

ESTTA Tracking number: **ESTTA478209**

Filing date: **06/14/2012**

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, krobison@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 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

1 APPEARANCES OF COUNSEL:

2

3 FOR THINK COMPUTER CORPORATION:

4

5

6 BY: AARON GREENSPAN, President & CEO

7 of THINK COMPUTER CORPORATION

8 884 College Avenue

9 Palo Alto, California 94306

10 (415) 670-9350

11 aarong@thinkcomputer.com

12

13

14 FOR FACEBOOK:

15

16 COOLEY LLP

17 BY: 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

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 Q. Good morning.

12 A. Good morning.

13 Q. Could you please state and spell your name
14 for the record?

15 A. Sure. My name is Larry Yu. L-a-r-r-y,
16 last name is Y-u.

17 Q. And you are currently employed by
18 Facebook?

19 A. Yes.

20 Q. What is your position?

21 A. Director of corporate communications.

22 Q. And how long have you had that position?

23 A. For about two years.

24 Q. And how long have you been with Facebook?

25 A. Just over three years.

1 Q. Can you please just give me a brief history
2 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.

6 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
14 executives, broad stories about the company, stories
15 about MNA finance, or other general corporate
16 matters. My group is also responsible for internal
17 communications within the company and managing the
18 company's social media channels.

19 Q. Is it fair to that say part of your
20 responsibility is to be familiar with what the press
21 is saying about Facebook?

22 A. Yes.

23 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.

8 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
13 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.

16 Q. And who is Facebook's target market?

17 A. Everyone over the age of 13.

18 Q. And how does Facebook allow users to share
19 with one another?

20 A. In a variety of ways. It's really up to
21 the individuals. So, for example, an individual may
22 choose to show a photo album with friends or a
23 select group of people or video in the same fashion,
24 again, a couple lines of text. People may also
25 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.

13 Q. What about instant messaging?

14 A. Yes, Facebook also has instant messaging
15 capability.

16 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
20 sharing photos and video, for example, and instant
21 messaging and messages have been around as long as
22 I've had an account, which has been 2007, and
23 certainly as long as I've been with the company.

24 Q. And does Facebook use the Facebook brand in
25 connection with all of these services?

1 A. Yes.

2 Q. 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.

15 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
21 look at that and let me know what it is and if you
22 are familiar with it?

23 A. Sure. It is a list of company milestones.

24 Q. 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 it
6 accurately reflect information about the company?

7 A. Yes.

8 Q. Let's talk briefly about some of the
9 milestones that are listed on here. Under 2011,
10 under July, it says, "Facebook reaches over 750
11 million active users"; is that correct?

12 A. Yes.

13 Q. What percentage of those active users were
14 in the United States?

15 A. Around 25 percent.

16 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.

20 Q. And what percentage of those users were in
21 the United States?

22 A. Again, probably around 25 percent.

23 Q. And is the same true for February of 2010
24 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?

8 A. Around that time, I believe it was closer
9 to 30 percent.

10 Q. And is the same true of April, February,
11 and January of 2009?

12 A. Yes.

13 Q. And then in 2008 August, it says, "Facebook
14 reaches over 100 million active users." Do you see
15 that?

16 A. Yes.

17 Q. And what percentage of those users were in
18 the United States?

19 A. I believe that was also around 30
20 percent.

21 MR. NORBERG: Let's have this marked as
22 Exhibit 3.

23 (Exhibit 3 marked for identification.)

24 BY MR. NORBERG:

25 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.

14 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.

19 Q. 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.

24 Q. Can you give a general sense of the
25 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
3 years. But generally, I would say probably, in
4 terms of volume, on the order of thousands in a
5 given week.

6 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, Vogue, 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.

17 Q. Wonderful. Let's have this marked as
18 Exhibit 4.

19 (Exhibit 4 marked for identification.)

