicle*.³² As the opening approached, more news outlets reported the story.

³¹ <https://abc7news.com/post/san-francisco-getting-new-movie-theater-vacated-van-ness-building-report/16769960/>; <https://www.msn.com/en-us/news/technology/san-francisco-getting-new-movie-theater-at-vacated-van-ness-building-mayor-lurie-says/ar-AA1GR9b4>

³² <https://www.sfchronicle.com/entertainment/article/apple-cinemas-san-francisco-movie-theater-20376086.php>

For example, on July 9, 2025, the local news website *SFist* announced the coming opening and the *San Francisco Chronicle* reported that tickets were on sale.³³

65. According to news reports, Defendants opened the San Francisco theater on or about July 10, 2025. In doing so, Defendants began transforming themselves from a handful of regional theaters to a nascent national brand. Indeed, Boston Real Estate Times described the San Francisco lease as a “key step in Apple Cinemas’ aggressive national growth strategy.”³⁴ And KeyPoint Partners, which reportedly helps Defendants market Apple Cinemas and secure theater leases, has touted the brand’s recent shift from New England to the “national arena.”³⁵ According to KeyPoint Partners, Defendants’ goal is to open “100 cinemas during the next decade and become “one of the largest theater chains in North America.”³⁶ An image of the sign for the new San Francisco theater is below.

³³ <https://sfist.com/2025/07/09/former-amc-van-ness-1000-movie-theater-reopens-this-weekend-as-apple-cinemas-van-ness/>; <https://www.sfchronicle.com/entertainment/article/apple-cinemas-san-francisco-opening-20762805.php>

³⁴ <https://bostonrealestatetimes.com/apple-cinemas-signs-lease-for-historic-san-francisco-theater-expanding-west-coast-presence/>

³⁵ <https://www.keypointpartners.com/apple-cinemas-expansion>

³⁶ <https://www.keypointpartners.com/single-post/apple-cinemas-signs-cinema-lease-in-san-francisco>



37

66. According to news reports, before the end of 2025, Defendants plan to open another Northern California theater, again just an hour from Apple’s headquarters, in the suburb of Danville at the Blackhawk Plaza.³⁸ They also reportedly plan to open theaters in Philadelphia and at least one other location. The other location has not yet been confirmed, but a press release regarding the Philadelphia cinema mentions Royal Palm Beach, Florida and Hicksville, Long Island as possibilities.³⁹ If Defendants complete these openings, they will have opened five new theaters in 2025 alone.

67. Defendants also appear to have shifted their focus toward opening theaters in traditional malls (as opposed to strip malls or standalone buildings). For example, the recently opened Rochester theater is located in the Mall at Greece Ridge and the White Plains theater is located at the City Center mall, which a Westchester tourism website has described as “home to

³⁷ <https://www.youtube.com/watch?v=Vrzjpjbb7Mw>

³⁸ <https://www.shopblackhawkplaza.com/>; <https://www.sfchronicle.com/entertainment/article/apple-cinemas-san-francisco-movie-theater-20376086.php>

³⁹ <https://www.srdre.com/apple-cinemas-signs-long-term-lease-at-riverview-plaza-iii/>

many popular stores, restaurants and entertainment, all under one roof.”⁴⁰ The announced Danville, California theater will reportedly be at the Blackhawk Plaza, which looks like an outdoor mall of the type popular in California.⁴¹

68. Moreover, in Waterbury, Connecticut, Defendants reportedly closed their theater shown below only to reopen at the “Waterbury mall”⁴²:



Old Waterbury Theater⁴³



New Waterbury Theater⁴⁴

⁴⁰ <https://www.visitwestchesterny.com/listing/city-center-at-white-plains/196/>

⁴¹ <https://www.shopblackhawkplaza.com/stores/apple-cinemas/>

⁴² <https://www.ctinsider.com/business/article/ct-waterbury-cinema-relocating-brass-mill-center-19399843.php>

⁴³ <https://www.loopnet.com/Listing/920-Wolcott-St-Waterbury-CT/4245779/>

⁴⁴ https://www.instagram.com/p/DG_-oRsR_XF/

69. This is significant, as mall owners have long-coveted having Apple retail stores as anchor tenants. Indeed, reports have found that the presence of an Apple Store can increase total sales at a mall by 10% and allow landlords to charge higher rents.⁴⁵

70. Defendants are trading off Apple's goodwill by positioning themselves in malls where there currently are no Apple Store locations as an alternate anchor tenant with the same confusing name and cache.

71. Moreover, unlike the original Apple Cinemas theaters, Defendants' new theaters routinely feature an apple logo, much like the logo Apple uses at its own stores.

