ESTTA Tracking number:

ESTTA478209 06/14/2012

Filing date:

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

Proceeding	91198355
Party	Plaintiff Facebook, Inc.
Correspondence Address	JEFFREY T NORBERG COOLEY LLP 777 6TH ST NW, SUITE 1100 WASHINGTON, DC 20001 UNITED STATES trademarks@cooley.com, krobinson@cooley.com, gcharlston@cooley.com, nmcmahon@cooley.com, jnorberg@cooley.com, mweiand@cooley.com, peckah@cooley.com
Submission	Testimony For Plaintiff
Filer's Name	Brendan J. Hughes
Filer's e-mail	bhughes@cooley.com, vbadolato@cooley.com
Signature	/Brendan J. Hughes/
Date	06/14/2012
Attachments	Yu REDACTED Testimony Deposition_ Part 1.pdf (44 pages)(1231733 bytes)

		1
1	IN THE UNITED STATES PATENT & TRADEMARK OFFICE	
2	BEFORE THE TRADEMARK TRIAL & APPEAL BOARD	
3		
4		
5	IN THE MATTER OF APPLICATION)	
6	SERIAL NO. 85056260)	
7	FOR THE MARK:)	
8	FACEMAIL)	
9	PUBLISHED IN THE OFFICIAL GAZETTE)	
10	(TRADEMARKS)	
11		
12		
13	HIGHLY CONFIDENTIAL	
14		
15	Deposition of Larry Yu, taken at	
16	3175 Hanover Street, Palo Alto, California,	
17	commencing at 10:05 a.m., Thursday, December 22,	
18	2011, before Ashley Soevyn, CSR 12019.	
19		
20		
21		
22		
23		
24		
25	Pages 1 - 88	

```
2
 1
     APPEARANCES OF COUNSEL:
 2
 3
     FOR THINK COMPUTER CORPORATION:
 4
 5
 6
               AARON GREENSPAN, President & CEO
          BY:
 7
          of THINK COMPUTER CORPORATION
 8
          884 College Avenue
          Palo Alto, California 94306
 9
10
          (415) 670-9350
11
          aarong@thinkcomputer.com
12
13
14
     FOR FACEBOOK:
15
16
          COOLEY LLP
17
               JEFFREY T. NORBERG, ESQ.
18
          3175 Hanover Street
19
          Palo Alto, California 94304
20
          (650) 843-5889
21
          jnorberg@cooley.com
22
     ALSO PRESENT: KAT JOHNSTON, IP Counsel Facebook
23
                    SAM O'ROURKE, Deputy General
24
                    Counsel Facebook
25
```

3 1 Thursday, December 22, 2011; Palo Alto, California 2 10:05 a.m. 3 ---000---4 5 Larry Yu, 6 the witness, having been administered an oath by the 7 Court Reporter, testified as follows: 8 9 EXAMINATION 10 BY MR. NORBERG: 11 Good morning. 0. 12 Good morning. Α. 13 Could you please state and spell your name Q. 14 for the record? 15 Sure. My name is Larry Yu. L-a-r-r-y, Α. 16 last name is Y-u. 17 Ο. And you are currently employed by 18 Facebook? 19 Yes. Α. 20 Q. What is your position? 21 Director of corporate communications. Α. 22 And how long have you had that position? Q. 23 Α. For about two years. 24 And how long have you been with Facebook? Q.

Just over three years.

25

Α.

- 1 Q. Can you please just give me a brief history
- of your work prior to joining Facebook?
- 3 A. Sure. Immediately prior to joining
- 4 Facebook, I was at Google. And then before that, I
- 5 was at a PR agency in San Francisco.
- Q. And can you give me a brief history of your
- 7 educational background?
- 8 A. Sure. I have a bachelor's from the of
- 9 University of Colorado, Boulder.
- 10 Q. What are your general responsibilities in
- 11 your current position?
- 12 A. Generally, I deal with media relations for
- 13 corporate matters. So that may span stories about
- executives, broad stories about the company, stories
- about MNA finance, or other general corporate
- 16 matters. My group is also responsible for internal
- communications within the company and managing the
- 18 company's social media channels.
- 19 Q. Is it fair to that say part of your
- responsibility is to be familiar with what the press
- is saying about Facebook?
- 22 A. Yes.
- Q. Is part of your responsibility also to be
- 24 familiar with -- generally familiar with the
- 25 services that Facebook offers?

- 1 A. Yes.
- 2 Q. Now, you understand that you're here today
- 3 to testify on behalf of Facebook in a dispute
- 4 between Think Computer Corporation and Facebook
- 5 that's currently pending in the Trademark Trial and
- 6 Appeal Board?
- 7 A. Yes.
- Q. And you are authorized to speak on behalf
- 9 Facebook today?
- 10 A. Yes.
- 11 Q. What is Facebook?
- 12 A. Facebook is a social networking service
- that people use to share photos, video, text with
- 14 people that they know. I think it's in use by over
- 15 800 million people worldwide today.
- Q. And who is Facebook's target market?
- 17 A. Everyone over the age of 13.
- Q. And how does Facebook allow users to share
- 19 with one another?
- A. In a variety of ways. It's really up to
- 21 the individuals. So, for example, an individual may
- choose to show a photo album with friends or a
- 23. select group of people or video in the same fashion,
- again, a couple lines of text. People may also
- choose to share where they are through the location

- 1 feature. That's often -- often tools people share
- 2 with one another.
- 3 Q. What about messaging?
- 4 A. Yes, there's also a messages product,
- 5 where, effectively it's a private mode of method
- 6 communication between two individuals where --
- 7 that's one mode. Another mode is what I described
- 8 earlier where some people may post on their
- 9 Timeline, or what was formally known as their wall,
- 10 a photo album or a video. And a private message is
- 11 really kind of a private communication between one
- 12 or even a couple of individuals.
- Q. What about instant messaging?
- 14 A. Yes, Facebook also has instant messaging
- 15 capability.
- Q. And has Facebook had all these capabilities
- 17 since you started working for Facebook?
- 18 A. For the most part, with the exception of
- 19 Timeline and Places. The core functionality of
- sharing photos and video, for example, and instant
- 21 messaging and messages have been around as long as
- I've had an account, which has been 2007, and
- certainly as long as I've been with the company.
- Q. And does Facebook use the Facebook brand in
- 25 connection with all of these services?

7

- 1 A. Yes.
- 2 O. You mentioned earlier that Facebook
- 3 currently has 800 million users; is that correct?
- 4 A. Yes.
- 5 Q. First of all, how are you defining
- 6 "user"?
- 7 A. When we say "users," we mean -- and in that
- 8 context, we mean people that have come back to
- 9 Facebook over the last 30 days.
- 10 Q. And of those 800 million users,
- 11 approximately what percentage of those users are in
- 12 the United States?
- 13 A. Around 25 percent are in the United
- 14 States.
- MR. NORBERG: All right. I would like to
- 16 have this marked as Exhibit 2.
- 17 (Exhibit 2 marked for identification.)
- 18 BY MR. NORBERG:
- 19 Q. Mr. Yu, you've been handed what has been
- 20 marked as Exhibit 2. Can I ask you to take a brief
- look at that and let me know what it is and if you
- 22 are familiar with it?
- A. Sure. It is a list of company milestones.
- O. And this is a document that is available on
- 25 The Facebook website?