20 BY MR. NORBERG:

21 Q. Mr. Yu, you've been handed what has been
22 marked Exhibit 4. Can you please take a look at it
23 and let me know what this is?

24 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,
11 "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.

16 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:

21 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
13 been talking about. It is a San Francisco
14 article about Facebook where the headline is, "A
15 Bold New Digital World." This was published in --
16 on June 13, 2010.

17 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:

22 Q. Mr. Yu, you've been handed what has been
23 marked Exhibit 8. Can you please take a look at it
24 and let me know what it is?

25 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
13 it and let me know what it is?

14 A. Sure. This is another example of what
15 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
18 appeared on March 29, 2009.

19 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:

24 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?

2 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
13 that and let me know what it is?

14 A. Sure. It's another example of what we've
15 been talking about. It is a Newsweek cover story on
16 Facebook. The headline is, "The Facebook Effect,"
17 and this appeared on August 27, 2007.

18 MR. NORBERG: Facebook moves that Exhibit
19 11 be accepted into evidence.

20 This is 12.

21 (Exhibit 12 marked for identification.)

22 BY MR. NORBERG:

23 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.

8 MR. NORBERG: Facebook moves that Exhibit
9 12 be accepted into evidence. And finally, one
10 more. This will be Exhibit 13.

11 MR. GREENSPAN: Objection.

12 MR. NORBERG: What is your objection?

13 MR. GREENSPAN: How is this relevant to any
14 of the matters here?

15 MR. NORBERG: Yeah, let's actually set this
16 one aside for a moment. We'll get back to it in
17 just a few moments. So let's set Exhibit 13 aside,
18 and let's move on.

19 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
23 are times where we will go and solicit stories.

24 Q. And since you've been -- began working for
25 Facebook, has Facebook been the subject of popular

1 culture references?

2 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
15 trademark claims to protect certain assets.

16 Q. Does Facebook also regulate how users can
17 use the Facebook brand?

18 A. Yes.

19 MR. NORBERG: Let's mark this as Exhibit
20 14.

21 (Exhibit 14 marked for identification.)

22 BY MR. NORBERG:

23 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?

1 A. Sure. It's a page from our brand
2 permission center, which outlines how we -- how
3 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.

13 Q. And is this one of the ways that Facebook
14 helps protects its brand?

15 A. Yes.

16 MR. NORBERG: Facebook moves that Exhibit
17 14 be accepted into evidence.

18 Q. Does Facebook use the term "Facemail" as a
19 trademark for any of its product or services?

20 A. No.

21 Q. Have you ever heard the term Facemail used
22 as a reference to Facebook?

23 A. I have. I believe I saw some stories where
24 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 Q. 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 A. Sure. This is an example of what I was
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 Q. I'm going to hand you a confidential
18 document -- well, first of all, let me start with a
19 couple of questions.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

[REDACTED]

[REDACTED]

4

[REDACTED]

5

[REDACTED]

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

EXAMINATION

9

BY MR. GREENSPAN:

10

[REDACTED]

[REDACTED]

11

[REDACTED]

[REDACTED]

12

[REDACTED]

[REDACTED]

13

[REDACTED]

14

[REDACTED]

[REDACTED]

15

[REDACTED]

[REDACTED]

16

[REDACTED]

17

[REDACTED]

[REDACTED]

18

[REDACTED]

19

[REDACTED]

[REDACTED]

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

[REDACTED]

23

[REDACTED]

24

[REDACTED]

[REDACTED]

[REDACTED]

25

[REDACTED]

[REDACTED]

1 [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED] [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED]
25 [REDACTED] [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 Q. Outside of the context of these
19 proceedings, have you ever heard of a commercial
20 product called Facemail?

21 A. No.

22 Q. Does your employer, Facebook Incorporated,
23 offer a product called Facemail?

24 A. No.

25 Q. Does your employer, Facebook Incorporated,

1 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.

6 THE REPORTER: What's the spelling of that?
7 Bill?

8 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?