Apple Locations:



Cambridge Location⁴⁶

⁴⁵ <https://www.cnbc.com/2015/03/11/apple-stores-boost-malls-sales-10.html>;
<https://aipcommercialrealestate.com/the-apple-effect/>

⁴⁶ <https://www.apple.com/retail/cambridgeside/>



Boston Location⁴⁷

Apple Cinemas Theaters:



Rochester Theater⁴⁸

⁴⁷ <https://www.apple.com/retail/boylstonstreet/>

⁴⁸ <https://www.democratandchronicle.com/picture-gallery/news/2025/03/13/new-apple-cinemas-movie-theater-in-greece-ny-take-a-peek-inside/82361230007/>



Warwick Theater⁴⁹

72. Defendants’ promotional efforts have also increased. For example, based public on Facebook records, Defendants did not create an “official” Apple Cinemas Facebook page until September 7, 2024.⁵⁰ Based on Defendants’ public Instagram page, the first post on the “official” Apple Cinemas Instagram page was not until September 9, 2024.⁵¹ Based on Defendants’ public TikTok page, Apple Cinemas’ first TikTok post was on September 11, 2024.⁵²

73. Based on preservations of Defendants’ website from archive.org, Defendants also recently upgraded the Apple Cinemas website homepage (which, as noted above, displayed an

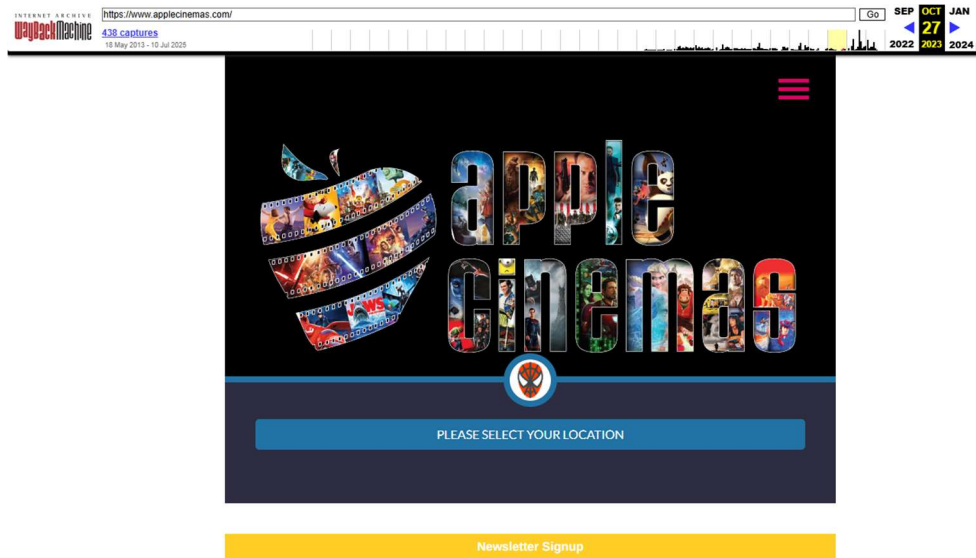
⁴⁹ <https://turnto10.com/news/local/apple-cinemas-brings-firsts-to-warwick>

⁵⁰ https://www.facebook.com/profile.php?id=61565041607524&sk=about_profile_transparency

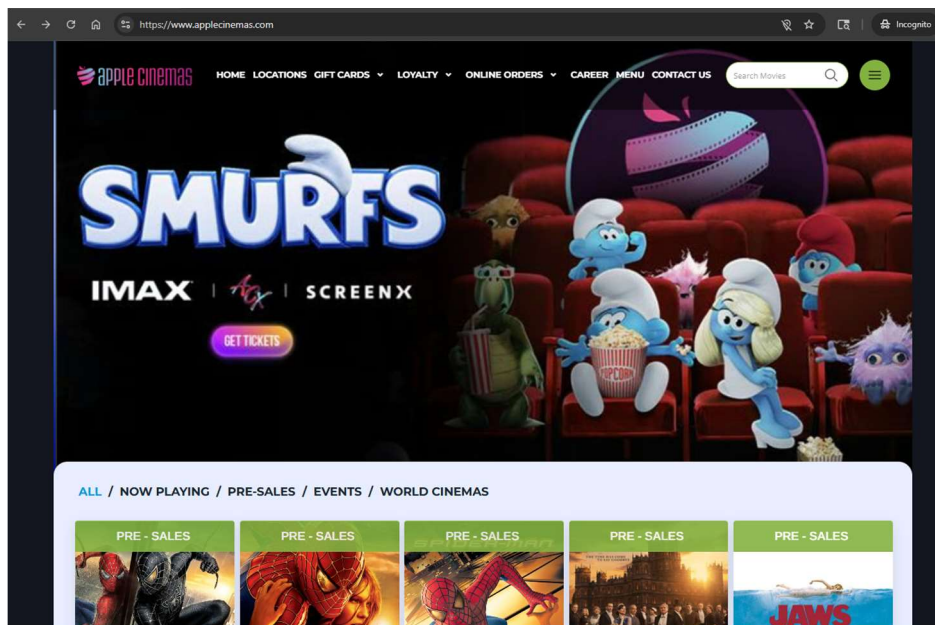
⁵¹ https://www.instagram.com/applecinemas_official/?hl=en;
https://www.instagram.com/p/C_tCXiRBH6L/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==

⁵² <https://www.tiktok.com/@applecinemas>;
https://www.tiktok.com/@applecinemas/video/7413491181193121054?is_from_webapp=1&sender_device=pc&web_id=7494740433880008238

inaccessible message in much of 2023) to include, among other things, more information about available movies, a more detailed toolbar, and more graphics:



Archive.org preservation of applecinemas.com dated October 27, 2023⁵³



Applecinemas.com current landing page, dated July 15, 2025⁵⁴

⁵³ <https://web.archive.org/web/20231027210327/https://www.applecinemas.com/>

⁵⁴ <https://www.applecinemas.com/>

74. According to news reports, in 2024, Defendants also took steps to change and improve the technology at its theaters. Specifically, Defendants reportedly partnered with CJ 4DPLEX to offer more advanced screen technology at Apple Cinemas theaters.⁵⁵ This partnership has led to press releases and reporting on Apple Cinemas’ allegedly advanced technology. For example, a 2025 press release from the Greece Ridge mall in Rochester where an Apple Cinemas theater recently opened states, “With cutting-edge technology, luxurious seating, and an inviting atmosphere, Apple Cinemas Greece Ridge will redefine moviegoing in the Rochester area.”⁵⁶ Referring to Apple Cinemas as “Apple,” a November 2024 article about the White Plains theater, states, “Apple has found that advanced technology does well from a business standpoint because it enhances the movie-going experience for theater patrons.”⁵⁷ A July 14, 2025 article about the new San Francisco theater touts the theater’s “high-tech upgrades.”⁵⁸

C. Apple Cinemas’ Failed Attempt to Secure a Trademark Registration

75. Consistent with Defendants’ attempted cross-country expansion, as mentioned above, on February 29, 2024, Sand Media filed application Serial No. 98427530 to register the APPLE CINEMAS mark for “movie theaters” in the United States.

76. On March 11, 2024, Sand Media filed application Serial No. 98427530 to register ACX – APPLE CINEMATIC EXPERIENCE with the USPTO for “Movie theaters.”.

⁵⁵ <https://www.boxofficepro.com/cj-4dplex-and-apple-cinemas-ink-deal-to-launch-five-screenx-auditoriums>

⁵⁶ <https://www.themallatgreeceidge.com/news/apple-cinemas-announces-grand-opening-at-greece-ridge/>

⁵⁷ <https://westfaironline.com/latest-news/white-plains-cinema-launches-screenx-massive-wide-screen-system/>

⁵⁸ https://hoodline.com/2025/07/apple-cinemas-revives-historic-san-francisco-theater-amc-1000-reopens-with-high-tech-upgrades-and-new-features/#google_vignette

77. Both applications were assigned to a trademark examiner at the USPTO whose responsibilities include reviewing trademark applications to determine whether the marks covered by them conflict with those covered by prior trademark registrations or applications. On October 21, 2024, after reviewing the APPLE CINEMAS and ACX – APPLE CINEMATIC EXPERIENCE trademark applications, the trademark examiner refused registration to the APPLE CINEMAS mark because she found confusion likely between it and the marks underlying the following APPLE registrations and applications:

- APPLE STUDIOS (Registration No. 7107534) for “entertainment services in the nature of development, creation, production, and post-production of motion pictures, films, television shows, and multimedia entertainment content” (Dec. 23, 2021 priority date);
- APPLE TV (Registration No. 7269838) for various services, including “production, and distribution of television programs, motion pictures, and multimedia entertainment content,” and “providing ongoing television. . .programs in the fields of comedy, drama, children's entertainment, sci-fi, documentary, music, health, fitness, and sports” (Feb. 20, 2019 priority date);
- APPLE ORIGINALS (Application No. 88402787) for various services, including “development, production, distribution, and presentation of radio programs, television programs, motion pictures, multimedia entertainment content, and sound recordings” (Oct. 26, 2018 priority date);
- APPLE TV+ (Application No. 88519951) for various services, including “production, distribution, and presentation of television programs, motion pictures” (Jan. 17, 2019 priority date);
- APPLE ONE (Application No. 90270550) for various services, including “Rental and presentation of ongoing television programs, motion pictures, and multimedia entertainment content, all in the fields of comedy, drama, children's entertainment, sci-fi, documentary, music, health, fitness, and sports” and “production and distribution of radio programs, television programs, motion pictures, multimedia entertainment content . . .” (Apr. 22, 2020 priority date);
- AN APPLE ORIGINAL (Application No. 97507892) for various services, including “development, production, distribution, and presentation of television programs, motion pictures, multimedia entertainment content, and sound recordings; providing ongoing television, audio, video, podcast, and webcast programs” (Mar. 23, 2022 priority date).

78. As the trademark examiner explained, Apple’s trademarks and the APPLE CINEMAS mark “look and sound similar and create the same commercial impression” and movie theaters are “closely related” to Apple’s entertainment services.⁵⁹

79. That same day, the trademark examiner refused registration to the ACX – APPLE CINEMATIC EXPERIENCE mark as well, raising likelihood of confusion concerns in connection with the marks underlying Apples’ Registration Nos. 7107534 and 7269838 and application Serial Nos. 88402787, 88519951, 90270550, and 97507892.

80. The trademark examiner subsequently found the APPLE CINEMAS trademark is also likely to cause confusion with the marks underlying Apple’s Registration Nos. 4088195, 3298028, and 7043229 discussed above.

81. On or about April 17, 2025, Sand Media responded to the USPTO’s refusal to register the APPLE CINEMAS and ACX – APPLE CINEMATIC EXPERIENCE marks, arguing that confusion is unlikely between these marks and Apple’s trademarks.

82. Despite Sand Media’s arguments, on April 30, 2025, the examiner issued notices stating that the likelihood-of-confusion-based refusals were “maintained and continued.”

D. Apple Promptly Contacts Apple Cinemas

83. Given Defendants’ original, limited footprint—a small number of movie theaters located only in New England—Apple employees responsible for trademarks and trademark enforcement did not learn of Apple Cinemas until its proposed expansion became clear.

84. After news articles reported Defendants’ intentions to expand west, however, Apple acted promptly. As mentioned above, on December 4, 2024, not long after the USPTO

⁵⁹

<https://tsdr.uspto.gov/documentviewer?caseId=sn98427530&docId=NFIN20241021233354&linkId=6#docIndex=5&page=1>

refused to register the APPLE CINEMAS and ACX-APPLE CINEMATIC EXPERIENCE marks, Apple sent Sand Media a cease and desist letter regarding the risk of consumer confusion between those marks and Defendants' apple logo. The parties then had several discussions and communications by phone and in writing, with the most recent communication being an email from Apple counsel to Sand Media on July 3, 2025.

85. Apple also contacted the landlords for the two locations in Northern California where Apple understood Defendants planned to open new theaters. Specifically, on April 21, 2025, Apple sent a letter to the landlord for the mall in Danville, California where Apple Cinemas planned to open a theater explaining that Defendants' use of the APPLE CINEMAS mark infringes Apple's rights and demanding that the landlord refrain from using the APPLE CINEMAS brand on its property. It followed up on this letter on May 13, 2025. On June 25, 2025, it wrote the landlord for the planned San Francisco theater. Apple received no responses. These letters, thus, did not resolve the issue either.

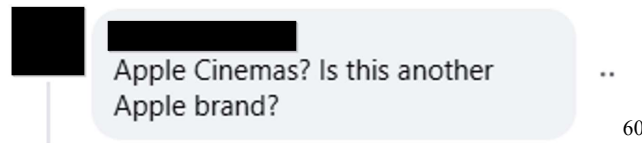
86. Instead, despite the refusals from the USPTO and Apple's letters warning Sand Media of the likely confusion, Defendants continued to open new theaters outside their original small group of theaters in New England, including opening the theater in San Francisco on July 10, 2025.

87. Sand Media has long known about Apple's prior trademark rights and appears to have sought to benefit from that association by confusing consumers and using the APPLE name to enter favorable agreements with landlords. Given its decision to move forward with new openings even after the USPTO refusals of its applications and Apple's warning, however, there can be no doubt. Apple Cinemas is knowingly and intentionally using the name Apple to sow confusion for its own benefit.

E. Apple Cinemas Has Caused Confusion Among Consumers

88. Indeed, the Apple Cinemas theaters have *already caused* significant confusion, particularly as the brand has started to shift away from a small, New England company with only a handful of theaters.

89. For example, in response to a Facebook Reel from San Francisco’s mayor about the San Francisco theater, one viewer posted:



90. Several Facebook users also expressed confusion in response to a Facebook post linking to a San Francisco Chronicle article about the new California locations:



91. In comments to a July 9, 2025 article from the news website “SFist” about the planned theater in San Francisco, readers also raised concerns about confusion and association between the two names in both comments on the SFist website and on Facebook:

⁶⁰ <https://www.facebook.com/reel/706561949028963>

⁶¹ <https://www.facebook.com/groups/CinemaTour/posts/23974942918784234>

19 hours ago

I'm not one for frivolous lawsuits where a large company goes after a small business (Jarritos the soda company vs Jarritos the restaurant on South Van Ness for example)... but Apple Cinemas, when Apple itself has a movie streaming platform, sure seems like a fair example. I certainly assumed THAT Apple was behind the new theater. A pretty risky endeavor (not even counting their name) for a relatively small chain.

17 hours ago

I googled 'Apple Cinema' and came up with this, LOL

AI Overview

The Apple Cinema Display is a line of flat-panel computer monitors that were developed and sold by Apple Inc. between 1999 and 2011

4 0 Reply Share

17 hours ago

Exactly.

62

Umm this feels like APple computer will be sueing soon.

19h Like Reply

63

92. Other theaters also garnered confusion, particularly in the past few years. For example, in response to a Facebook post announcing the opening of an Apple Cinemas theater at The Mall at Greece Ridge in Rochester, New York, a Facebook user commented:

17w Like Reply

I fell for it thought it was an Apple movie theater

17w Like Reply

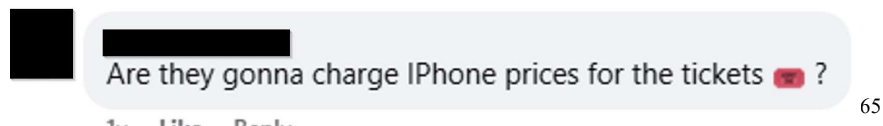
64

⁶² https://sfist.com/2025/07/09/former-amc-van-ness-1000-movie-theater-reopens-this-weekend-as-apple-cinemas-van-ness/?fbclid=IwY2xjawLc675leHRuA2FlbQIxMQABHsSJYsAYNMAhw4Hj71U8eljXNrL87pY08PDrWgkM5HvjsxRHRMIYYbSeemDp_aem_btISqTU4Xx25v4Yq3xpO4g

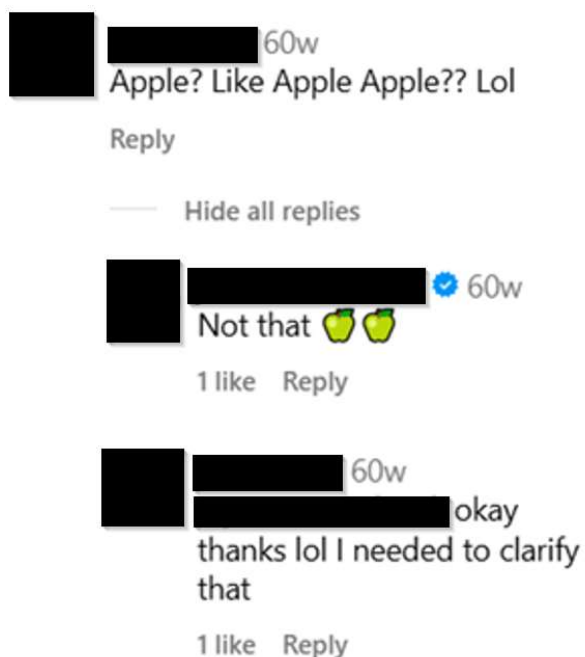
⁶³ <https://www.facebook.com/100064025350184/posts/1171599194984248/>

⁶⁴ <https://www.facebook.com/share/p/1GCWgpplL9/>

93. A comment in connection with the Pittsford, New York theater shows confusion, as the poster asks if the theater will charge “iPhone prices,” a reference to another famous Apple mark:

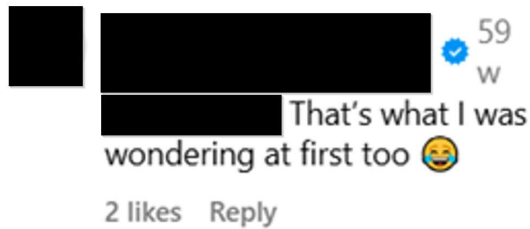


94. Multiple people posting about the White Plains theater were confused and needed clarification:



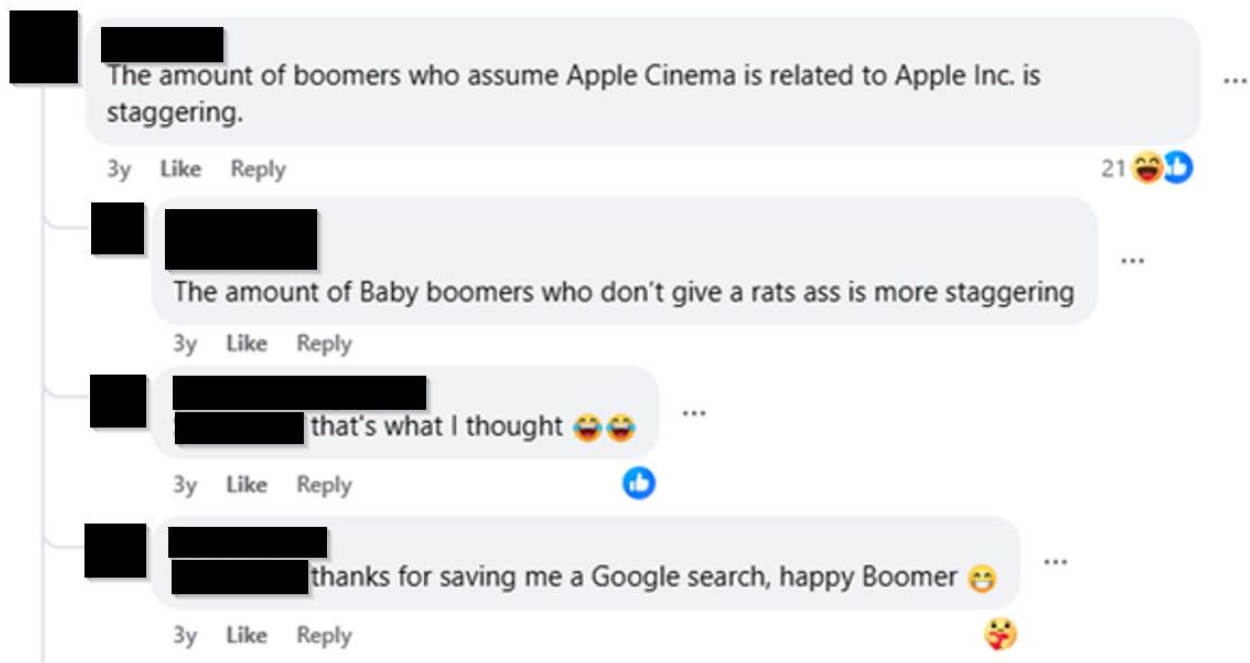
65

<https://www.facebook.com/100064739736111/posts/747358910765427/?mibextid=wwXIf&rdid=FX39Avg9sSrQBYzu#>



66

95. And a post in connection with Apple Cinemas Warwick Mall theater in Connecticut states that the level of confusion is “staggering”:



67

96. Exacerbating the problem, consumers have noted numerous problems with Apple Cinemas locations. The Cambridge location has been described as “dirty” and “grungy.”⁶⁸ The

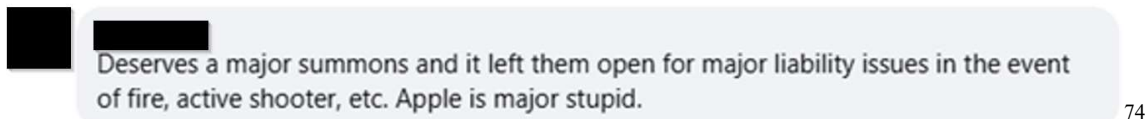
⁶⁶ <https://www.instagram.com/reel/C69p3DquQmm/>

⁶⁷ <https://www.facebook.com/WarwickMall/posts/the-news-you-have-all-been-waiting-forwe-are-so-excited-to-announce-that-apple-c/4584279354957214/>

⁶⁸ https://www.yelp.com/biz/apple-cinemas-cambridge?adjust_creative=LgUT8_beedpdN_q2pOXepQ&start=100&utm_campaign=yelp_api_v3&utm_medium=api_v3_business_search&utm_source=LgUT8_beedpdN_q2pOXepQ

Waterbury location was called “greasy,” “dirty,” and “the worst.”⁶⁹ Visitors have also reported tech issues, such as a “blurry screen,”⁷⁰ “SOUND VOLUME WAY TOO LOUD,”⁷¹ the online purchase portal selling tickets to a closed theater,⁷² and “UNFORGIVABLY BAD PROJECTION SYSTEMS.”⁷³ It harms Apple’s brand and reputation when consumers attribute issues such as these to Apple, particularly as Apple is a technology company.

97. Unfortunately, such damage already has occurred. In response to an article stating that the locked doors during a movie screening at an Apple Cinemas theater in Waterbury, CT prevented people from exiting, a Facebook user attributed the mistake to Apple:



98. Despite this ample evidence of actual consumer confusion and Apple’s warning thereof, Defendants have taken no public action to dispel confusion over Apple Cinemas’ affiliation with Apple. For example, Defendants’ website and press releases take no efforts to disclaim affiliation with Apple.

99. Tellingly though, many third-party articles about Apple Cinemas feel the need to explain that Apple Cinemas is not affiliated with Apple. For example, the Westfair Online

⁶⁹ <https://www.yelp.com/biz/apple-cinemas-waterbury-waterbury>

⁷⁰ <https://apple-cinemas.pissedconsumer.com/review.html>

⁷¹ *Id.*

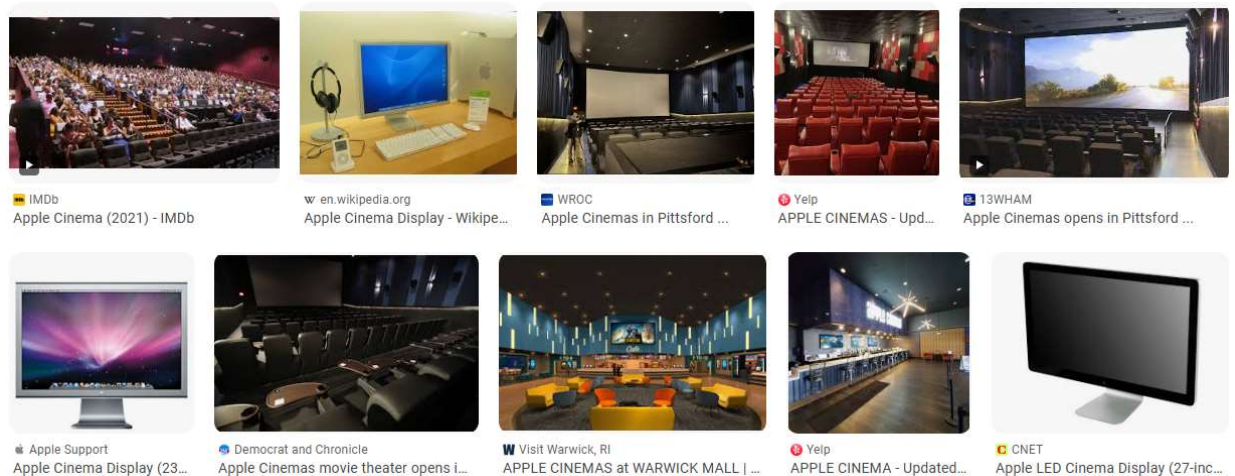
⁷² *Id.*

⁷³ https://www.tripadvisor.com/ShowUserReviews-g60890-d4453699-r981826594-Apple_Cinemas-Cambridge_Massachusetts.html

⁷⁴ <https://www.facebook.com/groups/CinemaTour/permalink/24045895288355663/?mibextid=wwXIfr&rdid=0PrZTR5LXPmwpsXs#>

article about the White Plains theater states, “Apple Cinemas is not related to the computer company.”⁷⁵ The San Francisco Chronicle similarly states, “The company is not affiliated with the Cupertino-based tech company Apple Inc.”⁷⁶ The website SFGATE stated in an article about the San Francisco location “no relation to the Cupertino tech company.”⁷⁷ Lohud, a lower Hudson Valley news source, explained in an article about the White Plains theater, “Apple Cinemas is not related to the other Apple.”⁷⁸

100. Further, searches for images of “Apple Cinema” and “Apple Cinemas” in incognito mode on Google Chrome (which controls for past search history) results in a mishmash of information about Apple Cinemas and Apple’s historic Cinema display monitor:



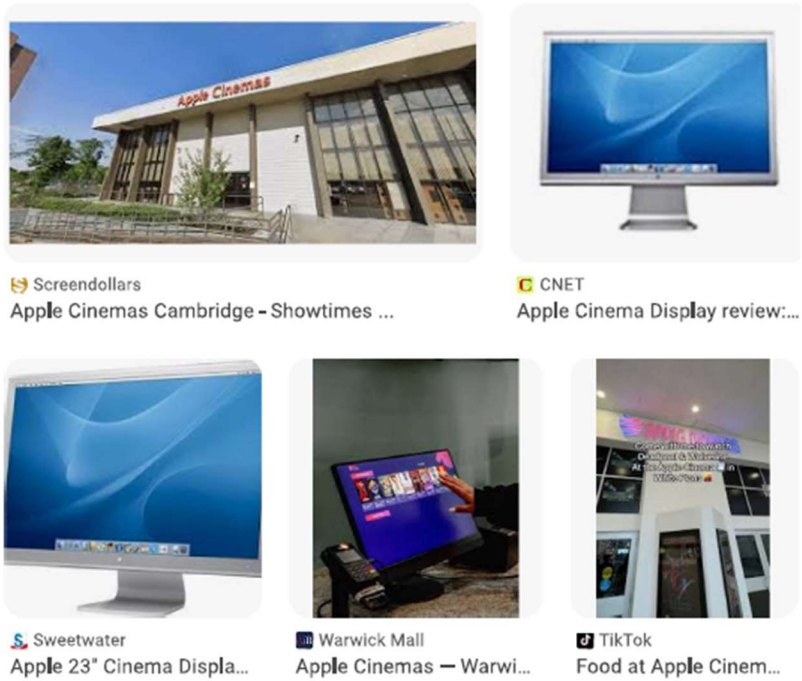
Examples of results of “apple cinema” search (date July 30, 2025)

⁷⁵ <https://westfaironline.com/latest-news/white-plains-cinema-launches-screenx-massive-wide-screen-system/#:~:text=Apple%20Cinemas%20is%20not%20related,company%20was%20founded%20in%202010.>

⁷⁶ <https://www.sfchronicle.com/entertainment/article/apple-cinemas-san-francisco-opening-20762805.php>

⁷⁷ <https://www.sfgate.com/local/article/san-francisco-movie-theater-van-ness-20768332.php>

⁷⁸ <https://www.lohud.com/story/news/local/2024/04/03/apple-cinemas-signs-lease-to-operate-movie-theater-in-white-plains-ny/73185406007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epiti=z115353e008600v115353b0059xxd005965&gca-ft=209&gca-ds=sophi>



Examples of results in “apple cinemas” search (date July 30, 2025)

101. This actual confusion and association between the parties is unsurprising given the similarity of the parties’ marks and services and the well-recognized fame of the Apple brand.

102. The parties’ marks are similar with respect to sound, appearance, meaning, and commercial impression, as they both feature the dominant word APPLE. The parties’ logos only enhance confusion, as both parties use the image of a simple apple in conjunction with their respective word marks. Apple’s famous logos include both the outline of an apple and an apple with colorful stripes.

		
Defendants’ Logo	Apple’s Logos	

⁷⁹ <https://www.instagram.com/p/DKGskStRVTY/?hl=en>

103. The parties' services and potential consumers also overlap because both companies distribute movies to consumers. As explained above, Apple routinely screens movies at its stores, and has done so since before the first Apple Cinemas theater opened.

104. The parties' trade channels are also the same. For years, Apple has operated stores in malls where consumers can test products and participate in workshops and other events. These stores have been a lynchpin for realtors hoping to attract more businesses to their malls. Apple Cinemas theaters are similarly brick-and-mortar locations often located in malls. In fact, the City Center where the White Plains Apple Cinemas opened in 2024 is a mere half mile from the the mall known as "The Westchester" where Apple has its White Plains retail store. And again, the most recent Apple Cinemas theater opened in San Francisco, very close to Apple's headquarters.

105. The parties' marketing channels also overlap. For example, both companies advertise online and through billboards and other signage, some of which are now located mere minutes apart given Defendants' expansion.

106. Apple Cinemas' geographic expansion and increased advertising and press coverage have led to increased confusion and further expansion will only exacerbate the substantial harm. Apple thus files this lawsuit to protect consumers from confusion and stop further harm to its brand.

COUNT 1
INFRINGEMENT OF REGISTERED TRADEMARKS
(SECTION 32 OF THE LANHAM ACT, 15 U.S.C. § 1114)

107. Apple repeats and realleges each and every allegation in paragraphs 1 through 106 as if fully set forth herein.

108. Apple has prior rights over Defendants in and to the Registered APPLE Marks,



including, but not limited to, APPLE, APPLE TV, , and , in the United States by virtue of its use of the marks in interstate commerce and its federal trademark registrations for the marks, many of which were used and registered before Defendants used the APPLE CINEMAS mark.

109. The Registered APPLE Marks are valid, subsisting, used in commerce, and inherently distinctive. They have also acquired secondary meaning in the marketplace and several of the marks are now incontestable.

110. The Infringing APPLE Marks are confusingly similar to the Registered APPLE Marks.

111. Based on at least the similarity of the marks; the similarity of the goods and services on which they are used; the similarity of the parties' consumers; the similarity of the parties' trade channels and marketing; the strength of the Registered APPLE Marks; and the actual confusion, Defendants' use of the Infringing APPLE Marks is likely to cause confusion with the Registered APPLE Marks. Consumers of Defendants' goods and services will likely believe that Defendants' goods and services offered under the Infringing APPLE Marks come from, are associated with, are sponsored by, or are otherwise affiliated with Apple as a result of Defendants' use of the Infringing APPLE Marks.

112. Defendants knew, or should have known that their use of the Infringing APPLE Marks was likely to cause confusion with the Registered APPLE Marks.

113. Defendants' use of the Infringing APPLE Marks constitutes infringement of the Registered APPLE Marks in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

114. Defendants' use of the Infringing APPLE Marks is likely to cause irreparable injury to Apple, to consumers, and to the goodwill associated with the Registered APPLE Marks for which there is no adequate remedy at law.

115. Apple therefore is entitled to injunctive relief against Defendants, restraining them and all those in concert with them from any further use of the Infringing APPLE Marks or related acts of infringement, and to recover any other available relief caused by Defendants' aforesaid acts.

COUNT 2
FALSE DESIGNATION OF ORIGIN
(SECTION 43(A) OF THE LANHAM ACT, 15 U.S.C. § 1125)

116. Apple repeats and realleges each and every allegation in paragraphs 1 through 115 as if fully set forth herein.

117. The APPLE Marks are protected as common law trademarks by virtue of Apple's use of such marks in commerce and are valid and enforceable as common law trademarks.

118. Apple has common law rights in the APPLE Marks predating Defendants' use of the Infringing APPLE Marks.

119. The Infringing APPLE Marks are confusingly similar to the APPLE Marks.

120. Defendants' use of the Infringing APPLE Marks in commerce falsely or misleadingly implies to consumers that Defendants' goods and services come from, are associated with, are sponsored by, or are otherwise affiliated with Apple's goods and services. Such implications are false, material to consumers' purchasing decisions, and likely to cause confusion, to cause mistake, or to deceive consumers as to source, sponsorship, or affiliation.

121. Defendants knew, or should have known their use of the Infringing APPLE Marks was likely to cause confusion with the APPLE Marks.

122. Defendants' unauthorized use of the Infringing APPLE Marks constitute a false designation of origin in violation of 15 U.S.C. § 1125(a).

123. Defendants' conduct has damaged Apple and harmed consumers, and unless enjoined, will further impair the value of Apple's name, reputation, and goodwill. This harm constitutes an injury for which there is no adequate remedy at law.

124. Apple therefore is entitled to injunctive relief against Defendants, restraining them and all those in concert with them from any further use of the Infringing APPLE Marks or related acts of infringement, and to recover any other available relief caused by Defendants' aforesaid acts.

COUNT 3
FEDERAL DILUTION BY BLURRING
(SECTION 43(C) OF THE LANHAM ACT, 15 U.S.C. § 1125(C))

125. Apple repeats and realleges each and every allegation in paragraphs 1 through 124 as if fully set forth herein.

126. Based at least on the inherent distinctiveness of the APPLE Marks; the duration and extent of Apple's use of those marks; the duration and extent of Apple's advertising featuring those marks; the geographic area in which products and services have been sold and advertised featuring those marks; the degree of public recognition of the APPLE Marks; and the federal registrations of the APPLE Marks, the APPLE Marks are famous, as that term is used in Section 43(c) of the Lanham Act, and were famous prior to Defendants' use and adoption of the Infringing APPLE Marks.

127. Based at least on the similarity of the parties' marks; the inherent and acquired distinctiveness of the famous APPLE Marks; the degree of fame of the APPLE Marks; and the actual association, the Infringing APPLE Marks are likely to cause dilution by blurring of the famous APPLE Marks in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

128. Defendants' conduct has damaged Apple and harmed consumers, and unless enjoined, will further impair the value of Apple's name, reputation, and goodwill. This harm constitutes an injury for which there is no adequate remedy at law.

129. Apple therefore is entitled to injunctive relief against Defendants, restraining them and all those in concert with them from any further use of the Infringing APPLE Marks or related acts of likely dilution, and to recover any other available relief caused by Defendants' willful misconduct.

PRAYER FOR RELIEF

Plaintiff Apple Inc. therefore respectfully demands a trial by jury and prays that the Court enter judgment in its favor on each claim for relief set forth above and reward Apple relief including, but not limited to, the following:

- A. Injunctive relief enjoining Defendants and all those in concert with them (including, but not limited to, their respective officers, directors, agents, principals, servants, wholesalers, employees, representatives, attorneys, subsidiaries, related companies, affiliates, successors, assigns, licensees, and other contracting parties) from using the Infringing APPLE Marks or any other confusingly similar trademark containing the word "APPLE" or likely to dilute the distinctiveness of the APPLE Marks.
- B. Monetary relief in the form of Apple's damages, disgorgement of Defendants' profits, and Apple's reasonable attorneys' fees, and Apple's taxable costs;
- C. Such other relief as the Court deems necessary and appropriate.

Dated: August 1, 2025

/s/ Miranda D. Means

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