- 1 A. Yes.
- 2 Q. Is part of your responsibility ensuring
- 3 that communications like this are accurate?
- 4 A. Yes.
- 5 Q. And having reviewed Exhibit 2, does is
- 6 accurately reflect information about the company?
- 7 A. Yes.
- Q. Let's talk briefly about some of the
- 9 milestones that are listed on here. Under 2011,
- under July, it says, "Facebook reaches over 750
- 11 million active users"; is that correct?
- 12 A. Yes.
- Q. What percentage of those active users were
- in the United States?
- A. Around 25 percent.
- Q. And then moving on to 2010, in July of
- 17 2010, it says, "Facebook reaches over 500 million
- 18 active users." Do you see that?
- 19 A. Yes.
- Q. And what percentage of those users were in
- 21 the United States?
- A. Again, probably around 25 percent.
- 23 Q. And is the same true for February of 2010
- where it says, "Facebook reaches over 400 million
- 25 active users"?

- 1 A. Yes.
- 2 Q. And then -- just going -- if you wouldn't
- 3 mind just going backwards --
- 4 A. Sure.
- 5 Q. -- 2009 December, September, July, letting
- 6 us know what percentage of those list of users are
- 7 within the United States?
- A. Around that time, I believe it was closer
- 9 to 30 percent.
- 10 Q. And is the same true of April, February,
- and January of 2009?
- 12 A. Yes.
- Q. And then in 2008 August, it says, "Facebook
- reaches over 100 million active users." Do you see
- 15 that?
- 16 A. Yes.
- Q. And what percentage of those users were in
- 18 the United States?
- 19 A. I believe that was also around 30
- 20 percent.
- MR. NORBERG: Let's have this marked as
- 22 Exhibit 3.
- 23 (Exhibit 3 marked for identification.)
- 24 BY MR. NORBERG:
- Q. Mr. Yu, you've been handed what has been

- 1 marked Exhibit 3. Can you please take a moment and
- 2 review it?
- 3 A. Okay.
- 4 Q. Are you familiar with this document?
- 5 A. Yes.
- 6 Q. What is it?
- 7 A. It is a listing of public statistics that
- 8 we share about activity and behavior on Facebook.
- 9 Q. And these statistics -- well, first of all,
- 10 part of your responsibility at Facebook is to ensure
- 11 that these sorts of communications are accurate; is
- 12 that correct?
- 13 A. Yes.
- Q. And having reviewed this, is this
- 15 accurate?
- 16 A. Yes.
- 17 MR. NORBERG: Facebook moves that Exhibits
- 18 2 and 3 be accepted into evidence. All right.
- 0. All right. Let's move on to press
- 20 references. Since you began working for Facebook in
- 21 2008, has Facebook been the subject of press
- 22 articles?
- 23 A. Yes.
- Q. Can you a give a general sense of the
- volume and location of those references?

- 1 A. In terms of the volume, I think it's
- 2 probably been increasing over the last couple of
- years. But generally, I would say probably, in
- 4 terms of volume, on the order of thousands in a
- 5 given week.
- In terms of where you might see stories
- 7 appear, on the broadcast side, you see pieces appear
- 8 across the major networks, like ABC, CBS, NBC, cable
- 9 news outlets like CNN, CNBC. In terms of the more
- 10 mainstream press, there's been coverage in Time,
- 11 U.S.A. Today, Voque, Newsweek and the New York
- 12 Times, the Wall Street Journal. And in terms of the
- 13 technology blogs -- and I should also say Fortune,
- 14 Forbes. Among the technology blogs, I would say
- 15 TechCrunch, All Things Digital, GIGA Home, Inside
- 16 Facebook, TechCrunch on Facebook.
- 0. Wonderful. Let's have this marked as
- 18 Exhibit 4.
- 19 (Exhibit 4 marked for identification.)
- 20 BY MR. NORBERG:
- Q. Mr. Yu, you've been handed what has been
- 22 marked Exhibit 4. Can you please take a look at it
- and let me know what this is?
- A. This is an example of what I was talking
- 25 about. This is Time Magazine Person of the Year,

- 1 dated December 27, 2010, and Mark Zuckerberg is on
- 2 the cover.
- 3 MR. NORBERG: Facebook moves that Exhibit 4
- 4 be accepted into evidence. Mark this Exhibit 5.
- 5 (Exhibit 5 marked for identification.)
- 6 BY MR. NORBERG:
- 7 Q. Mr. Yu, you've been handed what has been
- 8 marked Exhibit 5. Can you please take a look at it
- 9 and let me know what it is?
- 10 A. Sure. It's a Financial Times story,
- "Facebook's Grand Plan for the Future," and this was
- 12 published in December 3, 2010.
- 13 Q. Is this another example of the press
- 14 references you were --
- 15 A. It is.
- MR. NORBERG: Facebook moves that Exhibit 5
- 17 be accepted into evidence. Let's have this marked
- 18 Exhibit 6.
- 19 (Exhibit 6 marked for identification.)
- 20 BY MR. NORBERG:
- Q. Mr. Yu, you've been handed what has been
- 22 marked Exhibit 6. Can you please take a look at it
- 23 and let me know what it is?
- 24 A. Sure. This is another example of what we
- 25 were talking about. It is a story in the New York

- 1 Business Day, "Friending the World: Facebook
- 2 Spreads Beyond U.S. Borders Displacing Rivals."
- 3 This appeared on July 8, 2010.
- 4 MR. NORBERG: Facebook moves that Exhibit 6
- 5 be accepted into evidence. Let's have this marked
- 6 Exhibit 7.
- 7 (Exhibit 7 marked for identification.)
- 8 BY MR. NORBERG:
- 9 Q. Mr. Yu, you've been handed what has been
- 10 marked Exhibit 7. Can you please take a look at it
- 11 and let me know what it is?
- 12 A. Sure. It's another example of what we were
- been talking about. It is a San Francisco
- 14 article about Facebook where the headline is, "A
- Bold New Digital World." This was published in --
- 16 on June 13, 2010.
- MR. NORBERG: Facebook moves that Exhibit 7
- 18 be accepted into evidence. Let's have this marked
- 19 Exhibit 8.
- 20 (Exhibit 8 marked for identification.)
- 21 BY MR. NORBERG:
- Q. Mr. Yu, you've been handed what has been
- 23 marked Exhibit 8. Can you please take a look at it
- and let me know what it is?
- A. Sure. It's another example we've been

- 1 talking about. It's a Time Magazine cover story
- 2 about Facebook and how it's redefining privacy with
- 3 nearly 500 million users. Facebook is connecting us
- 4 in new and scary ways. This appeared on May 31st,
- 5 2010.
- 6 MR. NORBERG: Let's have this marked
- 7 Exhibit 9, please. Facebook moves that Exhibit 8 be
- 8 accepted into evidence.
- 9 (Exhibit 9 marked for identification.)
- 10 BY MR. NORBERG:
- 11 Q. Mr. Yu, you've been handed what has been
- 12 marked as Exhibit 9. Can you please take a look at
- it and let me know what it is?
- 14 A. Sure. This is another example of what
- we've been talking about. It's a Facebook about
- 16 feature in the New York Times Sunday Business
- 17 section. "Is Facebook growing up too fast?" This
- appeared on March 29, 2009.
- MR. NORBERG: Facebook moves that Exhibit 9
- 20 be accepted into evidence. Let's have this marked
- 21 Exhibit 10.
- 22 (Exhibit 10 marked for identification.)
- 23 BY MR. NORBERG:
- Q. Mr. Yu, you've been handed what has been
- 25 marked Exhibit 10. Please take a look at that and

- 1 let me know what it is?
- A. This is a Fortune story, which was about --
- 3 again, I believe a cover story about Facebook, where
- 4 the headline is, "How Facebook is Taking Over Our
- 5 Lives." This appeared February 17, 2009.
- 6 MR. NORBERG: Facebook moves that Exhibit
- 7 10 be accepted into evidence.
- 8 Let's mark this 11.
- 9 (Exhibit 11 marked for identification.)
- 10 BY MR. NORBERG:
- 11 Q. Mr. Yu, you have been handed what has been
- 12 marked Exhibit 11. Can you please take a look at
- that and let me know what it is?
- A. Sure. It's another example of what we've
- been talking about. It is a Newsweek cover story on
- 16 Facebook. The headline is, "The Facebook Effect,"
- and this appeared on August 27, 2007.
- MR. NORBERG: Facebook moves that Exhibit
- 19 11 be accepted into evidence.
- This is 12.
- 21 (Exhibit 12 marked for identification.)
- 22 BY MR. NORBERG:
- Q. Mr. Yu, you have been handed what has been
- 24 marked Exhibit 12. Can you please take a look at
- 25 the second page of that exhibit and let me know what

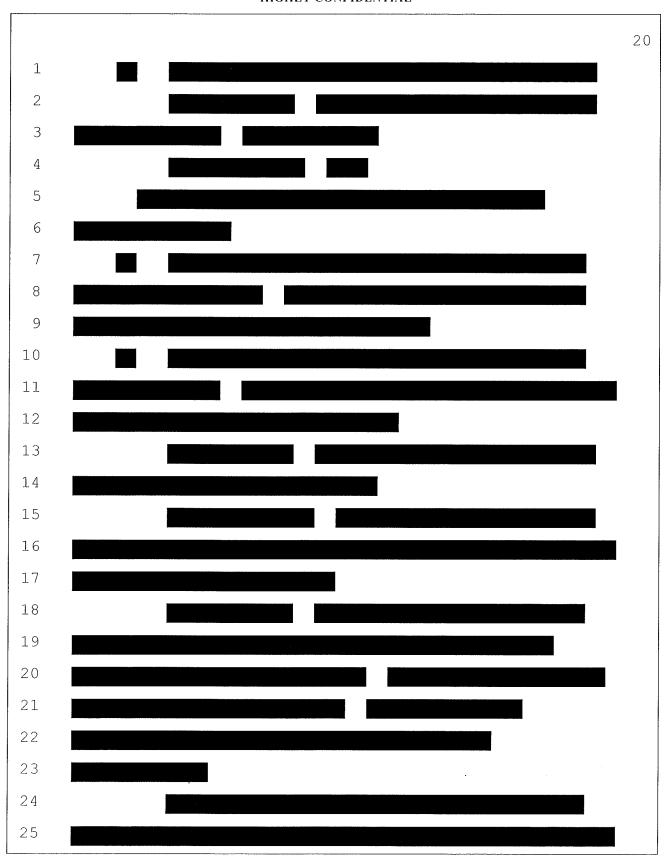
- 1 that is?
- 2 A. Sure. This is, again, an example of what
- 3 we've been talking about. It is a Rolling Stone
- 4 Magazine article about Facebook where the headline
- 5 is, "Face to Face: Meet the Boy Wonder Behind
- 6 Facebook.com, the Hottest Website on the Internet."
- 7 And this appeared on April 20th, 2006.
- MR. NORBERG: Facebook moves that Exhibit
- 9 12 be accepted into evidence. And finally, one
- 10 more. This will be Exhibit 13.
- MR. GREENSPAN: Objection.
- MR. NORBERG: What is your objection?
- MR. GREENSPAN: How is this relevant to any
- of the matters here?
- MR. NORBERG: Yeah, let's actually set this
- one aside for a moment. We'll get back to it in
- just a few moments. So let's set Exhibit 13 aside,
- 18 and let's move on.
- Q. Of the references -- we were talking about
- 20 press references earlier. Are the press references
- 21 that Facebook receives solicited or unsolicited?
- 22 A. They are often unsolicited, though there
- are times where we will go and solicit stories.
- Q. And since you've been -- began working for
- Facebook, has Facebook been the subject of popular

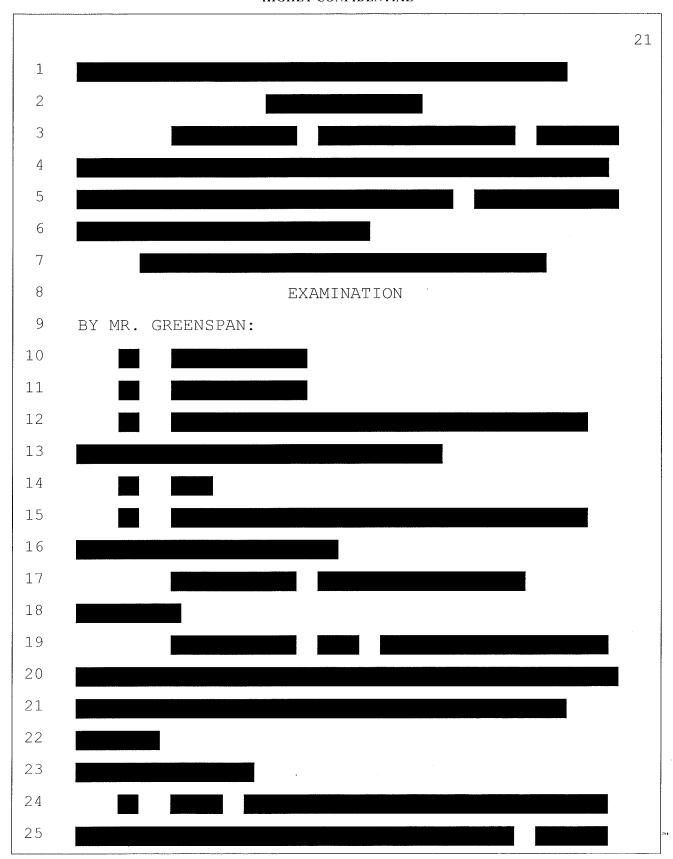
- 1 culture references?
- A. Yes. So a couple of examples are -- well,
- 3 Mark was most recently on Saturday Night Live
- 4 earlier this year. He was also a character in the
- 5 Simpsons in the fall of 2010. And there is also a
- 6 South Park episode about Facebook. I believe that
- 7 was this year.
- 8 Q. Any films?
- 9 A. Yes, and there's also a mainstream
- 10 fictional account about Facebook.
- 11 Q. All right. Let's move to another topic.
- 12 What does Facebook do to protect the value of the
- 13 Facebook brand?
- 14 A. There will be moments where we will file
- trademark claims to protect certain assets.
- Q. Does Facebook also regulate how users can
- 17 use the Facebook brand?
- 18 A. Yes.
- MR. NORBERG: Let's mark this as Exhibit
- 20 14.
- 21 (Exhibit 14 marked for identification.)
- 22 BY MR. NORBERG:
- Q. Mr. Yu, you've been handed what has been
- 24 marked Exhibit 14. Can you please take a look at
- 25 that and let me know what that is?

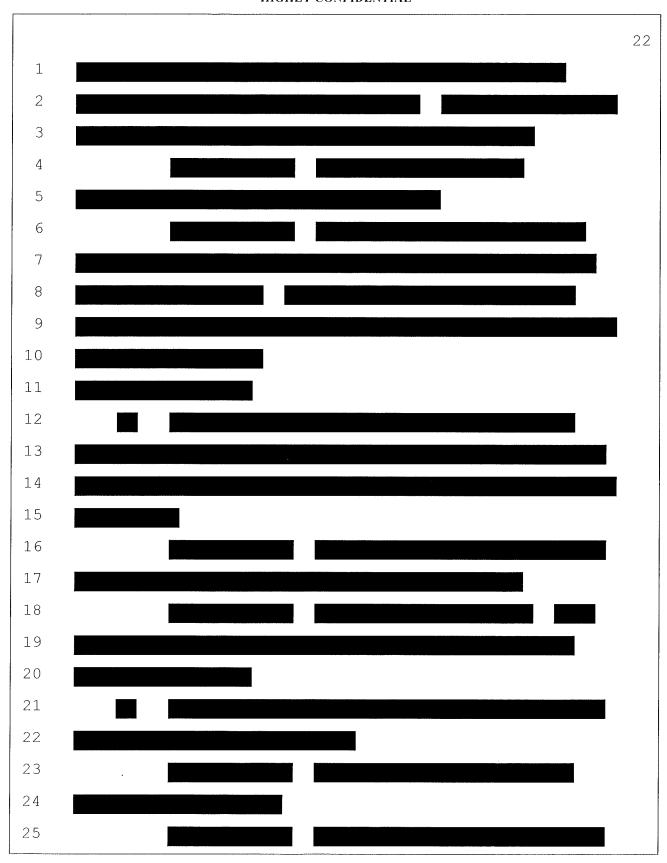
18

- 1 A. Sure. It's a page from our brand
- 2 permission center, which outlines how we -- how
- people can use our marks.
- 4 THE REPORTER: Our what, I'm sorry?
- 5 THE WITNESS: Our marks.
- 6 THE REPORTER: Marks?
- 7 THE WITNESS: Our logo.
- 8 THE REPORTER: Okay.
- 9 BY MR. NORBERG:
- 10 Q. Is this a document that is available on the
- 11 Facebook website?
- 12 A. Yes.
- Q. And is this one of the ways that Facebook
- helps protects its brand?
- 15 A. Yes.
- MR. NORBERG: Facebook moves that Exhibit
- 17 14 be accepted into evidence.
- Q. Does Facebook use the term "Facemail" as a
- trademark for any of its product or services?
- 20 A. No.
- Q. Have you ever heard the term Facemail used
- 22 as a reference to Facebook?
- A. I have. I believe I saw some stories where
- some third-party people referenced -- referred to
- 25 Facebook messages as Facemail.

1 MR. NORBERG: Let's have this marked as 2 Exhibit 15. 3 (Exhibit 15 marked for identification.) 4 BY MR. NORBERG: 5 Mr. Yu, you've been handed what has been 6 marked as Exhibit 15. Can you please take a look at 7 that document and let me know what it is? 8 Sure. This is an example of what I was Α. 9 talking about. It's a Fortune piece where the title 10 is, "Analysts Weigh in on the Effect of Facemail on 11 Google, Yahoo, Others." And this appeared on 12 November 16, 2010. 13 MR. NORBERG: All right. Now, we're going 14 to move on. And actually, I'd like to designate the 15 entire transcript for now highly confidential, and 16 we will perhaps revisit that at a subsequent date. 17 I'm going to hand you a confidential 18 document -- well, first of all, let me start with a 19 couple of questions. 20 21 22 23 24 25







-		23
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18	Q. Outside of the context of these	
19	proceedings, have you ever heard of a commercial	
20	product called Facemail?	
21		
22	Q. Does your employer, Facebook Incorporated,	
23	offer a product called Facemail?	
24	A. No.	
25	Q. Does your employer, Facebook Incorporated,	

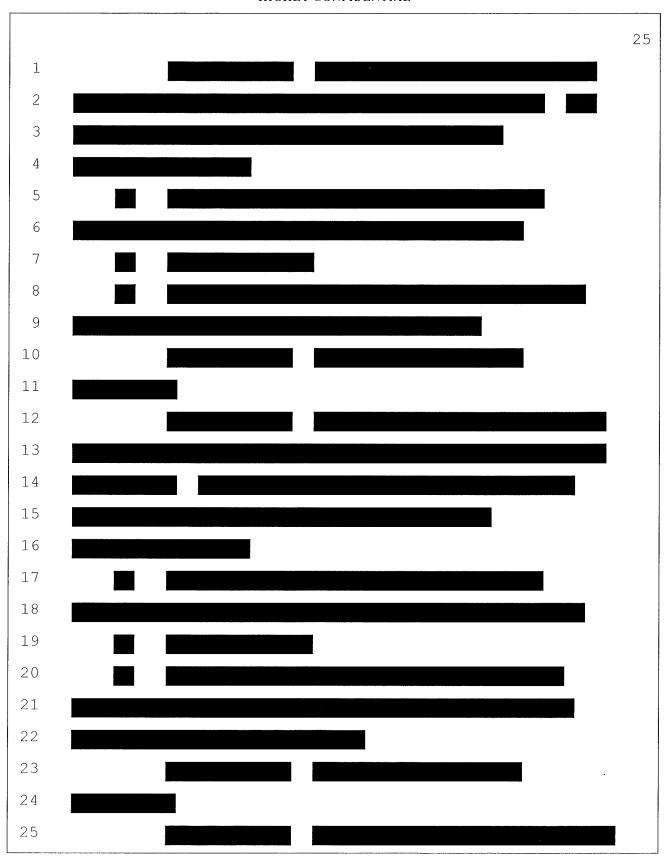
2.4

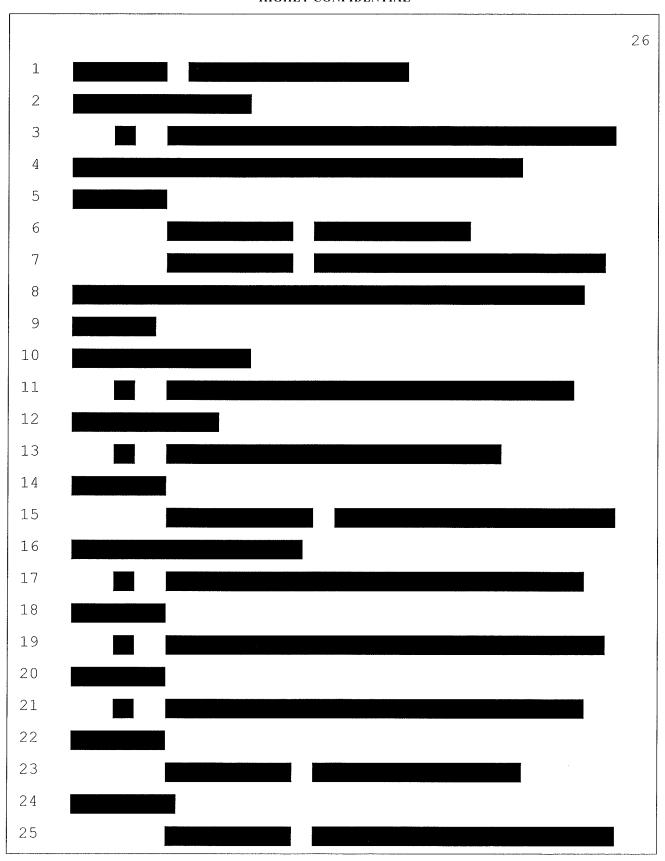
- own the domain name Facemail.com?
- 2 A. I do not know.
- 3 Q. Has your employer offered to purchase
- 4 Facemail.com from its current owner, Bill Clausen?
- 5 A. I do not know.
- THE REPORTER: What's the spelling of that?
- 7 Bill?
- MR. GREENSPAN: C-l-a-u-s-e-n.
- 9 THE REPORTER: Thank you. And your answer
- 10 was "no," right?
- 11 THE WITNESS: Yeah, I do not know.
- 12 BY MR. GREENSPAN:
- 13 Q. How many employees does Facebook have
- 14 now?
- A. Around 3,000 employees.
- 16 Q. So it's a fairly large company?
- A. I quess it's a -- it's a matter -- it's a
- 18 relative matter, but -- sure, relative to other
- 19 companies, it's large. Relative to others, it's
- 20 small.

22

23

2425





2.7

```
1
 2
 3
              MR. GREENSPAN: Okay. Mark this as
 4
     Exhibit -- this one --
 5
              THE REPORTER: 17.
 6
              MR. GREENSPAN: -- 17.
 7
              MR. NORBERG: So I'll just object to it
 8
     being moved into evidence as lack of foundation.
 9
           (Exhibit 17 marked for identification.)
10
     BY MR. GREENSPAN:
11
         Ο.
              Mr. Yu, let's look at this exhibit now in
12
     front of you. Can you read me the word in bold next
13
     to the speech bubble icon? It's the same word
14
     that's highlighted on the left?
15
              To the speech bubble icon?
         Α.
16
              Towards the top, there's an icon.
         Q.
17
         Α.
              To the speech bubble icon?
18
              There are two speech bubbles followed by --
         Q.
19
              Oh, right, sorry. Yes, it says "Messages."
         Α.
20
              Thank you. And how would you describe the
         Q.
21
     page in front of you?
22
              MR. GREENSPAN: Objection, vague and
23
     ambiquous.
24
              THE WITNESS: I haven't seen this
25
     particular page before, but I can say that it says
```

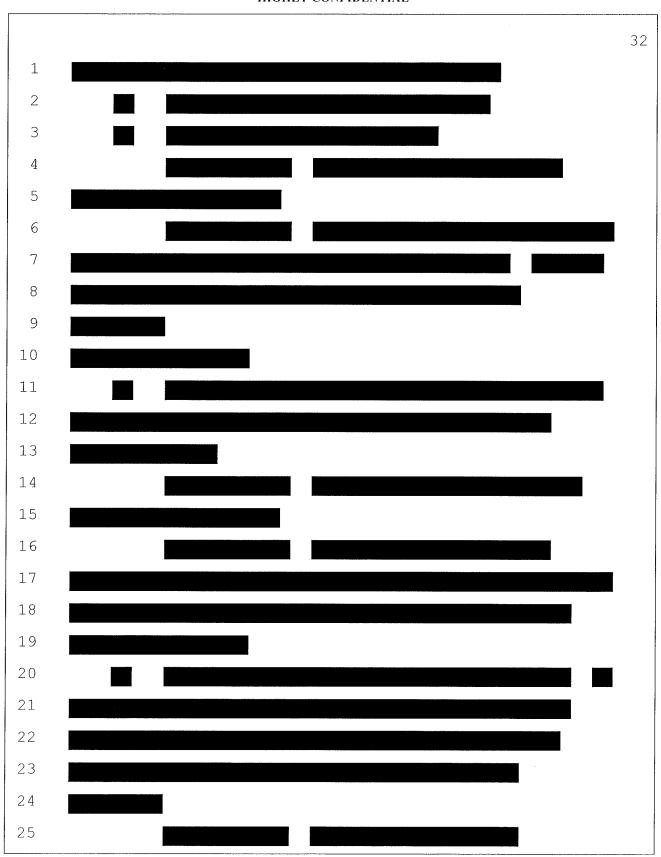
- 1 "Messages" at the top and there are three people
- 2 that have -- looks like they have messages. I would
- 3 imagine in the inbox.
- 4 BY MR. GREENSPAN:
- 5 Q. Is this from Facebook.com, this general
- 6 layout?
- 7 MR. NORBERG: Objection, vague and
- 8 ambiguous.
- 9 THE WITNESS: Again, not having seen this
- 10 before, I am not sure. But, yes, this looks -- it
- 11 says "Facebook."
- 12 BY MR. GREENSPAN:
- Q. Do you believe that it simply says
- 14 "Facebook," or is this a printout of the Facebook
- 15 website for a specific user?
- MR. NORBERG: Again, vague and ambiguous.
- THE WITNESS: What I can say is it says
- 18 "Facebook" on it and it does say "Messages" on it.
- 19 BY MR. GREENSPAN
- Q. You appear not to recognize this at all; is
- 21 that correct?
- MR. NORBERG: Objection, argumentative.
- THE WITNESS: I have not seen, again, this
- 24 particular page before.
- 25 BY MR. GREENSPAN:

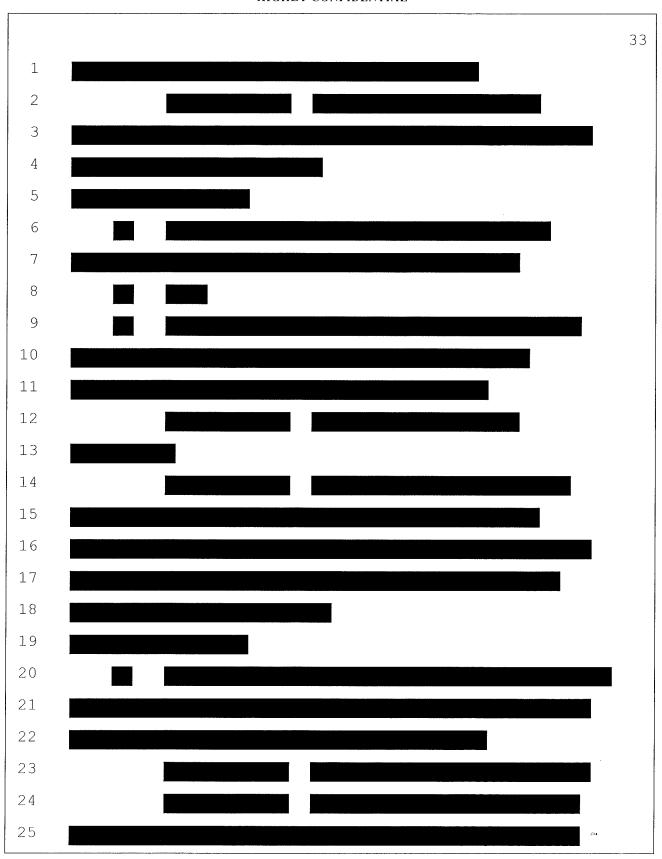
- 1 Q. Are you familiar about the Facebook
- 2 Messages product?
- A. Yes, I've used Facebook Messages.
- 4 Q. Are you familiar with Facebook Messages
- 5 user interface?
- A. Yes.
- 7 Q. Does this resemble in any way the Facebook
- 8 Messages user interface?
- 9 A. It does reassemble Facebook Messages.
- 10 Q. What about this is different than the
- 11 Facebook Messages user interface?
- MR. NORBERG: Objection, lacks foundation,
- vague and ambiguous.
- 14 THE WITNESS: At the very least, the
- 15 content.
- 16 BY MR. GREENSPAN:
- 17 Q. Is the content for the Facebook Messages
- user interface different for every user?
- 19 A. The -- I do not believe that it is, though
- the content itself is different for every user.
- Q. So would it be reasonable to say that this
- is a Facebook Messages user interface printout for a
- 23 specific user?
- MR. NORBERG: Objection, lacks foundation,
- 25 vague and ambiguous.~

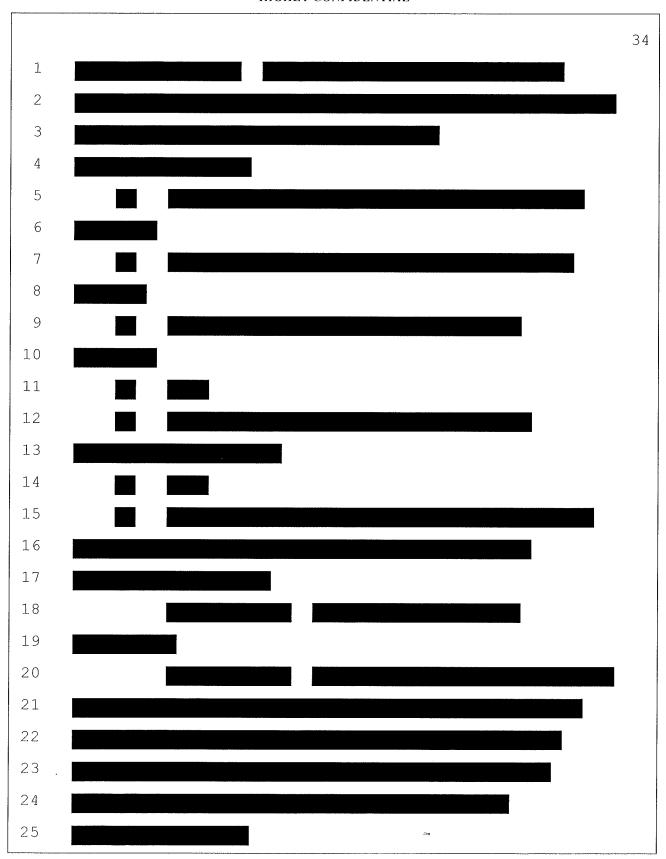
30

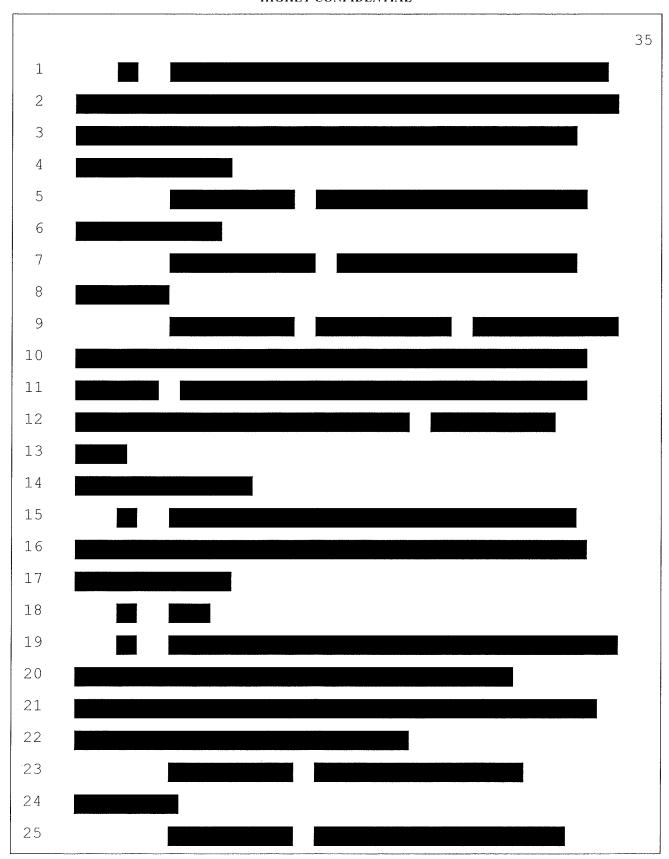
- 1 THE WITNESS: Again, I don't want to
- 2 speculate. I described what I can describe on this
- 3 particular page.
- 4 BY MR. GREENSPAN:
- 5 Q. Would you agree that your employer makes
- 6 considerable efforts measured either in time or
- 7 money to standardize its branding?
- MR. NORBERG: I'll object to that as vague
- 9 and ambiguous. You can answer that if you can
- 10 understand it.
- 11 THE WITNESS: I'm not sure I understand
- 12 that question in terms of what measures.
- 13 BY MR. GREENSPAN:
- Q. Is there a particular font that the
- 15 Facebook logo appears in?
- 16 A. Yes, there is.
- Q. Do you know what the font is?
- 18 A. I don't know what the font size is.
- 19 Q. Do you know what the font is?
- A. I do not know what the font is.
- Q. Is it a particular color that the Facebook
- website uses more than any other?
- 23 A. Yes.
- Q. What color is that?
- 25 A. It uses blue.

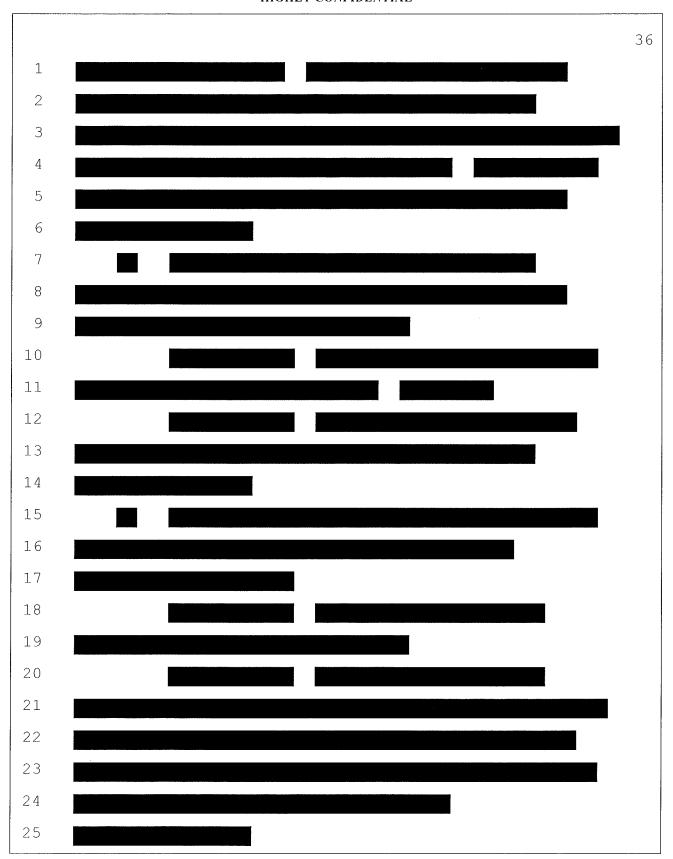
- 1 Q. What would you say is the purpose of
- 2 branding for services?
- MR. NORBERG: Objection, vague and
- 4 ambiguous, lacks foundation.
- 5 THE WITNESS: Um, to place a name with the
- 6 service and also an identity with the service.
- 7 BY MR. GREENSPAN:
- Q. Are these branding efforts evident anywhere
- 9 in this Exhibit 17 in front of us?
- 10 A. Yes.
- MR. GREENSPAN: Okay. I'm going to motion
- 12 again to move Exhibit 17 into evidence.
- MR. NORBERG: We'll object, lack of
- 14 foundation.
- MR. GREENSPAN: Mark this as Exhibit 18.
- 16 (Exhibit 18 marked for identification.)
- 17 BY MR. GREENSPAN:
- 18 Q. Turning now to Exhibit 18, can you read the
- 19 header of the dialogue box in the center of the
- 20 page, Mr. Yu?
- A. Yes, it says, "New message."
- 22 Q. Does the word "mail" appear anywhere in
- 23 this dialogue box?
- 24 A. No.
- 25

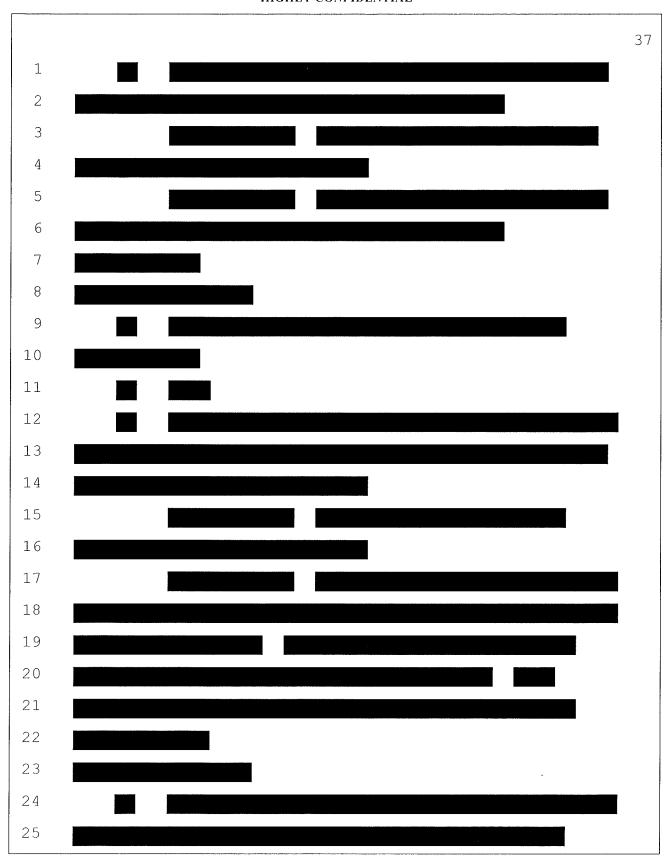


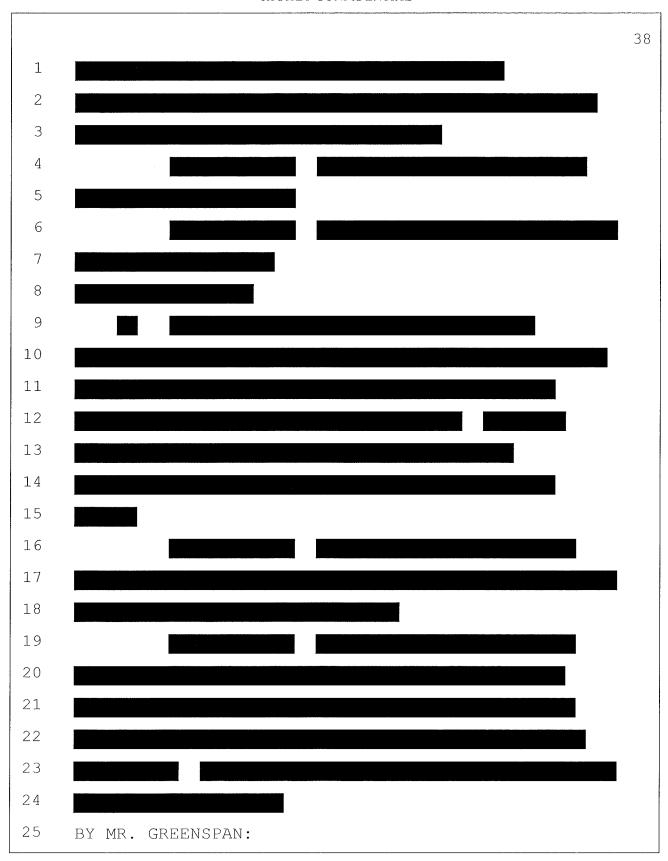












- 1 Q. Do you supervise or work with employees at
- 2 Facebook on corporate communications on the Facebook
- 3 blog?
- 4 A. Yes.
- 5 MR. GREENSPAN: Okay, I would like to mark
- 6 this as Exhibit 19. I would like to motion to move
- 7 Exhibit 18 into evidence.
- 8 THE REPORTER: 19.
- 9 MR. GREENSPAN: Well, 18 and 19.
- THE REPORTER: Oh, 18 and 19.
- MR. NORBERG: I have an standing
- objection -- well, I'll object to 18 as lacks
- foundation. Also, 19, at this point, no foundation
- 14 into evidence.
- 15 (Exhibit 19 marked for identification.)
- 16 BY MR. GREENSPAN:
- Q. Mr. Yu, can you read for me the title of
- the post in Exhibit 19?
- 19 A. The paper that you handed me says, "Our
- 20 Commitment to the Facebook Community," and it is
- 21 dated -- it says that it is by Mark Zuckerberg and
- 22 dated November 29, 2011.
- Q. Thank you. So this is posted while you
- were employed by Facebook as the director of
- 25 corporate communications?

40

- 1 MR. NORBERG: Objection, lacks foundation,
- 2 calls for speculation, and I'll object to this as
- 3 being irrelevant.
- 4 THE WITNESS: So I haven't seen this
- 5 particular printout before, though I will say that
- 6 the -- based on this date, yes, that would mean that
- 7 I -- it aligns with the time that I've been with the
- 8 company.

15

- 9 BY MR. GREENSPAN:
- 10 Q. And though you say you haven't seen this
- 11 printout, have you seen this post?
- 12 A. Yes, I have seen this post.



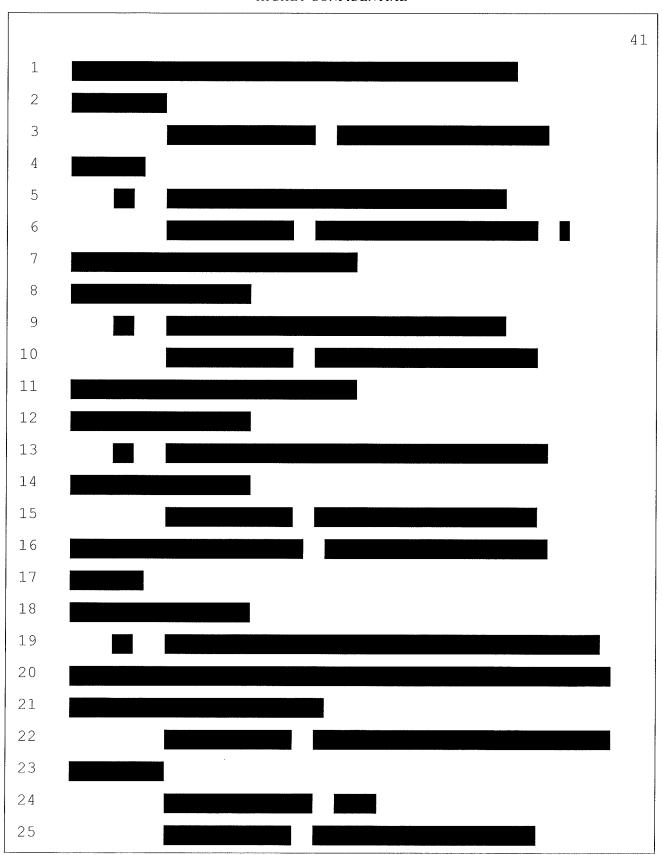


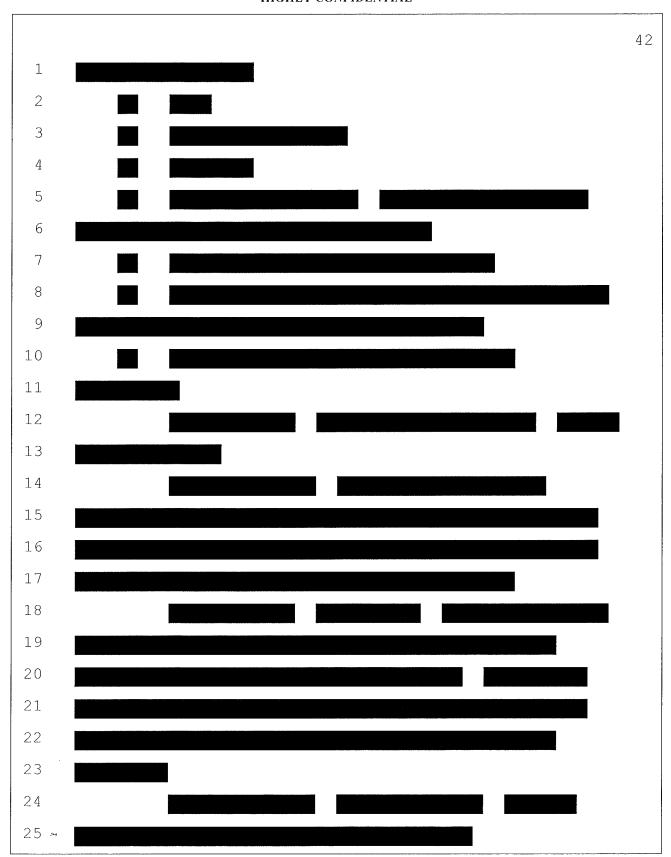




21		
22		

23			
24			





43 1 So I'm going to mark this as Exhibit --2 THE REPORTER: 20. 3 MR. GREENSPAN: 20. Motion to move Exhibit 4 20 into evidence. 5 MR. NORBERG: And objection, lacks 6 foundation. 7 (Exhibit 20 marked for identification.) 8 BY MR. GREENSPAN: 9 Q. Can you read the word in the top corner on 10 the left of Exhibit 20? 11 MR. NORBERG: Well, and before -- well, go 12 ahead and answer the question if you can. 13 THE WITNESS: I have not seen this before, 14 but are you talking about --15 BY MR. GREENSPAN: 16 Q. Yes. 17 A. -- the furthest most left corner, it says, 18 "House system." 19 20 21 22 23 24 25