15 A. Around 3,000 employees.

16 Q. So it's a fairly large company?

17 A. I guess 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.

21 [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED]
25 [REDACTED]

1 [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED]
25 [REDACTED] [REDACTED]

1 [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED]
21 [REDACTED] [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED]
25 [REDACTED] [REDACTED]

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. GREENSPAN: Okay. Mark this as
Exhibit -- this one --

THE REPORTER: 17.

MR. GREENSPAN: -- 17.

MR. NORBERG: So I'll just object to it
being moved into evidence as lack of foundation.

(Exhibit 17 marked for identification.)

BY MR. GREENSPAN:

Q. Mr. Yu, let's look at this exhibit now in
front of you. Can you read me the word in bold next
to the speech bubble icon? It's the same word
that's highlighted on the left?

A. To the speech bubble icon?

Q. Towards the top, there's an icon.

A. To the speech bubble icon?

Q. There are two speech bubbles followed by --

A. Oh, right, sorry. Yes, it says "Messages."

Q. Thank you. And how would you describe the
page in front of you?

MR. GREENSPAN: Objection, vague and
ambiguous.

THE WITNESS: I haven't seen this
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:

13 Q. Do you believe that it simply says
14 "Facebook," or is this a printout of the Facebook
15 website for a specific user?

16 MR. NORBERG: Again, vague and ambiguous.

17 THE WITNESS: What I can say is it says
18 "Facebook" on it and it does say "Messages" on it.

19 BY MR. GREENSPAN

20 Q. You appear not to recognize this at all; is
21 that correct?

22 MR. NORBERG: Objection, argumentative.

23 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?

3 A. Yes, I've used Facebook Messages.

4 Q. Are you familiar with Facebook Messages
5 user interface?

6 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?

12 MR. NORBERG: Objection, lacks foundation,
13 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
18 user interface different for every user?

19 A. The -- I do not believe that it is, though
20 the content itself is different for every user.

21 Q. So would it be reasonable to say that this
22 is a Facebook Messages user interface printout for a
23 specific user?

24 MR. NORBERG: Objection, lacks foundation,
25 vague and ambiguous.

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?

8 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:

14 Q. Is there a particular font that the
15 Facebook logo appears in?

16 A. Yes, there is.

17 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?

20 A. I do not know what the font is.

21 Q. Is it a particular color that the Facebook
22 website uses more than any other?

23 A. Yes.

24 Q. What color is that?

25 A. It uses blue.

1 Q. What would you say is the purpose of
2 branding for services?

3 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:

8 Q. Are these branding efforts evident anywhere
9 in this Exhibit 17 in front of us?

10 A. Yes.

11 MR. GREENSPAN: Okay. I'm going to motion
12 again to move Exhibit 17 into evidence.

13 MR. NORBERG: We'll object, lack of
14 foundation.

15 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?

21 A. Yes, it says, "New message."

22 Q. Does the word "mail" appear anywhere in
23 this dialogue box?

24 A. No.

25

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED]
20 [REDACTED] [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED]

1 [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED] [REDACTED]
19 [REDACTED]
20 [REDACTED] [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED]
6 [REDACTED] [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED]
24 [REDACTED]

25 BY MR. GREENSPAN:

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.

10 THE REPORTER: Oh, 18 and 19.

11 MR. NORBERG: I have an standing
12 objection -- well, I'll object to 18 as lacks
13 foundation. Also, 19, at this point, no foundation
14 into evidence.

15 (Exhibit 19 marked for identification.)

16 BY MR. GREENSPAN:

17 Q. Mr. Yu, can you read for me the title of
18 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.

23 Q. Thank you. So this is posted while you
24 were employed by Facebook as the director of
25 corporate communications?

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.

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.

13 [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED]
25 [REDACTED] [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED]
15 [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED] [REDACTED]
23 [REDACTED]
24 [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED]

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 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED]