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Filing date: **06/01/2016**

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

Proceeding	91214849
Party	Plaintiff Apple Inc.
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Submission	Plaintiff's Notice of Reliance
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Signature	/Alicia Grahn Jones/
Date	06/01/2016
Attachments	Apple v. Hasan - Fifth Notice of Reliance - Deposition Transcript.pdf(11778 bytes ) -Apple v. Hasan - Fifth Notice of Reliance - Ex. A.pdf(5535626 bytes )

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

In the Matter of Application Serial No. **85/866,375**  
For the mark: **IT'S AN APP FOR THAT**  
Filed: March 4, 2013  
Published: August 13, 2013

-----X		
APPLE INC.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91214849
	:	
SYED ALI HASAN,	:	
	:	
Applicant.	:	
-----X		

**OPPOSER'S FIFTH NOTICE OF RELIANCE**

Opposer Apple Inc. ("Apple"), pursuant to 37 C.F.R. §§ 2.120(j)(1), 2.120(j)(3)(i), and 2.120(j)(8), submits of record in connection with this opposition proceeding a copy of certain portions of the July 14, 2015 discovery deposition and accompanying exhibits of Applicant Syed Ali Hasan ("Applicant"). These portions of Applicant's discovery deposition and the accompanying exhibits are relevant to the issues of likelihood of confusion and dilution and show, among other things, Applicant's business and its goods and services; the fame of the Apple brand; the priority of Apple's marks; Applicant's awareness of Apple's marks; Applicant's use or intended use of Applicant's mark that is the subject of this proceeding; and Applicant's claims regarding knowledge of communications, suggestions, or inquiries regarding an association, connection, or affiliation between Applicant, Applicant's mark, or Applicant's goods and services, on the one hand, and Apple, Apple's marks, or Apple's goods and services, on the other hand.

Portions of the transcript of Applicant's July 14, 2015 discovery deposition and accompanying exhibits are attached hereto as Exhibit A.

Dated: June 1, 2016

Respectfully submitted,

**KILPATRICK TOWNSEND &  
STOCKTON LLP**

By:     /s/Alicia Grahn Jones    

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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APPLE INC.,	:
	:
Opposer,	:
	:
v.	: Opposition No. 91214849
	:
SYED ALI HASAN,	:
	:
Applicant.	:
-----X	

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing OPPOSER'S FIFTH NOTICE OF RELIANCE has been served on Applicant by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Syed Ali Hasan  
530 Lytton Ave, 2nd Floor  
Palo Alto, California 94304

This the 1st day of June, 2016.

\_\_\_\_\_  
/s/Alberto Garcia  
Alberto Garcia

# EXHIBIT A

Page 1

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

APPLE INC.,                    )  
  )  
  ) Opposer,                    )  
  )  
VS.                                ) Opposition No.  
  ) 91214849  
SYED ALI HASAN,                )  
  )  
  ) Applicant.                    )  
\_\_\_\_\_)

DEPOSITION OF SYED ALI HASAN  
Tuesday, July 14, 2015  
9720 Wilshire Boulevard  
Los Angeles, California  
10:04 a.m. to 2:07 p.m.

Reported by:  
NIKKI ROY  
CSR No. 3052

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1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
3  
4 APPLE INC.,                    )  
  )  
5 Opposer,                    )  
  )  
6 VS.                                ) Opposition No.  
  ) 91214849  
7 SYED ALI HASAN,                )  
  )  
8 Applicant.                    )  
\_\_\_\_\_)

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11  
12  
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14  
15  
16  
17  
18 Deposition of SYED ALI HASAN, taken before NIKKI  
19 ROY, CSR No. 3052, a Certified Shorthand Reporter for  
20 the State of California, commencing at 10:04 A.M., on  
21 Tuesday, July 14, 2015, in the offices of Kilpatrick  
22 Townsend & Stockton, located at 9720 Wilshire  
23 Boulevard, Penthouse, Beverly Hills, California on  
24 behalf of the Opposer.  
25

Page 3

1 APPEARANCES OF COUNSEL:  
2  
3 FOR THE OPPOSER:  
4 KILPATRICK TOWNSEND & STOCKTON  
5 BY: JOSEPH PETERSON, Attorney at Law  
6 (Appearing telephonically)  
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8 Menlo Park, California 94025  
9 jpetersen@ktslaw.com  
10  
11 FOR THE APPLICANT:  
12 SYED ALI HASAN  
13 530 Lytton Avenue  
14 2nd Floor  
15 Palo Alto, California 94304  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 4

1 I N D E X  
2  
3 WITNESS EXAMINATION PAGE  
4 SYED ALI HASAN  
5 MR. PETERSEN 6, 108  
6  
7 (Confidential portions: Pages 74 to 77 and 87)  
8  
9  
10 E X H I B I T S  
11  
12 NUMBER DESCRIPTION PAGE  
13 Exhibit 1 Current California Secretary 59  
14 of State record for Runmobi,  
15 Inc.  
16 (1 pg)  
17 Exhibit 2 Trademark Service Mark 88  
18 Application Principal Register  
19 (8 pgs)  
20 Exhibit 3 Email from Syed Ali Hasan to 110  
21 Syed Ali Hasan, April 23, 2014  
22 with attachment  
23 (2 pgs)  
24 Exhibit 4 Runmobi Executive Summary 119  
25 (3 pgs)  
Exhibit 5 Runmobi slide decs 127  
(12 pgs)  
Exhibit 6 Runmobi revenue projections 135  
(1 pg)  
Exhibit 7 Email chain 141  
(4 pgs)  
Exhibit 8 Printout from runmobi.com 147  
website  
(1 pg)  
Exhibit 9 Former Runmobi Facebook 150  
account (printed May 2013)  
(6 pgs)

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1 I N D E X (CONTINUED):  
2  
3 EXHIBITS (CONTINUED):  
4 NUMBER DESCRIPTION PAGE  
5 Exhibit 10 Cache of 2/7/14 post on former 151  
6 Runmobi Facebook  
7 (1 pg)  
8 Exhibit 11 Opposer's First Request for 160  
9 Production of Documents and  
10 Things to Applicant  
11 (9 pgs)  
12 Exhibit 12 Opposer's First Set of 161  
13 Interrogatories to Applicant  
14 (7 pgs)  
15 Exhibit 13 Response by Applicant to 161  
16 Opposer's First Set of  
17 Interrogatories  
18 (2 pgs)  
19 Exhibit 14 Response by Applicant to 165  
20 Opposer's First Set of  
21 Interrogatories  
22 (3 pgs)  
23  
24  
25

16 QUESTIONS INSTRUCTED NOT TO ANSWER  
17 None  
18  
19 INFORMATION REQUESTED  
20 None  
21  
22  
23  
24  
25

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1 A. I'm not. I'm representing myself.  
2 Q. And have you ever taken -- I'm sorry --  
3 given a deposition before?  
4 A. No.  
5 Q. So I will just briefly summarize the ground  
6 rules.  
7 I'm going to be asking you a series of  
8 questions here today. The court reporter is  
9 transcribing both my questions and your answers. She  
10 can only do that if we're not talking over one  
11 another, so I would ask that you wait for me to  
12 finish a question before answering. And always give  
13 a verbal response. So a nod of the head isn't  
14 sufficient.  
15 Does that make sense?  
16 A. It does. Understood, yeah.  
17 Q. Great. And my goal here is not to try to  
18 trick you in any respect. So I will try to put  
19 questions to you the best way I can, and if you think  
20 there's some ambiguity in a question, or if you don't  
21 fully understand the question, please immediately let  
22 me know, and I will do my best to rephrase that  
23 question, and we will hopefully get to a point where  
24 you can understand the question.  
25 Does that instruction make sense?

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1 BEVERLY HILLS, CALIFORNIA, TUESDAY, JULY 14, 2015  
2 10:00 A.M.  
3  
4 SYED ALI HASAN  
5 called as a deponent and sworn in by  
6 the deposition officer, was examined  
7 and testified as follows:  
8  
9 EXAMINATION  
10 BY MR. PETERSEN:  
11 Q. Good morning, Mr. Hasan. My name is Joe  
12 Petersen. I am an attorney at Kilpatrick Townsend,  
13 and I represent Apple, Inc., the technology company,  
14 in an opposition proceeding pending the Patent and  
15 Trademark Office concerning your trademark  
16 application for "It's an App for That."  
17 How are you this morning?  
18 A. Good. Thank you, Mr. Petersen.  
19 Q. Mr. Hasan, if you could just state your full  
20 name and address for the record.  
21 A. Syed Ali Hasan. My mailing address is 530  
22 Lytton Avenue, 2nd floor, Palo Alto, California  
23 94301. That's where I receive all my mail.  
24 Q. And Mr. Hasan, are you represented by a  
25 lawyer here today?

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1 A. It does. Thank you.  
2 Q. Great. And, you know, my approach to  
3 depositions is usually to go about an hour a time  
4 then take a break. But if for any reason you need to  
5 take a break sooner than that, just let me know and  
6 we will take a break. I would just ask that you  
7 answer -- if there's a question pending, I would just  
8 ask that you answer that question and then we can  
9 take a break.  
10 Does that make sense?  
11 A. It does. Thank you.  
12 Q. Okay. Is there any reason why you cannot  
13 give truthful and honest testimony here this morning?  
14 A. No, no reason whatsoever.  
15 Q. Mr. Hasan, you said you've never given  
16 deposition testimony before this morning?  
17 A. No.  
18 Q. Have you ever testified in any way in a  
19 legal proceeding, say at trial or in some other -- in  
20 some other way?  
21 A. There were a couple of personal events and  
22 they were like small -- small claims events, but  
23 that's about it.  
24 Q. Okay.  
25 A. And, of course, you know, the ubiquitous

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1 A. Moccasio.  
2 Q. -- is that correct?  
3 A. I would like to go back and please make a  
4 correction.  
5 Moccasio was not an LLC. It was a C Corp  
6 which I mentioned before. And --  
7 Q. I'm sorry.  
8 A. Yeah.  
9 Q. You did say that.  
10 A. And as we moved forward, that's how we were  
11 progressing that time. I wanted to be in the space.  
12 I know that the demand is huge. I know the size of  
13 the market is huge, and I was willing to stick it  
14 out, and I did.  
15 Q. So then you formed Runmobi for that purpose?  
16 A. That's right. I purchased the domain names  
17 and just, you know, held onto the domain names for  
18 the longest time for the lack of a team, and then  
19 went to market when we did I think about in 2013.  
20 Q. So is that when Runmobi began about 2013?  
21 A. Yeah, that was -- that was the day the  
22 Armageddon was supposed to happen, December 25, 2013,  
23 that's when we incorporated.  
24 Q. I'm sorry. You said that's when Armageddon  
25 was supposed to begin. What did you mean by that?

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1 A. There was -- there was a Mexican prophecy  
2 that was supposed to come through on that date that  
3 the world was going to end, so it was done in jest.  
4 I told the attorneys at the time to use that date for  
5 incorporation, as a joke to incorporate on the 25th  
6 of December.  
7 Q. And did you use your, at this point, former  
8 brother-in-law to do the incorporation?  
9 A. No. We went through -- I forget the name.  
10 The attorney's name was David Wong, and they were a  
11 law firm out of Bayshore Highway in Redwood City.  
12 And they had like four or five names in there. And  
13 if I find it, I can find it.  
14 Q. How did you come in touch with them?  
15 A. It was -- you know, how they have the  
16 mixers, you know, the meet-ups and so on. So I  
17 somehow found myself on their invitation list, and I  
18 ended up going there with one of the engineers, and  
19 essentially that's how we moved forward.  
20 Q. Okay. And so it was -- you incorporated  
21 Runmobi?  
22 A. That's right.  
23 Q. And did you own all the shares in Runmobi?  
24 A. No, there were three -- it was a long cap  
25 table, which I can share with you over email, and

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1 there was a few people in there, yes.  
2 Q. Who was -- who owned shares in Runmobi at  
3 that time?  
4 A. It was myself, three other engineers,  
5 members of the advisory board, and some sales, some  
6 other advisors. So there was a list of about 15  
7 people.  
8 Q. About 15 people?  
9 A. Yeah.  
10 Q. And am I correct in assuming that you're on  
11 the board of directors?  
12 A. I was always -- not with Moccasio, but with  
13 Runmobi I was always the sole director and the  
14 secretary of the company. No one and had any --  
15 Q. I see.  
16 A. -- any director positions.  
17 Q. And what percentage ownership did you have  
18 in Runmobi at that time?  
19 A. 15.  
20 Q. Okay. And did anyone have a larger  
21 percentage of shares than you at that time?  
22 A. No. All others, you know, I brought in as  
23 equals, the other three, they were also at 15 percent  
24 each.  
25 Q. And can you just give me the general roles

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1 of the people that you brought in as equals?  
2 A. There were three engineers. "Were" is the  
3 operative word because they're no longer part of my  
4 team.  
5 Q. Could you identify those engineers for the  
6 record.  
7 A. Absolutely one is Saqib Ahmad, S-a-q-i-b  
8 A-h-m-a-d.  
9 Q. And the second?  
10 A. Naveed Khan, N-a-v-e-e-d K-h-a-n.  
11 Q. And the third?  
12 A. A-n-k-i N-e-l-a-t-u-r-u.  
13 Q. I'm sorry. And that gentleman's last name?  
14 A. N -- Nelaturu, N-e-l-a-t-u-r-u.  
15 Q. Okay. Are you still in touch with  
16 Mr. Ahmad?  
17 A. No. I'm not in touch with any of these  
18 since 2013.  
19 Q. Okay. Do you know where Mr. Ahmad is today?  
20 A. No. I'm sure they --  
21 Q. Same question --  
22 A. I'm sure they live in the same places they  
23 used to, in San Jose and Union City and Santa Clara,  
24 respectively, but I don't know where they are  
25 professionally or what they're doing.

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1 Runmobi?  
2 A. Completely in an advisory capacity, you  
3 know.  
4 Q. Is he a physician?  
5 A. He is a dentist. He's a dean at UCLA.  
6 Q. And how did you meet Mr. Mito?  
7 A. It was a funny meeting. It goes back to  
8 2001 when I was doing commercial real estate with  
9 Marcus & Millichap, which involved a lot of  
10 cold-calling, and I met him on a cold call to do a  
11 real estate deal.  
12 Q. I see.  
13 A. Yeah.  
14 Q. So you brought him on as an advisor. Did he  
15 give funds to Runmobi at any point?  
16 A. When we incorporated as runmobi.com, that's  
17 when he came brought \$20,000.  
18 Q. He gave 8,000?  
19 A. \$20,000 from him and \$20,000 from Dr. Mito,  
20 from Dr. Stron.  
21 Q. I see. So both Dr. Stron and Dr. Mito gave  
22 \$20,000 a piece?  
23 A. Each for runmobi.com to get it off the  
24 ground.  
25 Q. In return they received shares in the

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1 company?  
2 A. That's right.  
3 Q. How did you meet Dr. Joel Stron?  
4 A. He's, I think, friends with Dr. Mito. Not  
5 "I think." He is. And he was referred by Dr. Mito.  
6 Q. And is he also a dentist at UCLA?  
7 A. He is not at UCLA, but by vocation he's a  
8 dentist.  
9 Q. I see. Then you mentioned as Azam Rahmad;  
10 is that correct?  
11 A. Sorry?  
12 Q. You mentioned a third individual that was an  
13 advisor?  
14 A. Mr. Rahman.  
15 Q. Mr. Rahman?  
16 A. Azam Rahman, yes. He's -- he and I think we  
17 met at a squash court and, you know, it became  
18 cordial friendship, and that's how it stayed.  
19 Q. Did he loan funds to Runmobi as well?  
20 A. No one loaned money. They purchased stock  
21 in the company. Dr. Mito and Dr. Stron and  
22 Mr. Rahman got stock in lieu of services.  
23 Q. So Mr. Rahman was a lawyer?  
24 A. No, he's also an engineer by education and  
25 he works for Visa.

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1 Q. But I'm sorry. I'm sure I just  
2 misunderstood. You said he received equity in the  
3 company in return for legal services?  
4 A. Not legal. Just in lieu of services is what  
5 I said.  
6 Q. In lieu of services?  
7 A. Sorry.  
8 Q. I apologize.  
9 So what types of services did he provide?  
10 A. Essentially making, you know, connections in  
11 the industry, trying to open doors for me. That's  
12 about it.  
13 Q. Do you keep in touch with these three  
14 individuals?  
15 A. Absolutely. They're my -- they're my --  
16 they're on the board of my current iteration as well  
17 of runmobi.com Inc. and they're fantastic  
18 individuals. They're -- certainly, yes.  
19 Q. Okay. And so we discussed the engineers  
20 that were associated with Runmobi around the time it  
21 was formed and we discussed your advisors.  
22 Did we leave anyone out that was -- had a  
23 role in Runmobi at the time of its formation or  
24 shortly thereafter?  
25 A. As in an advisory capacity, yes, which I

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1 said I would share the cap table with you, but beyond  
2 advisory capacity, no. It was myself and the three  
3 engineers to begin with because we wanted to go to  
4 market, which we did for a brief period of time, but  
5 the product never came through.  
6 Q. I see. So how long were you in the  
7 development phase at Runmobi?  
8 A. Man, like that was a nightmare. It was two  
9 thousand -- they said there was in Delaware --  
10 THE DEPOSITION OFFICER: I'm sorry.  
11 Delaware --  
12 THE WITNESS: Yes, Delaware.  
13 Again, Mr. Petersen, I'm completely  
14 recalling from memory. I should not be quoted, like,  
15 exact time frames because they could be off, but the  
16 development cycle lasted close to two years, because  
17 the pre-incorporation also when we had met, the idea  
18 was for the engineers to, you know, keep going at the  
19 development, and then when it was time to go to  
20 market, then we would go to market, but --  
21 BY MR. PETERSEN:  
22 Q. I see. And were you developing -- was this  
23 developing one app, a series of apps? Can you tell  
24 me exactly what sorts of products you envisioned  
25 Runmobi would launch?

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1 A. Okay. So this is a very good question. And  
2 the idea has always been to, you know, take a shot at  
3 the app clutter problem. So there's billions of  
4 apps, right, and we were thinking, why do we need,  
5 like, billions of apps, you know, do so many -- like  
6 such few things.  
7 Surely, you know, I mean, we can't make  
8 300,000 games within Runmobi, but coming to the  
9 solution itself the aim was that, for example,  
10 Mr. Petersen decides to buy food, or Nikki decides to  
11 buy, you know, tickets or go to concert or, you know,  
12 do like five, six, seven different things, which we  
13 have detailed in the trademark filing, for example,  
14 that do those few things easily from one app, and  
15 essentially make it the remote control of your life.  
16 And you would intuitively reach for Runmobi  
17 and say, okay. Now, you know, Mrs. Petersen calls  
18 and says, please pick up some food. You know, I'm  
19 not going to cook.  
20 And so you just pull out the device, pick  
21 up -- you know, pay for the food. It's ready waiting  
22 for you at your favorite restaurant. You pick it up.  
23 On the way, you know, you do groceries. If there's  
24 any medication to be purchased.  
25 So those few verticals is really what we

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1 want to target. And so we want this thing to be like  
2 one app through which you could do like five or eight  
3 different things. And I say five to eight because  
4 that in itself is huge as you must have experienced  
5 or witnessed.  
6 So it's very -- it's very challenging to  
7 just go at one vertical, let alone eight. And so we  
8 want to start with the food vertical which was the  
9 first attempt, and then, you know, expand from there,  
10 God willing.  
11 Q. I see. And this was after Apple launched  
12 its App Store application marketplace, correct?  
13 A. We had -- if we go back to 2007, there was  
14 no app store. We had --  
15 Q. I'm sorry, Mr. Hasan. I'm speaking  
16 specifically about Runmobi. You told me that Runmobi  
17 was formed, I think you said 2012 or 2013?  
18 A. That's right.  
19 Q. That postdates the introduction of Apple's  
20 App Store application marketplace, correct?  
21 A. You're absolutely right. Absolutely, yes.  
22 Q. And so did you anticipate, once the app was  
23 developed, applying to Apple's app store for  
24 distribution?  
25 A. Absolutely. We had the apps launched from

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1 both the app store as well as the Android space, the  
2 Google Place store.  
3 Q. I see. So this -- you had the app  
4 configured for iOS and also Android?  
5 A. That's right.  
6 Q. Were they two separate apps?  
7 A. I mean, that's the nature of things. We had  
8 to have two separate apps because the code base of  
9 iOS is going to be applied to, for example, Android,  
10 even though they both use Java.  
11 Q. I understand. So the same team that was  
12 working on it worked on both apps. So the previous  
13 engineers you identified were working on both the iOS  
14 app and the Android app?  
15 A. That's correct.  
16 Q. Did you anticipate launching any other apps  
17 other than an Android app and an iOS app or were you  
18 focusing on those two platforms?  
19 A. Windows Phone was coming into its own at  
20 that time, and Windows platform was one of those  
21 things which I wanted to do, but since there was a  
22 dearth of resources and, you know, all those key  
23 things, if you will, which happened to our team, you  
24 know, so we couldn't concentrate on the Windows app  
25 at the time, but that's part of future plans.

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1 Q. I see. About how many employees did you  
2 have at the height of Runmobi, how many employees did  
3 you have working at the company?  
4 A. We had -- the combinations we had,  
5 Mr. Petersen, you know, on LinkedIn I had stated  
6 about, I think, 15 to 20, based on the functions  
7 which people were doing. But quite frankly, the  
8 number of employees would be only me, like, one  
9 employee, and everyone in a 1099 capacity, if it came  
10 to it, which never happened. And maybe, you know,  
11 outside contractors and so on, but the team itself  
12 was about 15 large, including the advisors and the  
13 developers and myself.  
14 Q. Okay. So you claimed in LinkedIn that there  
15 were 21 employees, but really that was inaccurate?  
16 A. It was inaccurate because I didn't have the  
17 option to say 15. On their pick list you could say  
18 five to ten or 15 to 20. It was some weird thing at  
19 the time. And it was done purely to create a  
20 presence, not to create a hype or mistake around it,  
21 because to anyone I would have gone to, I would have  
22 given the due diligence as I'm going to do with you.  
23 Q. I see. I think there's some names of some  
24 folks that we understand were associated with Runmobi  
25 that I don't believe we have discussed yet.

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1 A. That's right. The running man.  
2 Q. And then you --  
3 A. Yeah.  
4 Q. Okay. And then you registered the word mark  
5 Runmobi?  
6 A. That's right.  
7 Q. Okay. And they're owned by the company you  
8 formed in late 2012?  
9 A. I haven't assigned those to any entity yet.  
10 They're in my name.  
11 Q. I see. So you filed those applications in  
12 your own personal name?  
13 A. That's correct.  
14 Q. So you told me a few moments ago the Runmobi  
15 app was under development for a couple years. Was a  
16 beta version of that app ever released?  
17 A. I don't know if I should call it beta  
18 because we had gone to market. You know, it was  
19 launched from the Apple store, the app store  
20 iPhone -- I'm sorry -- the Apple app store, as well  
21 as Android store as a full fledged, go-to-market  
22 thing. It was not a beta. It was not a controlled  
23 launch at all. It was a full fledged launch, yeah.  
24 Q. There was a point in time in which you  
25 actually launched the app through the app store and

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1 through Google's application marketplace?  
2 A. That's right.  
3 Q. When did the app launch through the app  
4 store?  
5 A. 2013, I would say, yeah, mid 2013.  
6 Q. And same question about Google's platform.  
7 A. They were done, like, back to back. And  
8 there were certain guidelines we had to follow.  
9 There were certain time spaces. Again please don't  
10 quote me on it, but so they came through probably  
11 within a week of each other that they were available.  
12 Q. I see. And do you recall what period of  
13 time in 2014?  
14 A. 2013, 2013, yeah.  
15 Q. But now I'm confused I guess in some  
16 respects. As I understood the company was formed  
17 around late 2012?  
18 A. Right.  
19 Q. The development took a couple of years. The  
20 engineers were --  
21 A. No, because this team, which I had mentioned  
22 to you, they were working to, you know, get the app  
23 to a certain level because when we incorporated, then  
24 we could launch.  
25 Q. I see. So you were working on the app

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1 before the incorporation?  
2 A. I wasn't working; the team was.  
3 Q. Right. The company was, Runmobi was  
4 working?  
5 A. No. Runmobi -- no, there was no Runmobi at  
6 the time. But this was a good faith arrangement  
7 between the three engineers -- between the two  
8 engineers, the first 2 engineers, between Saqib and  
9 Naveed, they were going at it to, you know, build it  
10 out to a certain level, and then the company would be  
11 incorporated, then we would launch. So that's the  
12 route we took.  
13 Q. I see. And so then it launched in 2013. Do  
14 you recall what time period it would have launched on  
15 the app store?  
16 A. Probably mid 2013. I'll have to look at my  
17 records. I should have come better prepared. I  
18 apologize.  
19 Q. That's fine. In terms of Google's  
20 application marketplace, would have launched a few  
21 weeks later?  
22 A. Something like that, yes.  
23 Q. I see. And how many downloads did the apps  
24 have in their respective -- through the Apple app  
25 store and through Google?

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1 A. Very few. Like maybe less than 20 and less  
2 than 50.  
3 Q. Do you have any sense of why that was the  
4 case?  
5 A. Quite frankly, Mr. Petersen, the apps were  
6 broken.  
7 I was -- I don't know how to say this, but I  
8 was completely trusting the engineers to come through  
9 with a good product which looked elegant to begin  
10 with, but the functionality was not, you know,  
11 intuitive.  
12 The payment gateway, you know, we had done  
13 integration with PayPal, and the payment gateway  
14 would keep crashing. So people who may have used it  
15 or who tried to use it, didn't like it. And we  
16 didn't have, you know, the proper marketing push  
17 because that if the product isn't right, then how can  
18 I go to market and make all the claims or any  
19 realistic claims or put any kind of PR effort behind  
20 it.  
21 And that's the reason they are completely  
22 off the market now. You know, I'm not even, like,  
23 looking at those. Completely redeveloping the  
24 product -- project from scratch.  
25 Q. I see. And can you just walk me through

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1 very specifically what -- and I'll use the term  
2 "app." I understand your prior testimony there are,  
3 in fact, two apps. That was a platform issue. So  
4 would you agree that it's okay to use the term "app"  
5 when talking about this app, even though there's one  
6 for iOS and one for Android?  
7 A. Of course.  
8 Q. So if you could just walk me through what  
9 the -- what the app was intended to accomplish.  
10 A. Of course. So imagine you're sitting in  
11 San Francisco right now and you want to get lunch,  
12 and you have 20 minutes on a lunch break on a given  
13 day. And if you have absolutely no time to waste.  
14 So you invoke Runmobi on your device, on  
15 your iPhone or Android, whichever, and the app worked  
16 either by input of the zip code or by triangulation  
17 or by geolocation, place you close to where you are,  
18 and say, okay. Here is 20 restaurants near you, or  
19 15, X number of restaurants near you.  
20 And provided those restaurants -- I mean,  
21 they would only appear if we signed up with them. If  
22 they were our signed vendors, signed merchants. And  
23 they would, you know, then display the menu on your  
24 device. And from your menu -- from the pick list you  
25 would go and say, okay. I want my chicken sandwich,

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1 my soda and a bag of chips.  
2 And on the exit it would ask you a question,  
3 are you sure this is what you want? You could go  
4 back and forth, make changes. And once you had  
5 finalized, it would ask you once again, do you have  
6 any special comments for the merchant?  
7 And you could put some comments in there,  
8 okay. I want some extra jalapeno peppers on it. And  
9 the merchant would get this order, you know, after  
10 you paid, you know, through -- for it through PayPal.  
11 That's the only integration we had. We didn't want  
12 to, you know, break any rules. You know, we weren't  
13 big enough to, you know, actually accept credit cards  
14 or store anything on the device due to, you know,  
15 privacy concern and hacker issues and such things.  
16 And PayPal, being a massive company, of  
17 course, you know, all those good things in place. So  
18 PayPal integration was there. So with PayPal it was  
19 either you use your PayPal account or just scan the  
20 card from your device, and essentially it picked up  
21 the numbers. You put in your CV code -- or CRV code.  
22 Then essentially a paid order went to the merchant.  
23 And the merchant -- you know, to the  
24 merchant we provided a simple web-based terminal. So  
25 on the -- on the terminal they saw that Mr. Petersen

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1 had placed an order with phone number 123456, and  
2 your phone number was your ID.  
3 And they would go on their system and they  
4 would say, okay. They would take the pick list.  
5 From the pick list they would say, your order will be  
6 ready in 15 minutes, 20 minutes. And come pick it  
7 up, and thank you, some nice message. And that would  
8 come back to you as a notification. And you knew  
9 that at merchant X nearby, you had your order ready  
10 and waiting for you. So you would just go there,  
11 show your phone device. They'll, you know,  
12 cross-check the order number 123, 123. There you go,  
13 sir, and you were done.  
14 So this has always been the concept which we  
15 were really perceiving since 2007 when we had done  
16 the alpha testing at the Los Angeles Coliseum. And  
17 that was fantastic. But -- so this is -- in sum, you  
18 know, that's the product. You know, that's -- we  
19 were the pioneers in that road space. I'm sorry to  
20 sound a little braggy, but that's how it is. And  
21 essentially that's the market we were pursuing.  
22 And --  
23 Q. Okay. That's very helpful, Mr. Hasan.  
24 Thank you for that.  
25 Am I correct in understanding the app would

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1 only function if you had merchants that were  
2 participating, you had signed them up in order to  
3 achieve the functionality that you wished for with  
4 the app?  
5 A. Absolutely. I mean, we wouldn't send an  
6 order, you know, arbitrarily to some merchant. He  
7 would be like, what is that?  
8 Because a lot of companies do that. They  
9 just send a fax. They give you a fantastic app for  
10 it up front, and then you will have this, you know,  
11 this humongous, you know, call center and so on in  
12 the back, which you aren't aware of.  
13 And they would pick up the phone. So the  
14 call center, you know, gets the order. They pick up  
15 the phone, and, you know, and they end doing  
16 business, but that's not the model which we wanted to  
17 follow.  
18 We wanted like a complete interaction  
19 between the merchant and the user themselves. And  
20 they knew what they were controlling, the interaction  
21 between the merchant and the consumer, and they knew  
22 what they were controlling, both ways.  
23 So, for example, if they ran out of chicken  
24 sandwiches, and you used an app X to place the order,  
25 the order will go through. They will just send a

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1 fax. And then, you know, they'll receive a call  
2 back -- you know, you'll receive a call back saying,  
3 hey, you know, we got an order from you, but we don't  
4 have chicken sandwiches.  
5 So it's a kind of a counterintuitive thing,  
6 where, you know, here we're trying to save time for  
7 you, but on the other hand, you are now engaged with  
8 them on the phone, which full process we want to  
9 defeat anyway.  
10 So we didn't take that route. We won't send  
11 a fax. We won't give them a call. They have to be  
12 logged in, and they have to receive the order and  
13 come from that, so it keeps the whole transaction  
14 cycle very transparent for everyone. I mean, they  
15 got to see how much money was owed to them at all  
16 times, and they loved that feature.  
17 Q. So am I correct in assuming that before you  
18 launched the -- you called the app the Runmobi app?  
19 A. That's right.  
20 Q. And so before you launched the Runmobi app,  
21 you had some the merchants signed up that were  
22 participating in the service?  
23 A. No more than 15 or 20 if memory serves me  
24 right.  
25 Q. And where were the merchants?

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1 A. All in Santa Clara.  
2 Q. So really then to the market then at that  
3 point when the app launched, the app could only  
4 function in Santa Clara. There were only businesses  
5 in Santa Clara that were participating?  
6 A. That's correct.  
7 And that's where Ms. Masters, you know,  
8 Chayah had come in to do, you know, business  
9 development in the area to sign up merchants. And I  
10 think she had signed up a couple, and they wanted to  
11 receive faxes, and it was a logistics issue, so we  
12 never really moved forward with them.  
13 MR. PETERSEN: For some reason the  
14 videoconference just cut off. Let's go off the  
15 record and I'll see if I can get that fixed.  
16 THE WITNESS: All right.  
17 (Recess held 11:00 a.m. to 11:05 a.m.)  
18 BY MR. PETERSEN:  
19 Q. So we were talking a bit before that break  
20 about the merchants that you had signed up to  
21 participate in the program, correct?  
22 A. That's right.  
23 Q. And you were telling me there were about 15  
24 merchants signed up in the Santa Clara area?  
25 A. That's correct.

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1 Q. What types of merchants were they? Were  
2 they kind of -- were they chains, were they smaller  
3 businesses? Tell me about the types of merchants  
4 that were participating in the -- in the app?  
5 A. They were all restaurants, all Indian  
6 restaurants. And these were like, you know, people,  
7 you know, when you frequent certain places and  
8 there's a lot of goodwill that they let you do what  
9 you like. So it was more that kind of arrangement  
10 than an actual signed agreement. And we were saying,  
11 okay. If any orders come through, we will see how it  
12 goes.  
13 So they were helping me test out the thing  
14 in a live market situation. That's about it.  
15 Q. I see. Would the list of merchants  
16 participating change over time or was that  
17 essentially it, a list of Indian restaurants in Santa  
18 Clara that were participating?  
19 A. That was it.  
20 Q. Okay. And how long a period of time was the  
21 Runmobi app available?  
22 A. Until -- the app remained on the app stores  
23 I think till about a month or two ago. But there was  
24 zero activity from anywhere there was no downloads.  
25 There was no push. There was nothing going on. And

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1 I told --  
2 Q. How did you -- I'm sorry, Mr. Hasan. I  
3 didn't mean to interrupt. Go ahead.  
4 A. I told the engineers, take the whole thing  
5 down because I was going to go to market in a more  
6 prepared fashion, which I'm going to do now, so...  
7 Q. I see. And when the app first launched, did  
8 you do anything to promote it?  
9 A. Except for me driving from pillar to post  
10 to, you know, get a few merchants interested and  
11 hopefully, you know, waiting for Chayah to come  
12 through. And she was also trying.  
13 We didn't really have much success because  
14 everyone, you know -- you know, the phrase we use in  
15 the Valley so much, the cart before the horse, or the  
16 horse before the cart, the chicken and the egg. I  
17 have gone through for years, and essentially they  
18 were, like, you know, you go to a merchant you didn't  
19 know, and I walk in and say, hey, Kilpatrick  
20 Townsend. Please launch my app.  
21 And Kilpatrick Townsend says, no, we can't  
22 do it. You first get Wilson doing it, then we will  
23 talk to you.  
24 So it was that situation all the time and --  
25 Q. Sure.

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1 A. -- aside from the friendlies, it was an  
2 uphill battle.  
3 Q. Okay. Did you charge for the app or was the  
4 app distributed for free?  
5 A. App was always free. Even the web terminal  
6 which we provided to the merchants was always free.  
7 The business model was that we took a certain  
8 percentage, you know, as a transaction fee when a  
9 paid order came through. Kept it really simple --  
10 Q. Okay.  
11 A. -- because many other models fail.  
12 I saw what was going on with other  
13 companies. And I saw the merchants complaining.  
14 They would be, like, you know, they would show me an  
15 invoice. Hey, look at that.  
16 And I'm, like, what is this?  
17 I sold \$200 worth of food and now they sent  
18 be me only 55 bucks.  
19 I'm using the hypothetical numbers.  
20 And, I'm like, why did you only get 55  
21 bucks? And there was so, like, many hidden,  
22 intangible costs, marketing costs, this cost, that  
23 cost. So they got the invoice and less money than  
24 what they sold for. And they are thinking, you know,  
25 we have to be in the market to support these guys,

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1 and if we don't, then there's bad vibes in the  
2 marketplace.  
3 And then the other issue, the very positive  
4 thing with my product was, this was actual feedback,  
5 you know, I can see how much money is owed to me in  
6 realtime right now. And that's the part they love.  
7 And now when I go to people and say, look, you know,  
8 because I always keep at it, I never give up.  
9 So essentially when I go back to these  
10 merchants they say, look, you know, we are doing it.  
11 They love it right now. We are going back  
12 to market. They say, Ali, we can't wait for you. To  
13 come us as soon as you're done. We will sign a  
14 contract and be on board.  
15 This is the main thing that we are not being  
16 gouged by you. You know, we are being seen as a  
17 merchant. We are working hard for our money and  
18 essentially having full disclosure of what money is  
19 owed to us. So that's a huge positive.  
20 Q. Okay. About how much revenue would you say  
21 that Runmobi earned during the time when the app was  
22 active?  
23 A. Purely from our orders, between me and  
24 couple of friends, less than 500 bucks.  
25 Q. Okay.

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1 A. And I'm stretching it. It could be less  
2 than 300, but I'm trying to be safe just to make sure  
3 that I don't understate or overstate anything.  
4 Q. Okay.  
5 A. That's a number.  
6 MR. PETERSEN: I'm going to mark -- this  
7 will be my first exhibit Nikki, and this could be off  
8 the record. I just want to identify it with you, so  
9 just off the record Nikki.  
10 (Off-the-record discussion.)  
11 (The document referred to was marked  
12 by the CSR as Deposition Exhibit 1 for  
13 identification and attached to the  
14 deposition transcript hereto.)  
15 MR. PETERSEN: I'll go back on.  
16 So I've marked as Hasan Exhibit 1 a  
17 document, on top it says "Business Search, Business  
18 Entities, Business Programs." And if could pass that  
19 to the witness  
20 And Mr. Hasan, if you could take a look at  
21 what I've marked as Exhibit 1, and please take a  
22 moment or two to familiarize yourself with that  
23 document.  
24 (Document reviewed by witness.)  
25 THE WITNESS: Yeah.

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1 BY MR. PETERSEN:  
2 Q. Mr. Hasan, I'll represent to you that it's a  
3 printout from the California Secretary of State  
4 business search database website.  
5 A. Right.  
6 Q. Do you recognize it as such?  
7 A. I do.  
8 Q. And do you see the information that's  
9 contained on it?  
10 A. That's right.  
11 Q. And is it accurate to the best of your  
12 understanding?  
13 A. It is.  
14 Q. Okay. Is this the -- does this certificate  
15 describe the corporate formalities in which Runmobi,  
16 Inc. was incorporated?  
17 A. You mean this page right here?  
18 Q. Right.  
19 A. Yeah.  
20 Q. Great. And it says "Status FTB forfeited."  
21 Do you see that?  
22 A. I do.  
23 Q. Okay. And is that correct in your  
24 understanding?  
25 A. Yes.

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1 A. Thank you.  
2 Q. Well, we'll probably get into this in a  
3 little more detail later.  
4 If you could just set the stage for us, you  
5 talked a few moments ago about a successor company to  
6 Runmobi, correct?  
7 A. Successor of my own making or another name?  
8 Q. Well, you tell me. If "successor" is not  
9 the right term, tell me what's your plan. You  
10 alluded to some plans for a software, a piece of  
11 software in a similar market to the Runmobi app.  
12 A. Right.  
13 Q. If you could just in general terms describe  
14 that -- the app you envisioned.  
15 A. Exact same things but better. And my team  
16 is working offshore on that. It's under development  
17 as we speak.  
18 Q. Okay. So you have a new team?  
19 A. That's right.  
20 Q. And have you formed a new company?  
21 A. Yes.  
22 Q. Okay. And what is the name of that company?  
23 A. Runmobi.com, Inc.  
24 Q. And is Runmobi.com, Inc., is that  
25 incorporated in Delaware as well?

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1 A. It is.  
2 Q. And did you use a lawyer to incorporate that  
3 company?  
4 A. I did.  
5 Q. And what lawyer did you use?  
6 A. Landrum & Company.  
7 Q. And where are they based?  
8 A. Out of San Jose.  
9 Q. Is there a particular lawyer that you used?  
10 A. Mr. Karl Heinz Lachnit.  
11 Q. Okay. And how many employees does  
12 runmobi.com, Inc. currently have?  
13 A. Me one.  
14 Q. Okay. And you referred to a development  
15 team, I think you said in India; is that correct?  
16 A. They're in Pakistan.  
17 Q. Pakistan?  
18 A. Yeah.  
19 Q. And how large a development team?  
20 A. They're a team of four.  
21 Q. And how often do you communicate with the  
22 team of four?  
23 A. Over the last -- they came on board -- I  
24 shouldn't say "they came on board." They are in  
25 my -- I don't know how to say this.

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1 I'm testing them out before we sign up a  
2 contract and so on, so they're working in stealth.  
3 And this came about over the last two and a half or  
4 three weeks, even though they were introduced to me  
5 last year, I wasn't prepared for them.  
6 Q. So this is a relatively new venture then?  
7 A. I wouldn't say it's a new venture. It's the  
8 concept is carrying forth but because I'm sticking at  
9 it since 2007; and I would say, yes, the company is  
10 in its new iteration, it's called Runmobi.com, Inc.,  
11 with new vision and new energy, with myself again  
12 going at it and hopefully trying to make it  
13 successful this time.  
14 Q. I see. And what do you consider to be the  
15 assets of that company?  
16 A. Me.  
17 Q. Does the company own any domain names, any  
18 trademarks?  
19 A. I haven't assigned any of those including  
20 "It's an App for That," you know, which is the point  
21 of contention here, or Runmobi.com. None of those  
22 have been assigned to any entity yet.  
23 And I think hindsight being 20/20, it may  
24 have been a good thing on my part not to do it  
25 because of all the shenanigans which I've experienced

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1 before with people to just assign things and then  
2 suffer. So considering that things are smooth now,  
3 things are happening by the grace of God that I'm  
4 going to assign the names and so on to the new  
5 entity.  
6 Q. How is the entity being funded?  
7 A. I have a private investor who has, you know,  
8 fronted some money and my own personal funds, as and  
9 when I can, you know, afford them. That's about it.  
10 Q. And who is the private investor?  
11 A. He's a friend of mine. And he's --  
12 Q. I see.  
13 A. -- he's in stealth mode and I can share the  
14 information with you over email and so on if  
15 required.  
16 Q. Well, since we're in deposition now, it's  
17 relevant that you said you may assign the trademark  
18 to this entity, I ask that you identify it on the  
19 record. And at this point if you want to identify  
20 that as confidential, you certainly are free to do  
21 so, and that will be the designation. So it will  
22 be --  
23 A. I would request that to be the status,  
24 please.  
25 Q. That is fine with me. We will designate the

<p style="text-align: right;">Page 73</p> <p>1 identity of the private investor confidential -- 2 A. Thank you. 3 Q. -- under the protective order. 4 (Pages 74 through 77 are designated 5 confidential and are bound under 6 separate cover.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 79</p> <p>1 BY MR. PETERSEN: 2 Q. Okay. Mr. Hasan, you're familiar with my 3 client, Apple, Inc.; is that correct? 4 A. Of course. 5 Q. When did you first hear of Apple, Inc.? 6 A. Could you please repeat the question? 7 Q. Sure. When did you first hear of Apple, 8 Inc.? 9 A. Forever. Everyone knows Apple. 10 Q. Okay. You can't recall when you first 11 heard? 12 A. Mr. Jobs is an icon. We know him since, 13 like, before we were born from India of course. 14 Q. And so you would agree with me then that 15 Apple is a very famous brand? 16 A. Absolutely. 17 Q. And the Apple word mark is very famous? 18 A. See that's where my reservation is because, 19 honest to goodness, I had heard of "There is an App 20 for That," but I can assure you I've not seen a 21 single ad, a single radio line or even when you 22 Google YouTube -- and I think I mentioned this, if I 23 may go off on a slight tangent. 24 I had mentioned this to both Alicia and 25 Allie in an email, that there was some third company</p>
<p style="text-align: right;">Page 78</p> <p>1 (Conclusion of confidential transcript.) 2 /// 3 /// 4 /// 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 80</p> <p>1 who I called "Just an App." And they were using 2 "There's an App for That" within their advertising, 3 and I don't want to name them, because it's their 4 business. They can do what they like. 5 Q. Mr. Hasan, we're going to get to "There's an 6 App for That" and your "It's an App for That" very 7 shortly. I'm just speaking generally with the fame 8 of Apple? 9 A. Of course. So with the -- the line itself, 10 with "There's an App for That" itself I could -- you 11 know, I could recall that, yes, it was being used by 12 Apple, but I can assure you that I have not seen any 13 ads where it says "There's an App for That" or heard 14 of a radio advertisement and so on, maybe because I 15 don't watch TV or, you know, I haven't seen -- I 16 haven't read the newspaper in years. And that's the 17 world is peaceful to me, but that's about it. 18 Q. So we're going to discuss that in a little 19 more detail. I just want to make sure I understood 20 what you just told me there. 21 I understand from what you said that you 22 knew that Apple used the trademark "There's an App 23 for That" in promoting the App Store application 24 marketplace, correct? You knew -- you were familiar 25 with that slogan?</p>

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1 A. Familiar, but not to the point that I would  
2 deem it famous.  
3 Q. Okay. I understand that. And you were  
4 familiar with it, though, before you named -- before  
5 you came up with your trademark "It's an App for  
6 That"; is that correct?  
7 A. I think the best way to answer this, without  
8 sounding fishy or, you know, trying to make up a  
9 story is this.  
10 So when I called -- when I said to my  
11 attorney at the time who -- who is now no longer part  
12 of my company or any association, the gentleman who  
13 had done it, Mr. Omair Farooqui, I said, "Look,  
14 Omair, you know, here's an app from which we can do  
15 many things. Can you do a search for me and see if  
16 "It's an App for That" is available?  
17 That was my first line to him. If it's  
18 available, can we get it?  
19 So he went and did a search. In the search  
20 he came back and said that, yes, you know, yes, Ali,  
21 it's available. Do you want me to register it?  
22 And I said, Please go ahead and do it. And  
23 I said -- I asked him, like, do you see any issues or  
24 whatever, you know?  
25 And he goes -- again, I'm recalling from

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1 memory. Please don't quote me with it -- with that  
2 caveat in place. He said that Apple has "There's an  
3 App for That," but they use it for, like, a big app  
4 store and "It's an App for That" is widely available.  
5 I think the next thing I asked was if there  
6 was any contention or if it was a contentious issue,  
7 would it even get the trademark or would it be  
8 blocked. And he said, if there's any big clash, you  
9 know, like, it would be rejected up front by the  
10 USPTO.  
11 And I took a chance and I applied for it and  
12 then I got it, so --  
13 Q. Okay. But so let's put aside for a moment.  
14 Let's talk in a little more detail about the  
15 application process for "It's an App for That."  
16 Let's just talk about the process by which you came  
17 up with that as a term.  
18 A. Sure.  
19 Q. My understanding is -- correct me if I'm  
20 wrong -- is that it was intended as a reference in  
21 some way to Apple's "There's an App for That." You  
22 were trying to say something specific about your app,  
23 about "It's the App for That," almost as a retort to  
24 the Apple "There's an App for That"; is that correct?  
25 A. No.

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1 Q. No? Tell me why not.  
2 A. I wasn't -- I wasn't coming at it from an  
3 Apple perspective at all because, see, you have to  
4 see me as a layperson with zero technology  
5 background, completely from a business development  
6 entrepreneur perspective.  
7 So I was never going to challenge something,  
8 you know, from Apple or, you know, look at the size  
9 of your company and their resources. I mean, what  
10 chance in hell do I have, forgive the language, but  
11 there was no intention ever to go up against Apple  
12 or, you know, anyone else because when the USPTO  
13 said, yeah, you can use it. Wow, it's available, so  
14 we can do it.  
15 So I was not doing it as a retort or as an  
16 insult or, you know, hey, look at me. I'm the new  
17 upstart.  
18 That was not the angle ever at all. Even  
19 now that's not the angle.  
20 So my perspective is essentially, I've got  
21 one app from which we can do many things, which I  
22 have referenced several times in my communications  
23 with both Allie and with Alicia that we got one app  
24 from which we can do many things. Therefore, I want  
25 to use "It's an App for That." It was never --

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1 Q. Okay. Just so I can understand your  
2 testimony, so it's your testimony that you were aware  
3 that Apple had the trademark "There's an App for  
4 That" when you came up with "It's an App for That";  
5 is that correct?  
6 A. Right.  
7 Q. Okay. But your testimony that you weren't  
8 intending it as a comment on Apple's mark. You were  
9 just -- it's just something that you came up with,  
10 knowing that Apple had "There is an App for That"; is  
11 that correct?  
12 A. See, any reference to Apple with my saying  
13 that, you know, I had knowledge and yet I did it  
14 would be a slight misnomer, with all due respect,  
15 because I'm not trying to go at Apple in any way  
16 whatsoever.  
17 I'm saying "It's an App for That." I've got  
18 one app to do many things from. That's the whole  
19 story off it. It was never that, okay. Hey, you  
20 know, Apple has got "There's an App for That," so  
21 let's take "It's an App for That." That was never  
22 our intention.  
23 Q. Okay. What period of time was this when you  
24 came up with "It's an App for That"?  
25 A. This was literally two or three hours before

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1 never happened, and I still have a dream of becoming  
2 an attorney, but no time to study it.  
3 Q. I see. I see. So you never actually began  
4 studying law, you just did this to see if you would  
5 invest time studying the law?  
6 A. I have read the TTAB manual quite a bit, and  
7 I have -- I do read a few books here and there, but  
8 that's about it. You know, I go to the library.  
9 Especially since the proceedings started, I have to  
10 try to figure out what I'm doing.  
11 Q. So in connection with this proceeding you've  
12 read the TTAB manual?  
13 A. I refer to it as often as I can.  
14 Q. I see. Okay. But you've had no formal  
15 legal training, correct?  
16 A. None whatsoever, no.  
17 Q. And the sum total of your informal legal  
18 training is you're reading the Trademark Trial Appeal  
19 Board manual and some books?  
20 A. That's it.  
21 Q. Okay. Which books?  
22 A. I'll have to go find them in the library. I  
23 haven't -- as usual, I have kept no record. So just  
24 pull something out, read something, put it back. I  
25 don't even remember who the authors are, what the

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1 titles were.  
2 Q. I see. But these are books you found in the  
3 library?  
4 A. That's right.  
5 Q. Okay. Are you aware of any circumstance  
6 that someone has heard your "It's an App for That"  
7 mark and has referenced Apple or Apple's "There's an  
8 App for That" mark in any way? Has anyone -- in your  
9 personal experience, has anyone put those two  
10 concepts together?  
11 A. It came from Omair, like, right at the  
12 filing, but see, Mr. Petersen, I must state this,  
13 that if it popped up in some random conversation, I  
14 would not have a firm recollection of it. And of  
15 course, it may have come up, but I cannot state with  
16 100 percent certainty that this person at this and  
17 this time said it. And I would be completely, you  
18 know -- I don't know -- I don't even know what to say  
19 here because --  
20 Q. Well, no, I understand. You know, we're  
21 asking you to testify from memory, but let's just  
22 talk generally about that.  
23 So you do have some recollection that that  
24 concept has come up before in communications other  
25 people have made to you in addition to your lawyer,

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1 correct?  
2 A. Except for the students, I do not recall  
3 anyone else saying that to me.  
4 Q. So the students said that to you at some  
5 point?  
6 A. No, no, I'm sorry. My apologies.  
7 Except for doing that random survey saying  
8 "It's an App for That," even then "There's an App for  
9 That" wasn't mentioned.  
10 And I do not recall that any third party --  
11 you know, it was not part of, like, an elaborate  
12 discussion with anyone, the word "Apple."  
13 Q. That's not really my question. I'm sorry to  
14 interrupt you. My question for you is: Had you ever  
15 heard anyone directed to you, either in writing or  
16 verbally, connect your "It's an App for That" mark  
17 either with Apple or with Apple's "There's an App for  
18 That" mark?  
19 Has anyone in your presence or has sent a  
20 communication that you've seen that said, Oh, that  
21 must be referring to Apple in some way?  
22 A. Okay. From the best of my -- to the best of  
23 my recollection, I do not absolutely recall anyone  
24 saying that, but I can do a search in my Outlook to  
25 see if someone sent me an email saying "There's an

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1 App for That" or is this connected to Apple. I can  
2 certainly, you know, go to my email and see if  
3 someone had said it and I can forward that to you.  
4 Q. Okay. That would -- Mr. Hasan, that would  
5 definitely be called in our document request. I do  
6 ask that you do that.  
7 A. Yeah.  
8 Q. And we're going to take a lunch break, I  
9 think, and even if you just do that on the lunch  
10 break, so please do that. I do request that you do  
11 that and send it to us. But now I'm asking, just  
12 from your memory, even in general terms, has anyone  
13 in your presence kind of connected those two  
14 concepts?  
15 A. Mr. Petersen, as I said, they may have, but  
16 I'll tell you what my -- the logic I'm following  
17 here. Okay. I think that's very critical.  
18 The logic which I'm following here is once  
19 the TT -- the USPTO awarded the thing to me saying,  
20 okay, it's available, when I got all the domain  
21 names, it really didn't matter who said what. See  
22 what I mean?  
23 Q. No, no. Mr. Hasan, so --  
24 A. That's the reason I don't have -- if I may,  
25 that's the reason I don't have, like, firm

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1 recollection.  
2 For example, I could recall that I was  
3 sitting at the Italian restaurant when that call  
4 happened. And because it's such an important point,  
5 it's an inflexion point, I remember it. But because  
6 after that it became unimportant as to who had what I  
7 would choose not to remember because, for example --  
8 I'll use one more, for example.  
9 I made sure -- absolutely make sure that I  
10 never memorized the directions of anything because I  
11 believe it's a waste of my brain cells. When you  
12 have, you know, some device telling you where to go,  
13 why would I even think. So --  
14 Q. Okay. Mr. Hasan --  
15 A. -- that's the idea.  
16 Q. -- just so I understand your testimony,  
17 you're going to check and search your documents and  
18 produce information to us --  
19 A. Only email, only email. If I may, only  
20 email because if anything would have been said, it  
21 would be over email, and I can assure you there's  
22 nothing, but because I'm going to show you my  
23 commitment to do what I could.  
24 Q. Okay. Well, I do appreciate that.  
25 And I also understand from your testimony a

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1 few seconds ago that you may have heard such  
2 communications from third parties but would not have  
3 been something that you would have tried to remember;  
4 is that correct?  
5 A. In a manner of speaking, yes, but the  
6 assurance which I had to pursue certain line of  
7 action, for example, using "It's an App for That,"  
8 the immediate reactions of the random people exiting,  
9 you know, the Ohlone College saying that, Oh, you can  
10 do many things with this? I go, right.  
11 So that sort of, you know, endeared people  
12 to the whole line. That's why I stuck with it even  
13 though when -- yeah.  
14 Q. But I understand your testimony, you said  
15 you walked around the campus and you said "It's an  
16 App for That," and none of the students said, Wow,  
17 that's like Apple "There's an App for That."  
18 No one said anything about Apple to you?  
19 A. I can assure you no one did. And I didn't  
20 walk around the campus. I repeat, I was just by the  
21 exit gate.  
22 MR. PETERSEN: I see. Okay. I think I'm  
23 not going to finish within the next hour or two. I  
24 probably have about two more.  
25 This can be off the record, Nikki.

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1 (At 12:05 P.M., the deposition of SYED ALI HASAN was  
2 adjourned for luncheon recess.)  
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1 BEVERLY HILLS, CALIFORNIA, TUESDAY, JULY 24, 2015  
2 12:41 P.M.  
3  
4 EXAMINATION  
5 BY MR. PETERSEN:  
6 Q. Welcome back, Mr. Hasan.  
7 Do you recognize you're still under oath?  
8 A. Yes, I do. Thank you.  
9 Q. Great. Mr. Hasan, before the lunch break we  
10 discussed your checking your emails for any  
11 references to Apple or "There's an App for That."  
12 Did you have time to do that?  
13 A. I did. In fact, I went through -- I pulled  
14 "It's an App for That" in the search stream of my  
15 Outlook and all that came back was communications  
16 with your attorneys in Atlanta.  
17 Q. Okay. All right. Thank you for that.  
18 A. You're welcome.  
19 Q. Mr. Hasan, have you or any of the companies  
20 with which you're associated ever used "It's an App  
21 for That" as a trademark?  
22 A. No.  
23 Q. So there's been no commercial use of that  
24 mark whatsoever?  
25 A. Absolutely not because our apps are down and

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1 even if they were, I -- as I said, the short answer  
2 is no, none whatsoever. Zero revenues. Zero  
3 anything. No use of it whatsoever.  
4 Q. Has it been used in any websites? Has it  
5 been used in any email blasts? When I asked, has it  
6 been used, I mean in any way. I'm just trying to get  
7 a sense if you've promoted the company or the app --  
8 your company's apps or your apps at all with that --  
9 with that phrase?  
10 A. Okay. So I'll give this answer in three  
11 sections, three points. Point number one is, once I  
12 had the thing, once the USPTO granted, you know,  
13 pending the final outcome and whatnot, I sent an  
14 email, I think I mentioned this before. I had Allie  
15 on BCC as well because I just want to keep people in  
16 the loop, no matter who they are. Even it's an  
17 adversarial situation, I don't mind.  
18 But essentially it said, that I'm  
19 thinking -- I'm paraphrasing. I'm recalling from  
20 memory, I said that, you know, I'm thinking of  
21 putting this to commercial use. Or, you know, -- no,  
22 I said -- I think it was a Twitter thing. It was a  
23 tweet, and then which I canceled as well as in the  
24 email I said, we are -- I'm thinking of officially  
25 making "It's an App for That" debut.

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1 And immediately -- as I said before,  
2 immediately after that I realized that it was  
3 pointless, and I didn't do it, and -- because I had  
4 not assigned Runmobi to the company as yet, the word  
5 mark or the trademark and "It's an App for That" I  
6 thought it was pointless to use.  
7 So point number 2, I had made some --  
8 please, Mr. Petersen.  
9 Q. No, I'm sorry. I'm going to stop you right  
10 there because I think I have the document you were  
11 referring to.  
12 A. Right.  
13 MR. PETERSEN: Nikki, this can be off the  
14 record so we don't confuse matters.  
15 (Off-the-record discussion.)  
16 (The document referred to was marked  
17 by the CSR as Deposition Exhibit 3 for  
18 identification and attached to the  
19 deposition transcript hereto.)  
20 BY MR. PETERSEN:  
21 Q. Mr. Hasan, I'm going to ask you some more  
22 questions. Since you referenced this document, and I  
23 wanted to mark it.  
24 Is there something that you feel you need to  
25 say in order to make your answer complete?

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1 A. Yeah, this is the email which I sent.  
2 Q. Stop, let's go back on the record.  
3 THE DEPOSITION OFFICER: I was on the  
4 record.  
5 MR. PETERSEN: That's fine. You can keep  
6 it.  
7 Q. Mr. Hasan, if you could take a look at what  
8 I've marked as Exhibit 3.  
9 A. Yeah.  
10 Q. And do you recognize this document?  
11 A. That's it. That's the email I was  
12 referencing.  
13 Q. Okay. And what is it exactly?  
14 A. That's the email that says that we are  
15 debuting a new tagline, "It's an App for That," which  
16 I mentioned -- we are debuting a new -- that we are  
17 making a debut for a new tagline "It's an App for  
18 That."  
19 Q. Okay. So this is the email you said at a  
20 time you thought you were actually going to launch  
21 beginning using the trademark "It's an App for That,"  
22 but you later decided not to; is that correct?  
23 A. You're correct. That's right.  
24 Q. And to whom did you send this email?  
25 A. It was -- it was advisory boards and a few

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1 team members, and that's about it. I can certainly  
2 try to pull up the email and see who it was.  
3 Q. But you said you decided to send it to my  
4 colleague, Allie Roach?  
5 A. Yes, she was part of the copy.  
6 Q. Okay. About how many people did you send it  
7 to?  
8 A. Mr. Petersen, I'll have to look into the  
9 email. So please bear with me while I do that and  
10 get back to you.  
11 Q. That's fine. You just do this from memory.  
12 I mean, was it less than 10?  
13 A. I would say 10 to 15.  
14 Q. 10 to 15. Okay. How did you choose the  
15 people that you sent it to?  
16 A. Depending on the -- on the closeness of the  
17 association. People would be my well-wishers, people  
18 who would want me to succeed. And of course, you  
19 know, Allie is on there because I wanted you all to  
20 know that I'm using it, and I will begin using it,  
21 and that's the reason I put her there.  
22 Q. Okay. Mr. Hasan, there's a second page to  
23 this document, is there not?  
24 A. Yes.  
25 Q. And what is that second page, is that an

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1 attachment to the email?  
2 A. It is. And this is something we had  
3 designed, you know, to use it, and I even put it on  
4 the Facebook post once, but we never ended up using  
5 it. This was going to become our paraphernalia, our  
6 stickers, all that stuff, but we never did it. It  
7 never --  
8 Q. Just so I'm clear, you actually attached to  
9 this to your email?  
10 A. Yes.  
11 Q. And for what purpose did you attach it to  
12 your email?  
13 A. Just to show that we may start using it,  
14 that this could become paraphernalia.  
15 Q. You say "paraphernalia." What do you mean  
16 by that?  
17 A. Stickers, brochures, you know, handouts,  
18 things that we would use to perpetuate the brand.  
19 Q. You referenced the Los Angeles Coliseum  
20 event in this email, do you not?  
21 A. Yeah, I do.  
22 Q. And you say that it dropped wait time from  
23 40 minutes to three minutes.  
24 Do you see that?  
25 A. I do.

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1 Q. I'm having a hard time reconciling that with  
2 what you told me earlier, which was there were  
3 technological issues with that app deployed at the  
4 event and that it was not successful?  
5 A. Okay. So I must add that if the signal  
6 oscillation problem did not exist, we did this  
7 through two seasons, right, through 2007 and 2008.  
8 So when the issue wasn't there or the traffic wasn't  
9 that high, it worked like a charm. It was beautiful.  
10 And we really did drop the wait times from 40 to 3.  
11 So I apologize for not stating that more  
12 clearly in the beginning.  
13 Q. I'm sorry. I'm not sure I understand that.  
14 Your testimony is you dropped it before the event  
15 when --  
16 A. No.  
17 Q. Can you explain that to me again.  
18 A. No. I'm saying, if the signal oscillation  
19 did issue did not exist, or if the traffic was  
20 lighter within the Coliseum, and people were not  
21 using their devices as much as we would anticipate or  
22 expect, then it worked just fine and --  
23 Q. Okay. So that describes -- that described  
24 results that you did not in fact achieve, correct?  
25 A. Not on the large scale, definitely not

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1 because when --  
2 Q. That's fine. That's fine.  
3 A. All right.  
4 Q. I just wanted to make sure I understand.  
5 A. Oh, thank you.  
6 Q. Have you seen any other emails announcing  
7 the launch of -- or the debut -- to use your phrase  
8 of -- your use of "It's an App for That"?  
9 A. This it is. Nothing else.  
10 Q. That is it?  
11 A. Because immediately, you know, it was more  
12 for irrational exuberance. I immediately pulled it  
13 back. I was like, Why, why are we doing this? So...  
14 Q. Okay. Just so I'm clear, we talked about  
15 the fact that you filed your trademark application on  
16 March 4, 2013, correct?  
17 A. You're right.  
18 Q. Okay. And so you intended at that time to  
19 use the mark in connection with the Runmobi app that  
20 we previously discussed, correct?  
21 A. You're right.  
22 Q. But you never, in fact, used it for that  
23 app?  
24 A. No.  
25 Q. And that app never really launched or was

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1 downloaded beyond just a few smattering of downloads,  
2 correct?  
3 A. Absolutely correct.  
4 Q. And it was only available through -- it only  
5 would have been functional in a small area of Santa  
6 Clara?  
7 A. See, it was launched across -- I mean, when  
8 we launched through the app store or through Google  
9 Play, anyone accessing it within the United States  
10 could download it, but they wouldn't find any  
11 restaurants or businesses.  
12 So, you know, to say that it was functioning  
13 only in Santa Clara would mean that it was geo -- it  
14 was kind of like geolog, if you will, but it wasn't.  
15 And anyone could download it, but the businesses  
16 which were available were only in the Santa Clara  
17 area.  
18 Q. Okay. And describe for me how you intended  
19 to use. I'll strike that.  
20 So the mark "It's an App for That" was  
21 intended to be used in connection with the Runmobi  
22 app, correct?  
23 A. Correct.  
24 Q. Okay. Was it intended to be used with any  
25 other apps?

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1 A. Runmobi app, Runmobi ordering apps for iOS,  
2 for Android, and when and if we made it, you know,  
3 with the Google -- sorry -- the Windows app and from  
4 our website. So generally for Runmobi, and that's it  
5 for. No other apps.  
6 Q. Okay. And the Runmobi app was intended to  
7 be used for purposes of facilitating food orders of  
8 some sort, correct?  
9 A. Food orders to begin and then going to  
10 different verticals as we progressed.  
11 Q. Okay. And what documents did you have that  
12 would support your testimony here today that the  
13 Runmobi app you anticipated -- to use the phrase that  
14 you're using -- maybe I'll begin by asking you, you  
15 used the term "verticals." What do you mean by that?  
16 A. As mentioned in the filing itself, exactly  
17 those things. So when I say "verticals," going into  
18 different segments of industry. For example,  
19 ordering tickets, ordering medicines, ordering food,  
20 event tickets -- sorry -- doing -- making  
21 reservations, things like that.  
22 Q. Okay. So you're saying you intended it to  
23 be used beyond just ordering food items, correct?  
24 A. That's right as --  
25 Q. And so -- I'm sorry. I'm trying to move us

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1 through. I know you said you had an appointment  
2 this afternoon. I'm just trying to do my best, so if  
3 you could answer my questions, you know --  
4 A. Sure, sure.  
5 Q. -- if it calls for a yes-or-no, yes or no,  
6 and I will expand on upon it if I think appropriate.  
7 A. Great.  
8 Q. So you anticipated having the app used for  
9 ordering goods beyond food items, correct?  
10 A. Yes.  
11 Q. Okay. And what documents do you have that  
12 would support that in some respect? Do you have  
13 business plans showing plans to increase the scope of  
14 the functionality of the app beyond food items? What  
15 could you show me, from a document standpoint at the  
16 time, that would support the fact that you have --  
17 that claim now to have broader plans for the app?  
18 A. None whatsoever. I had a vision and I have  
19 a slide deck, which I can share with you, which I've  
20 shared with your team quite a few times. And I can  
21 send that to you.  
22 Q. Okay. I didn't -- we're going to -- I  
23 actually have a copy of the slide deck. I will  
24 probably mark it, so we'll get a chance to talk about  
25 that.

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1 A. Okay.  
2 MR. PETERSEN: I'm going to mark -- and  
3 Nikki, we can go off.  
4 (Off-the-record discussion.)  
5 (The document referred to was marked  
6 by the CSR as Deposition Exhibit 4 for  
7 identification and attached to the  
8 deposition transcript hereto.)  
9 MR. PETERSEN: I've marked as Exhibit 4 a  
10 three-page document that begins "Runmobi is a cutting  
11 edge solution in the mobile retail market."  
12 Q. Mr. Hasan, if you could take a look at what  
13 I've marked Exhibit 4.  
14 A. Yes.  
15 Q. Do you recognize this document?  
16 A. I do.  
17 Q. And what is this document?  
18 A. It's essentially an executive summary which  
19 delineates what Runmobi is and who is going to  
20 benefit from it and what the solution is and where we  
21 are generally headed.  
22 Q. Okay. And did you prepare this document?  
23 A. Yes.  
24 Q. Did you have any assistance?  
25 A. No.

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1 Q. And when did you prepare this document?  
2 A. Probably mid 2013 or end, something --  
3 something like that.  
4 Q. And was it accurate at the time you prepared  
5 it?  
6 A. Yes.  
7 Q. Okay. Is it accurate today?  
8 A. Yes, it is except for my phone number which  
9 has changed, but the general idea and the general  
10 content is -- and I misstated Mr. David Lee's name as  
11 Mr. David Wong, but that's David Lee. Sorry about  
12 that. So that's it. This is accurate.  
13 Q. So you told me a short while ago today about  
14 your plans for essentially continuation of the  
15 Runmobi app; is that correct?  
16 A. Yes.  
17 Q. And so this document would apply equally to  
18 the new app, correct?  
19 A. With some additions because the vision is  
20 enhanced, and there will be some more additions to it  
21 for sure. And the way --  
22 Q. Will you tell me what those additions are.  
23 A. Predominantly in the GUI in the way, you  
24 know, it's going to --  
25 Q. You say "GUI," you mean graphical user

<p style="text-align: right;">Page 121</p> <p>1 interface? 2 A. That's right. 3 Q. I'm sorry. Continue. 4 A. So that's about it. And the way it's going 5 to interact with the server. You know, for example, 6 the schema here, the sample flow will remain the 7 same, but certain functionalities will change. So 8 the logic remains the same, but how it tracks 9 changes. 10 Q. And when do you anticipate launching -- 11 releasing the new app? 12 A. God willing, on the 17th of August we want 13 to do the web launch. And the apps need more 14 rigorous testing this time. And that will follow, 15 God willing, you know, probably in the next sometime. 16 I don't want to put a date on it. 17 Q. Okay. And as of the old app, you plan on 18 releasing that first to Apple's App Store application 19 marketplace and then to Google's application 20 marketplace; is that correct? 21 A. That's right. 22 Q. So you're programming both in iOS and in 23 Android? 24 A. That's right. 25 Q. And you're targeting a release just in a</p>	<p style="text-align: right;">Page 123</p> <p>1 connection with is either the old app or the new app. 2 There's a complete absence of documents. And I have 3 a hard time -- because I'm a lawyer, I deal in 4 documents. I have a hard time imagining how you'd be 5 getting ready to launch an app or seeking approvals 6 and not have a single document that you could 7 produced or should have produced to me in connection 8 with this proceeding. 9 A. I didn't have anything before. And as the 10 new app GUI and this, you know, all those things, as 11 soon as they get finalized, I'll send them to you. 12 No problem. They're still in the processing of 13 going -- they're going through a logistics phase an 14 deciding what colors go where, you know, what things 15 happen where. So once I have it -- 16 Q. Okay. Mr. Hasan, you should not wait till 17 the documents are finalized. That's not a term that 18 has any real meaning in terms of a proceeding like 19 this or litigation. 20 If there's a document that exists, either 21 it's not in final or if you're still revising it and 22 the form of it, at that point in time you have an 23 obligation to produce it to me. 24 A. And I'll do it immediately. Because that -- 25 Q. Okay.</p>
<p style="text-align: right;">Page 122</p> <p>1 month or two? 2 A. And I must go back. By "I," you mean my 3 team. I'm not programming it; my team is. And yes, 4 in a month -- 5 Q. I understand. When I said "you," I'm 6 referring to the company you said you're in control 7 of. 8 A. Of course. So yes, God willing, in a month 9 or two, sure. 10 Q. So that's when you're going to begin 11 applying to be distributed in -- through application 12 marketplace, and you need to make an application 13 through Apple's app store, correct? 14 A. It's -- I don't believe it's made through 15 the app store. We actually develop the app, and then 16 it goes through a due diligence process by the app 17 store by Apple Incorporated or Google. And once 18 they -- once they pass the app, then it starts 19 showing up as available. 20 Q. Okay. So you intend to start that process 21 in a couple months? 22 A. Or sooner, depending on how fast, you know, 23 the team comes through. 24 Q. I have to tell you that we've gone 25 through -- you haven't produced any real documents in</p>	<p style="text-align: right;">Page 124</p> <p>1 A. -- came on, you know, they're using this 2 project management tool called Base Camp, and it's 3 literally maybe a week old, if that. 4 Q. Okay. And what document -- what documents 5 will you be sending me? 6 A. It's just JPEG of what the GUI is going to 7 look like and -- okay. Let's connect the dots, 8 Mr. Petersen. 9 So essentially we've got in the PowerPoint 10 slide deck, which was the previous iteration of what 11 we did. And that is serving as a PRD, the product 12 requirement document. Based on that PRD, we are 13 using absolutely new code to come up with the new -- 14 you know, we never had a website. We had absolutely 15 never had a website. So first thing to do is to, you 16 know, launch the website and then go with the app. 17 So now you see like -- 18 Q. If I could stop you right there just so I'm 19 clear. 20 A. Sure. 21 Q. So you have plans to launch a website? 22 A. That's on the 17th of August. 23 Q. Okay. So let's stop right there. 24 What documents do you have concerning the 25 creation of that website, who's creating the website</p>

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1 for you?  
2 A. It's an offshore team and it's coming to you  
3 as soon as I get to my email.  
4 Q. Okay. So you're going to send me  
5 the mock-ups of the website, what are you going to  
6 send me so I know?  
7 A. Exactly that, mock-ups.  
8 Q. Okay. And will that -- will those mock-ups  
9 have "It's an App for That"?  
10 A. No, we're absolutely -- there's no -- I must  
11 state this again and again, that there's no intention  
12 of using that line until this matter clears. You  
13 know, if it goes in my favor, sure, otherwise no.  
14 Q. Okay.  
15 A. I mean, there's absolutely no room for that.  
16 Q. All right. Okay. Please do send me those  
17 documents. I will tell you that I will not close the  
18 deposition until I see those documents. So depending  
19 upon what I see there, we may need to continue this  
20 deposition at a later date and time.  
21 Do you understand that?  
22 A. Of course.  
23 Q. Okay. So I look forward to receiving the  
24 documents. Will I get other types of documents in  
25 addition to the website mock-ups?

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1 A. I can assure you there's nothing else.  
2 Q. So all you have at this point in connection  
3 with the anticipated launch of the new app is website  
4 mock-ups; is that correct?  
5 A. Right. And we have the slide deck which  
6 is -- which you already have, I believe you do, and  
7 which you just mentioned and, I'm going to send that  
8 to you again. And that -- that slide deck is serving  
9 as a PRD for the new apps, but for different, you  
10 know, graphics and so on which I'll see on those  
11 pictures.  
12 Q. You used the term PRD. What does that mean?  
13 A. Product requirement document.  
14 Q. I'm sorry.  
15 A. Product requirement document.  
16 Q. And what does that mean exactly?  
17 A. Essentially delineates what it's going to  
18 do, what the functionality is going to be. It's like  
19 the blueprint of something, like a building.  
20 Q. You referred to teams that were working  
21 offshore, both on the creation of the app and the  
22 design of the website, correct?  
23 A. That's right.  
24 Q. And how do you communicate with those teams?  
25 A. On Base Camp or email.

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1 Q. Okay. And have you produced to us -- I will  
2 represent to you we have none of those emails. So  
3 those two, to the extent they refer to "It's an App  
4 for That," you're required -- or Apple or this  
5 proceeding, you're required to produce them to us.  
6 Do you understand that?  
7 A. There's nothing there which references "It's  
8 an App for That." It's my project which is ongoing.  
9 There's nothing --  
10 Q. Okay.  
11 A. -- which even, like, touches "It's an App  
12 for That" anywhere ever.  
13 MR. PETERSEN: Okay. All right. Nikki,  
14 this could be off the record.  
15 (Off-the-record discussion.)  
16 (The document referred to was marked  
17 by the CSR as Deposition Exhibit 5 for  
18 identification and attached to the  
19 deposition transcript hereto.)  
20 MR. PETERSEN: Back on the record.  
21 I've marked as Exhibit 5 a presentation  
22 which runs 12 pages.  
23 Q. Mr. Hasan, if you'd like take a look at what  
24 I've marked Exhibit 5, the first page states Runmobi.  
25 A. Yes.

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1 Q. Do you see that document?  
2 A. I do.  
3 Q. Take as much time as you need with it.  
4 (Document reviewed by witness.)  
5 THE WITNESS: Yeah.  
6 BY MR. PETERSEN:  
7 Q. You recognize this document?  
8 A. I do.  
9 Q. What is it?  
10 A. It's a slide deck which I've used to send  
11 to, you know, potential business leagues, and this is  
12 a working PowerPoint slide deck for business  
13 development.  
14 Q. So you created this document?  
15 A. I did.  
16 Q. Did anyone help you create the document?  
17 A. No.  
18 Q. And when did you create the document?  
19 A. Starting in 2013 but going through several,  
20 you know, changes and corrections as we went along.  
21 Q. So you updated it over time?  
22 A. That's right.  
23 Q. And as you created it and made updates to  
24 it, was it accurate at that time to the best of your  
25 knowledge and understanding?

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1 A. Yes.  
2 Q. And is it accurate as you sit here today?  
3 A. Yes.  
4 Q. If you want to take some more time to review  
5 it in more detail, that's perfectly fine. So it's an  
6 accurate description of the Runmobi app as you sit  
7 here today?  
8 A. That's right.  
9 Q. If I could turn to the slide entitled  
10 "Marketing and Sales." If you could turn to that  
11 slide.  
12 A. Yes.  
13 Q. And if I could direct your attention where  
14 it says (reading):  
15 "Channel distribution partnership  
16 with a local database complete."  
17 A. Yeah.  
18 Q. (Reading):  
19 "Three databases in the pipeline  
20 at advanced stage of negotiation."  
21 Do you see that?  
22 A. Yes.  
23 Q. What does that mean exactly?  
24 A. This is -- just like we have -- which one is  
25 a good one? Just like Yelp, you know, as -- just

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1 like in the Jewish practice, there's kosher, and in  
2 Muslim our practice is Halal and Zabihah. Are you  
3 aware of that, Mr. Petersen?  
4 Q. Yes, I've heard of that before. I don't  
5 know the details, but yes.  
6 A. So there's a site which lists all the Halal  
7 restaurants across North America and Europe. And  
8 it's called Zabihah.com, Z-a-b-i-h-a-h. So that's  
9 who I partnered with. And yeah, so in fact that's  
10 the one.  
11 Q. It says (reading):  
12 "Three major databases in the  
13 pipeline."  
14 What databases -- I think you identified one  
15 for me.  
16 A. Yeah. The other three, if I may are in  
17 stealth mode. And one was -- what was it called? It  
18 was called Zula Rewards, Zula Rewards or Rainbow  
19 Rewards. And which was the other one? The other one  
20 was Zula Rewards. We had initiated something with  
21 Yelp. It was just a feeler. There was no formal  
22 emails, nothing going on, but Yelp was approached,  
23 like, you know, can we do something together? You  
24 know, but nothing came. I think it was a phone call.  
25 Nothing came out of it. And which was the other one?

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1 It was restaurant.com. Restaurant.com. Yes, those  
2 were the three major ones.  
3 Q. I'm sorry. What was the third major one?  
4 A. Restaurant.com.  
5 Q. So you had an agreement with restaurant.com?  
6 A. No, we don't have any agreement except for a  
7 partnership with Zabihah. This was a pipeline, as I  
8 mentioned. There was nothing even signed because we  
9 had to pull the apps. And the idea --  
10 Q. Okay. So -- I'm sorry. So if I could stop  
11 you there. So you had a channel distribution  
12 partnership, and other than mispronouncing Zabihah?  
13 A. Zabihah, Z-a-b-i-h-a-h.  
14 Q. Z-e-b?  
15 A. Z-a-b-i-h-a-h.  
16 Q. Zabihah. So you have a partnership with  
17 Zabihah?  
18 A. Zabihah.  
19 Q. Zabihah. Okay.  
20 A. I can -- I can say Yelp. You can't say  
21 Zabihah. Come on. Z --  
22 Q. So you have -- you have a written agreement  
23 with Zabihah?  
24 A. It was -- he's a friend. It was an LOI, and  
25 then we shook hands virtually that we are going to be

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1 doing it. And then we placed our "Place Your Order  
2 Now" on their website. That's all the logic behind  
3 it. So if someone --  
4 Q. That document too would have been if  
5 subsumed in the document requests that we sent you.  
6 So please do send me those documents as well  
7 concerning communications --  
8 A. Of course.  
9 Q. -- with Zabihah, both the letter of intent  
10 and any other communications you would have had with  
11 Zabihah.  
12 A. Of course. See, I think my confusion, now I  
13 know what it is, I think I was thinking that anything  
14 to do with "It's an App for That" or Apple, and this  
15 thing dates back to 2008. So if it's still relevant,  
16 I'll send it to you most definitely.  
17 Q. It is relevant. It talks about distribution  
18 channels for an app that you're going to associate  
19 with your mark, so it's directly relevant and so  
20 please do send it to me.  
21 A. I understand for sure.  
22 Q. Do you see the portion of that same page  
23 that says "Two feet on the ground, salespeople to  
24 cover businesses locally."  
25 A. Yeah.

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1 Q. Who are the two feet on the ground?  
2 A. That was Chayah Masters. And she had  
3 another reference. I think his name was Gerald  
4 Ivory. And he never really -- he never really  
5 started because by the time we were getting ready to  
6 go the whole thing fell apart, so never really  
7 happened.  
8 Q. Okay. But so Ms. Masters is no longer  
9 associated with you or your entities, correct?  
10 A. Ages ago. Like, since, man, ages ago, since  
11 like forever. I'll have to look at the date.  
12 Q. Okay. So the portion of this -- so you're  
13 not sending this document out anymore to anyone  
14 concerning the new app? This is not -- on one hand,  
15 you tell me that you have these new distribution  
16 channels, and you mentioned Zabihah. And on the  
17 other hand, there's a reference to "feet on the  
18 ground," but the feet on the ground you're referring  
19 to haven't been associated with the company for many,  
20 many months, if not years, correct. So --  
21 A. Absolutely right. And this hasn't gone out  
22 to anyone since, well, like, since 2014 or something,  
23 beginning of 2014, because when I thought I could  
24 redeem things, I was still slightly doing business  
25 development work, but when I saw it became clear the

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1 writing on the wall, that it wasn't happening then, I  
2 completely stopped all business development activity.  
3 Q. And then it says on the same document  
4 (reading):  
5 "100-plus businesses restaurant  
6 vertical ready to go."  
7 A. Yes.  
8 Q. But we talked earlier about there's only a  
9 few restaurants in Santa Clara. So how did you get  
10 to 100?  
11 A. These were the -- when I was driving up and  
12 down, you know, all the way down El Camino Real all  
13 the way to San Francisco shaking hands with people,  
14 saying, We're coming through. Are you ready to go?  
15 And so these were the agreements in  
16 principle --  
17 Q. So this was aspirational, you didn't have  
18 100 people signed up?  
19 A. Definitely not.  
20 Q. 100 businesses?  
21 A. No, no.  
22 Q. What you hoped to achieve not what you  
23 achieved?  
24 A. I hoped to achieve, based on the word which  
25 given to me, not just as a dream. So when I said 100

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1 ready to go, I really had, like, more than 100 -- in  
2 fact, I was being conservative in there -- who said,  
3 Yes, Syed when you're ready to launch, we do it.  
4 This was the agreement verbal -- I mean, based on the  
5 handshakes we had.  
6 MR. PETERSEN: Okay. If I could -- Nikki  
7 this could be off.  
8 (Off-the-record discussion.)  
9 (The document referred to was marked  
10 by the CSR as Deposition Exhibit 6 for  
11 identification and attached to the  
12 deposition transcript hereto.)  
13 BY MR. PETERSEN:  
14 Q. Mr. Hasan, if you could just take a look at  
15 what I've marked as Exhibit 6.  
16 A. Yes.  
17 Q. Do you recognize this document?  
18 A. I do.  
19 Q. What is it?  
20 A. Revenue projections.  
21 Q. Who prepared this document?  
22 A. I did.  
23 Q. And when did you prepare it?  
24 A. The first ones I had done in were in 2008,  
25 but this version I would say maybe 2013, slightly

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1 earlier.  
2 Q. And for what purpose did you prepare it?  
3 A. To present to potential VCs and investors on  
4 what could be accomplished.  
5 Q. And did you, in fact, present it to  
6 potential VCs --  
7 A. No.  
8 Q. -- and other investors?  
9 A. No.  
10 Q. And why is that?  
11 A. It went via email, but not in a formal  
12 presentation. I mean, that's the right way to put  
13 it.  
14 Q. I'm sorry. I don't think I understood that.  
15 Would you tell me that again.  
16 A. It never happened in a face-to-face  
17 presentation with anyone. It went as part of the  
18 collateral, like it would go out with this -- with  
19 the slide deck.  
20 Q. Okay. Same statement as before, any  
21 documents you sent out to VCs or other investors  
22 concerning the Runmobi app, they should have been  
23 produced in connection with our document requests.  
24 And so I do request that in the production that  
25 you're going to give me following this deposition

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1 attachment to an email? What type of marketing did  
2 you do to support the Runmobi app?  
3 A. It's a page from a website, and that's it.  
4 I mean, we did not use this on any collateral  
5 whatever. So if someone --  
6 Q. Okay.  
7 A. Someone invoked Runmobi.com, this is what  
8 they saw.  
9 Q. I see. So you -- so it was on the  
10 Runmobi.com and it was taken down when you stopped  
11 distributing the app?  
12 A. That's right.  
13 Q. Okay. It refers to an address of 530 Lytton  
14 Avenue in Palo Alto; is that right?  
15 A. That's right. I used that as my mailing  
16 address as I had mentioned before for all my  
17 corporate and personal email.  
18 Q. Is that a space that you lease?  
19 A. It's -- I'm sure you're aware of Regus. So  
20 it's a virtual office space, and I have that as we  
21 need meeting rooms or receive mail, it just comes  
22 straight to them.  
23 Q. So they charge you a monthly fee and you get  
24 to use that as an address. If you want to use a  
25 conference room, you pay extra for that, you rent a

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1 conference room for that day, what have you?  
2 A. That's correct.  
3 Q. Is that correct?  
4 A. Correct.  
5 Q. How often do you get to that address?  
6 A. If -- if I get some mail, whatever, they  
7 call me, and then I go do it. I get it.  
8 MR. PETERSEN: Nikki, if you could mark as  
9 Exhibit 9 the document that appears -- this can be  
10 off the record.  
11 (Off-the-record discussion.)  
12 (The document referred to was marked  
13 by the CSR as Deposition Exhibit 9 for  
14 identification and attached to the  
15 deposition transcript hereto.)  
16 BY MR. PETERSEN:  
17 Q. Mr. Hasan, if you could take a look at what  
18 I've marked as Exhibit 9. Do you recognize this  
19 document?  
20 A. Yes.  
21 Q. And what is it?  
22 A. It's the Facebook page for Runmobi when it  
23 was live.  
24 Q. I see. And do you recall how many followers  
25 that Facebook page would have had?

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1 A. It peaked -- this is embarrassing. It  
2 peaked at 235, and then by the time I disabled it, it  
3 had dropped to 183.  
4 Q. I see. And so it's no longer operative?  
5 A. No.  
6 Q. But is this document what was on a Facebook  
7 page at one time?  
8 A. Yes.  
9 Q. It's marked 5-16-2013 at the footer.  
10 Do you see that?  
11 A. Yeah, I do.  
12 Q. So this is what would have appeared, the  
13 content that would have appeared on the Facebook page  
14 at that time?  
15 A. That's correct.  
16 Q. You can put that document aside.  
17 Nikki, off the record.  
18 (Off-the-record discussion.)  
19 (The document referred to was marked  
20 by the CSR as Deposition Exhibit 10  
21 for identification and attached to the  
22 deposition transcript hereto.)  
23 BY MR. PETERSEN:  
24 Q. Mr. Hasan, if you could take a look at what  
25 I've marked as Exhibit 10.

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1 A. Yes.  
2 Q. Let me know when you're ready to discuss it.  
3 A. Sure. Ready now.  
4 Q. Do you recognize this document?  
5 A. I do.  
6 Q. And what is this document?  
7 A. It was a Facebook post.  
8 Q. And where was the Facebook post?  
9 A. Huh?  
10 Q. Where was at this time posted?  
11 A. On Facebook as a comment, as a status.  
12 Q. Was it posted on the Runmobi Facebook page?  
13 I'm not sure where in Facebook it would have been  
14 found.  
15 A. This -- it references Runmobi, so it was on  
16 the Runmobi Facebook page.  
17 Q. Okay. And did you post it?  
18 A. Yes.  
19 Q. And for what purpose?  
20 A. Just to create awareness that Runmobi could  
21 be an app for that. I mean, we are -- that's where  
22 we're headed.  
23 Q. And did there come a point when you took  
24 that down?  
25 A. As I mentioned, I've deleted the whole page,

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1 and then as the proceeding evolved, I removed all  
2 mentions of, even from my Twitter handle, if I'm not  
3 mistaken, that I've taken literally all mentions of  
4 "It's an App for That" as the proceeding evolved.  
5 MR. PETERSEN: I'm sorry. Nikki, could you  
6 read that answer back to me.  
7 (The record was read as follows:  
8 Q As I mentioned, I've deleted the  
9 whole page, and then as the proceeding  
10 evolved, I removed all mentions of,  
11 even from my Twitter handle, if I'm  
12 not mistaken, that I've taken  
13 literally all mentions of "It's an App  
14 for That" as the proceeding evolved.)  
15 BY MR. PETERSEN:  
16 Q. Okay. And Mr. Hasan, why did you do that?  
17 A. Because I could see that it was getting  
18 contentious. I could see that, you know, the  
19 amicable deal, if you will, if it were possible was  
20 not happening with Apple, and that it was going into  
21 all kinds of trial situation and -- and so on. So I  
22 just thought it prudent to take it down.  
23 Q. Did you have a Twitter account associated  
24 with the Runmobi app as well?  
25 A. Yes.

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1 Q. And how long a period of time did you have  
2 that?  
3 A. This was at the inception of the project.  
4 So if memory serves me right, this would have started  
5 in the beginning of 2012 -- sorry -- at the end of  
6 2012, beginning of 2013. And I could be off because  
7 I don't have access to it anymore. It was hacked.  
8 Q. And for what purpose did you use that  
9 Twitter account?  
10 A. To perpetuate the Runmobi brand using social  
11 media to hopefully get awareness for Runmobi going.  
12 Q. Okay. And then what sort of content did you  
13 put on that Twitter account?  
14 A. Market statistics. I made a mention, I had  
15 a radio interview. I put that radio interview there,  
16 and then I put the Zabihah partnership tweet there.  
17 There was an integration with -- with another -- with  
18 Apsalar. So I think they retweeted. And then some  
19 tweets to do with market statistics, some breaking  
20 news, size of the mobile market.  
21 Q. How frequently did you tweet?  
22 A. Since I don't like the medium, it was very  
23 few times, I would say. I think -- I think there's a  
24 grand total of maybe, after I deleted -- after I  
25 deleted all the pages, I mean, the tweets and all,

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1 there must be, like, God, like, maybe 20 or some  
2 tweets there.  
3 MR. PETERSEN: Okay. All right. We've been  
4 going about an hour. I think this is a good point to  
5 take a break and also allow me to kind of give some  
6 more thought to how I can move through the balance of  
7 the deposition really efficiently. So let's take  
8 five or ten minutes and then reconvene.  
9 Is that okay?  
10 THE WITNESS: Thank you very much.  
11 MR. PETERSEN: Thank you.  
12 (Recess held 1:36 p.m. to 1:48 p.m.)  
13 BY MR. PETERSEN:  
14 Q. All right. Mr. Hasan, if you could turn to  
15 what we have previously marked as Exhibit 2. It's a  
16 copy your trademark application details.  
17 A. Yes.  
18 Q. Okay. So Exhibit 2 is -- on top of it, it  
19 says "Trademark Service Mark Application Principal  
20 Register."  
21 Do you see that --  
22 A. Yeah.  
23 Q. -- on page 1?  
24 A. Yeah, I do.  
25 Q. If you could turn to page 2.

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1 A. Right.  
2 Q. And it says "International class 42" and  
3 then below that identification and it has a list of  
4 services.  
5 Do you see that list?  
6 A. I do.  
7 Q. Who prepared that list of services?  
8 A. I sat with Omair and he reviewed it --  
9 "reviewed it." New word -- reviewed the classes with  
10 me, and per his counsel, we selected 42.  
11 Q. So you selected the identification of  
12 services based upon consultation with the individual  
13 who was acting as your lawyer at that time?  
14 A. Correct.  
15 Q. Okay. And when did you sit with him?  
16 A. This would be past my return or just before.  
17 I have no recollection, Mr. Petersen. I'm sorry.  
18 Q. Okay. That's fine. It probably would have  
19 been shortly before the application was filed. Would  
20 that be safe to assume?  
21 A. See, I think -- okay. Let me think.  
22 It could have gone down where we already had  
23 the word mark and the trademark, and we had made  
24 light claims on both of them. So I think I may have  
25 told him to go with the same class, something to that

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1 Q. Okay.  
 2 A. Thank you.  
 3 (The document referred to was marked  
 4 by the CSR as Deposition Exhibit 14  
 5 for identification and attached to the  
 6 deposition transcript hereto.)  
 7 BY MR. PETERSEN:  
 8 Q. Mr. Hasan, if you could take a look at what  
 9 I've marked as Exhibit 14.  
 10 A. Yes.  
 11 Q. Do you recognize this document?  
 12 A. I do.  
 13 Q. And what is this document?  
 14 A. Responses to your questions.  
 15 Q. It's the same document we just marked as  
 16 Exhibit 13, is it not?  
 17 A. Yes, it is. It's the exact same thing.  
 18 MR. PETERSEN: Okay. I have no further  
 19 questions today, Mr. Hasan, but I do reserve the  
 20 right to continue the deposition once I see the  
 21 documents that you indicated you will produce to us  
 22 shortly.  
 23 Do you understand that?  
 24 THE WITNESS: Of course.  
 25 MR. PETERSEN: Great. And so with that,

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1 with that reservation, yeah, I thank you for your  
 2 time here today.  
 3 THE WITNESS: Thank you, Mr. Petersen. A  
 4 pleasure to finally meet you.  
 5 MR. PETERSEN: Very nice meeting you, and we  
 6 can go off the record.  
 7 (Off-the-record discussion.)  
 8 (Whereupon, at the hour of  
 9 2:07 p.m., the proceedings  
 10 were concluded.)  
 11 -o0o-  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
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 21  
 22  
 23  
 24  
 25

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1 DECLARATION UNDER PENALTY OF PERJURY  
 2  
 3  
 4 I, SYED ALI HASAN, do hereby certify:  
 5  
 6 That I have read the foregoing deposition;  
 7 That I have made such changes in form and/or  
 8 substance to the within deposition as might be  
 9 necessary to render the same true and correct, but  
 10 have limited such changes to actual reporting errors  
 11 or errors in fact, as opposed to editing the content  
 12 generally;  
 13 That having made such changes thereon as  
 14 were required, I hereby subscribe my name to the  
 15 completed deposition.  
 16  
 17 I declare under penalty of perjury that the  
 18 foregoing is true and correct.  
 19  
 20 Executed at this \_\_\_\_\_ day of  
 21 \_\_\_\_\_, 2015, at \_\_\_\_\_,  
 22 State of California.  
 23  
 24 \_\_\_\_\_  
 25 SYED ALI HASAN

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1 I, NIKKI ROY CSR No. 3052, Certified Shorthand  
 2 Reporter, hereby certify that:  
 3 I am authorized to administer oaths or affirmations.  
 4 (Cal. Code of Civ. P. Sec. 2093 (b) and Fed. R. Civ. P. 28(a)).  
 5 The foregoing proceedings were taken before me at the  
 6 time and place therein set forth, at which time the witness  
 7 was duly sworn by me. (Cal. Code Civ. Proc. 2025.330(a),  
 8 2025.540(a) and Fed. R. Civ. P. 30(f)(1)).  
 9 The foregoing pages contain a full, true and accurate  
 10 record of all proceedings and testimony. (Cal. Code Civ.  
 11 Proc. 2025.540(a) and Fed. R. Civ. P. 30(f)(1)).  
 12 I am not a relative or employee of the parties,  
 13 nor financially interested in the action. (Cal. Code Civ.  
 14 Proc. 2025.320(a)).  
 15 Before completion of the proceedings, review of the  
 16 transcript [ ] was [ X ] was not requested. If requested,  
 17 any changes made by the witness (and provided to the reporter)  
 18 during the period allowed, are appended hereto.  
 19 (Fed. R. Civ. P. 30(e)).  
 20 I declare under penalty of perjury under the laws of  
 21 California that the foregoing is true and correct.  
 22 Dated this 24th day of July, 2015.  
 23  
 24 \_\_\_\_\_  
 25 Nikki Roy  
 C.S.R. No. 3052

**Roach, Allie**

---

**From:** Syed Ali Hasan II <a@runmobi.com>  
**Sent:** Wednesday, April 23, 2014 8:29 PM  
**To:** Syed Ali Hasan II  
**Subject:** Runmobi- "It's an app for that"  
**Attachments:** itsanappforthat.jpg

Hi Everyone,

I trust this will find each and every one of you in the best of cheer !

Taking a minute of your time to share that we are **debuting** our new tag line "It's an app for that". As most or all of you are aware, Runmobi apps, even though presently concentrated on servicing the restaurant vertical, are immensely capable of servicing other markets as well. Hence the tag line to highlight the versatility.

Fun fact – This line is being hotly contested by Apple, Inc. at TTAB, even though the USPTO didn't find the usage objectionable ☺

Real Fact – Runmobi in a previous iteration had dropped the wait times at Los Angeles Coliseum concessions from ~40 minutes to ~3 minutes as early as 2007 and was the first ordering mobile app of its kind in the world.

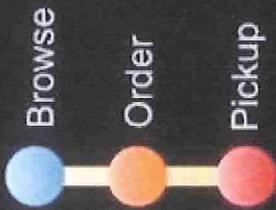
It will be an honour should you consider liking our page on facebook and following us on twitter @runmobi

----

Onward

Ali  
CEO | Founder, Runmobi  
650.305.0901  
twitter: @runmobi

CONFIDENTIALITY | PRIVACY NOTICE: This communication, including any and all attachments, is for the sole use of the intended recipient(s) and contains information which may be private, privileged, confidential and exempt from disclosure under applicable law. Any unauthorized review, use, disclosure, distribution, copying, reliance, action taken or omission made in reliance on this communication is strictly prohibited. If the reader of this communication is not the intended recipient, or if you have received this communication in error, please notify us immediately by return email and destroy the original and all copies of the message. Thank you.



# RUNMOB

*It's An App For That!*



**RUNMOBI** is a cutting edge solution in the mobile retail market that allows customers to order and pay for products and services from their favorite businesses while on the go. RUNMOBI geo locates the consumer, displays nearby businesses, such as restaurants, and allows them to seamlessly place an order. Consumers collect reward points and rebates based on their shopping history.

**Our Mission** is to become the global service provider and leader in using advancements in mobile communications and networking to dramatically improve the way people purchase goods and services. RUNMOBI seeks to streamline transactions between consumers and vendors by enabling consumers to compose, place and pay for food, beverage and other services using their smart phone or other mobile device.

#### **Why does anyone need this service?**

The mobile phone is quickly becoming the “remote control” for the consumer’s life. It is already used widely as an information access device and is beginning to become transactional. RUNMOBI becomes the concierge for transactions, starting with activities that facilitate point of sale transactions.

#### **The RUNMOBI solution**

RUNMOBI has a developed complete system solution that will enable consumers to use their mobile devices or computer terminals to select a nearby merchant, place their order with that merchant, designate a payment method and receive order confirmation status in real-time. Consumers can eliminate the delays and aggravation of waiting in long lines by proceeding directly to the pick-up counter at their selected merchant to pick-up their RUNMOBI order.

Users will register with RUNMOBI using the website and download the RUNMOBI software to their wireless device, or directly download and register through the app on the device. With the app on the mobile device, the user will be ready to browse menus, compose orders and submit them to merchants. Orders submitted by users will be processed by RUNMOBI servers and relayed to RUNMOBI terminals located in participating stores

## **RUNMOBI**

Founded: Dec 21, 2012

CEO&Founder:  
Syed Ali Hasan:  
650.305.0901  
a@runmobi.com

www.runmobi.com

### **The RUNMOBI Advantage**

#### **For Business:**

- Maximize sales volume
- Tap captive audience and increase customer retention
- Save time by taking away resource from answering phone / re-assigning
- Give customers targeted rebates
- Obtain new customers using the existing customer base’s positive user experience

#### **For consumers:**

- Convenient, Competitive and Cool
- Can order from Web, Mobile Web, SMS, iOS, Android, Windows Mobile & Blackberry.
- Discovery through social media to maximize their online experience

THE INFORMATION CONTAINED HEREIN IS PROPRIETARY TO RUNMOBI AND IS SUBMITTED SOLELY ON A CONFIDENTIAL BASIS. BY ACCEPTING DELIVERY OF THIS EXECUTIVE SUMMARY, YOU AGREE THAT YOU WILL NOT DISCLOSE THE INFORMATION CONTAINED HEREIN TO ANY THIRD PARTY OR MAKE REPRODUCTIONS OF OR USE THESE MATERIALS FOR ANY PURPOSE OTHER THAN FOR YOUR OWN EVALUATION OF MAKING AN INVESTMENT IN RUNMOBI.

**Exhibit 4**

S. Hasan  
714/15

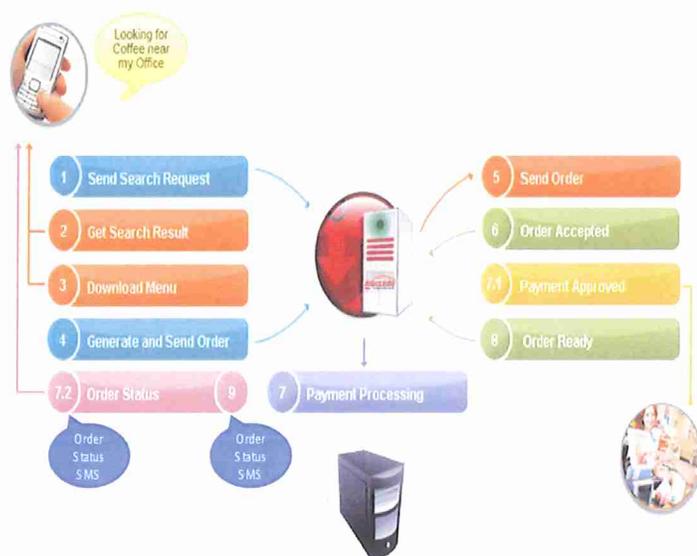
for order fulfillment.

### The RUNMOBI service model

RUNMOBI takes advantage of existing widely deployed wireless and internet infrastructure. As a result, no new wireless/internet protocols or standards are required to deploy and deliver RUNMOBI services. The technology and service is user friendly, flexible and scalable. RUNMOBI application servers and in-store terminals will work together seamlessly to ensure fast, efficient and user friendly service.

All information required for payment processing is securely maintained in each customer's profile. When an order is placed, a communication message is sent from the server to the merchant via a secure internet, extranet, wireless data network or merchant specific communication methodology. This message will be received and processed by the in-store terminal.

## A Simple flow: Fast Food Restaurant use case



### CORE TEAM

**CEO | Syed Ali Hasan** has 23+ years of experience in sales and marketing. A result-oriented and hardworking team leader, he oversees all aspects, full time at RUNMOBI. An ex-stockbroker by profession, he has an MBA in Corp.Finance and Marketing from Osmania University in Hyderabad, India.

A passionate believer in the idea, he has taken the idea from scratch to launched apps both on app store and google play. A hands on team player, he capably works with the best engineering talent, attorneys, pr, marketing, does door to door sales if required and addresses board meetings/calls with the same commitment. He has brought together a profitable affiliate program.

This is his baby and he is dedicated to see runmobi grow and prosper. He believes that RUNMOBI is in the right place at the right time considering the pivot to mobile commerce taking place in the market.

### CORPORATE COUNSEL:

**David C. Lee**, Partner at Gunderson, Dettmer, Stough, Villeneuve, Franklin & Hachigan

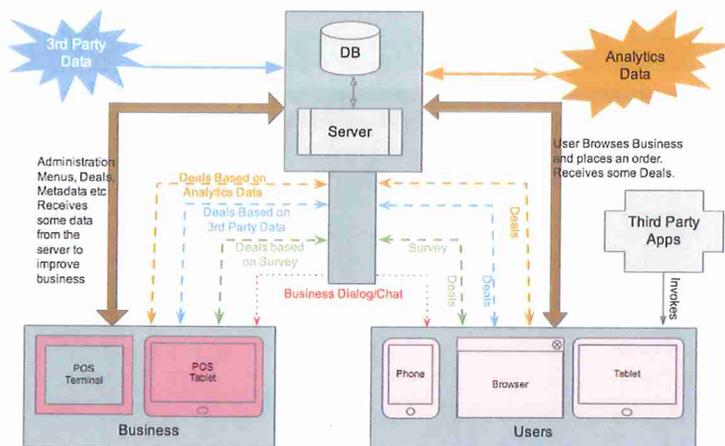
### TRADEMARK COUNSEL:

**Omar Farooqui**, Partner at Ellahie & Farooqui

OTHER TEAM MEMBERS AND ADVISORS IN STEALTH DUE TO THEIR CURRENT EMPLOYMENTS AND TO RESPECT THEIR PRIVACY.

DISCLOSURE UPON REQUEST AND UPON BEING GRANTED PERMISSION BY TEAM MEMBERS TO DO SO.

THE INFORMATION CONTAINED HEREIN IS PROPRIETARY TO RUNMOBI AND IS SUBMITTED SOLELY ON A CONFIDENTIAL BASIS. BY ACCEPTING DELIVERY OF THIS EXECUTIVE SUMMARY, YOU AGREE THAT YOU WILL NOT DISCLOSE THE INFORMATION CONTAINED HEREIN TO ANY THIRD PARTY OR MAKE REPRODUCTIONS OF OR USE THESE MATERIALS FOR ANY PURPOSE OTHER THAN FOR YOUR OWN EVALUATION OF MAKING AN INVESTMENT IN RUNMOBI.



### Company structure and state of readiness

RUNMOBI is comprised of highly qualified and dedicated engineers, MBA's, marketing professionals, senior academics, and high level key influencers on its business and technical advisory boards. All of us are passionate believers in the idea and its success.

RUNMOBI has passed the "proof of concept" stage in March 2007, and in its present iteration is a "fully deployable service". Alpha testing was completed at the Los Angeles Memorial Coliseum with users ordering food from their seats and picking the order up at the concession stand during actual events. Users saved 15~40 minutes by using RUNMOBI. Runmobi Android and IPhone apps are available and we are live in 1 restaurant, with plans to scale to 20 more.

Partnerships: Several key partnerships in place that will enhance the market positioning and ROI of Runmobi.

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# RUNMOB

Save time. Beat the line.



Exhibit 5

S. Hasan

714/15

reporter: nikki roy

CSR No. 3052

# What is Runmobi?



- Runmobi is a dynamic mobile and web-based storefront for retailers and restaurants.
- Runmobi lets a customer browse a menu on a mobile device and place and pay for orders.
- Runmobi helps solve the App Clutter problem by giving consumers *one* app to reach many retailers and restaurants,
- Runmobi has innovated technological solutions that are leaps and bounds ahead of its competitors.
- Addresses a market of 900,000 plus restaurants in the USA alone to facilitate their take-out business.

# What's in it for Businesses?

- Immediate Online Presence
- Increased customer awareness and satisfaction
- *Full* control without investing in app development and maintenance
- Ability to easily offer deals to targeted customers
- Free advertising - we don't charge until a customer places an order
- Dynamic control of online store content and valuable analytics to enhance sales
- Requires only a simple browser-capable device to be in business



# What's in it for Customers?



- Locate businesses close by (restaurants, gift shops, theaters etc.)
- View what a business has to offer with a few taps
- Place orders with just one or multiple businesses in a single Runmobi order.  
Ex: <I want a hot dog+tshirt+sovenir+gift> DONE!
- View and apply deals to orders.
- Do business reviews, place order through twitter, place order through facebook status
- Peace of mind: Pay securely with PayPal!

# iPhone Application



FREE Fully-functional iPhone application available on the Apple app store.

<https://itunes.apple.com/us/app/RUNMOBI/id624919589>

Carrier 4:29 PM

**Home** **Menu**

 **Mirchi Cafe**  
40900 Fremont Blvd.  
Fremont, CA 94538  
Hours Today: 11:30AM-9:00PM

Carrier 4:29 PM

**Menu** **Chicken Wings**

 Served with Mirchi's ranch s  
\$6.99

Qty: 1   \$6.99

**Add to cart**

**Home** **Cart** **History** **Messages** **More**

Carrier 4:30 PM

**Shopping Cart** **Edit**

1	Chicken Wings	\$6.99	>
1	Spicy Aloo Tikki Burger	\$6.50	>

SubTotal \$ 13.49  
Tax 9.75 %  
Total \$ 14.81

**Save** **Pay with PayPal**

**Home** **Cart** **History** **Messages** **More**

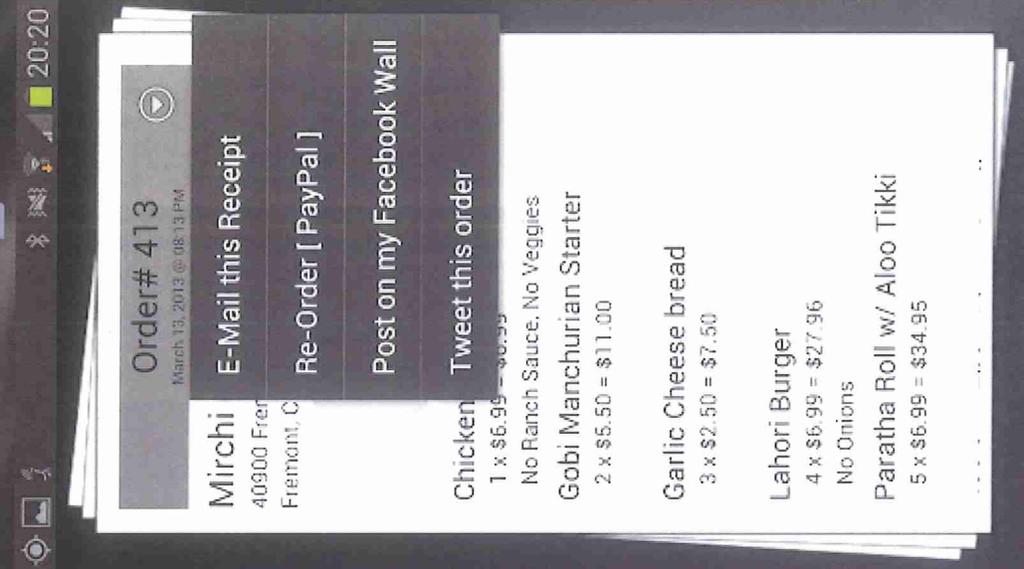
**Starters and Snacks** Tap to close

Chicken Wings	\$ 6.99	>
Spicy Ranch Fries	\$ 4.99	>
Chicken Roll	\$ 1.99	>
Veggie Roll	\$ 1.50	>
Aloo Tikki	\$ 5.50	>

**Home** **Cart** **History** **Messages** **More**

# Android Application

FREE Fully-functional Android application available on Google Play.  
<https://play.google.com/store/apps/details?id=com.runmobi.android.app>



# Merchant Web Portal



- FREE Fully-functional web portal for business owners. Register with email and your business is ready to go!
- More than 30 businesses using Runmobi – and rapidly growing!

Shan Restaurant  
3739 EL CAMINO REAL, SANTA CLARA, CA

Menu

[New Menu Category](#) [Setup Keywords](#)

**Starters / Appetizers** [Edit Category](#) | [Add Item](#)

Raita	\$0.99	<a href="#">Edit</a>	<a href="#">Delete</a>
Papad (2 Pieces)	\$0.99	<a href="#">Edit</a>	<a href="#">Delete</a>

**Tandoori** [Edit Category](#) | [Add Item](#)

Shan Chicken Tandoori (Leg)	\$3.99	<a href="#">Edit</a>	<a href="#">Delete</a>
Shan Chicken Tandoori (Breast)	\$4.49	<a href="#">Edit</a>	<a href="#">Delete</a>
Seekh Kabab Chicken	\$2.50	<a href="#">Edit</a>	<a href="#">Delete</a>

Dashboard  
Menu  
Profile  
Hours  
Notifications  
Balance  
Orders



# Marketing & Sales

- Runmobi & Running man logo is trademarked and word-marked and will be used for branding + strategic placement purposes
- Channel distribution partnership with a local database is complete, 3 major databases in the pipeline at advanced stage of negotiation
- Two Feet on the ground sales people to cover businesses locally
- 100 plus businesses (restaurant vertical) ready to go
- Affiliate program to get free lance sales folks on board
- Marketing campaign management tool (to be utilized)
- Highly experienced branding and social media consultant (reserve)
- WE ARE LIVE in the restaurant segment and SCALING 😊

# Perceived Competition



- All rely on calling the restaurant, sending them a fax or making them BUY their point of sale system, which is cost intensive and is being rejected by restaurant owners. In my research they claim they don't need to pay so much money for features they barely use.
- All concentrated on the food vertical ONLY such as:
  - Grub hub
  - Gopago
  - Seamless
  - Waiter.com
  - Waiter on wheels

# The Runmobi Team



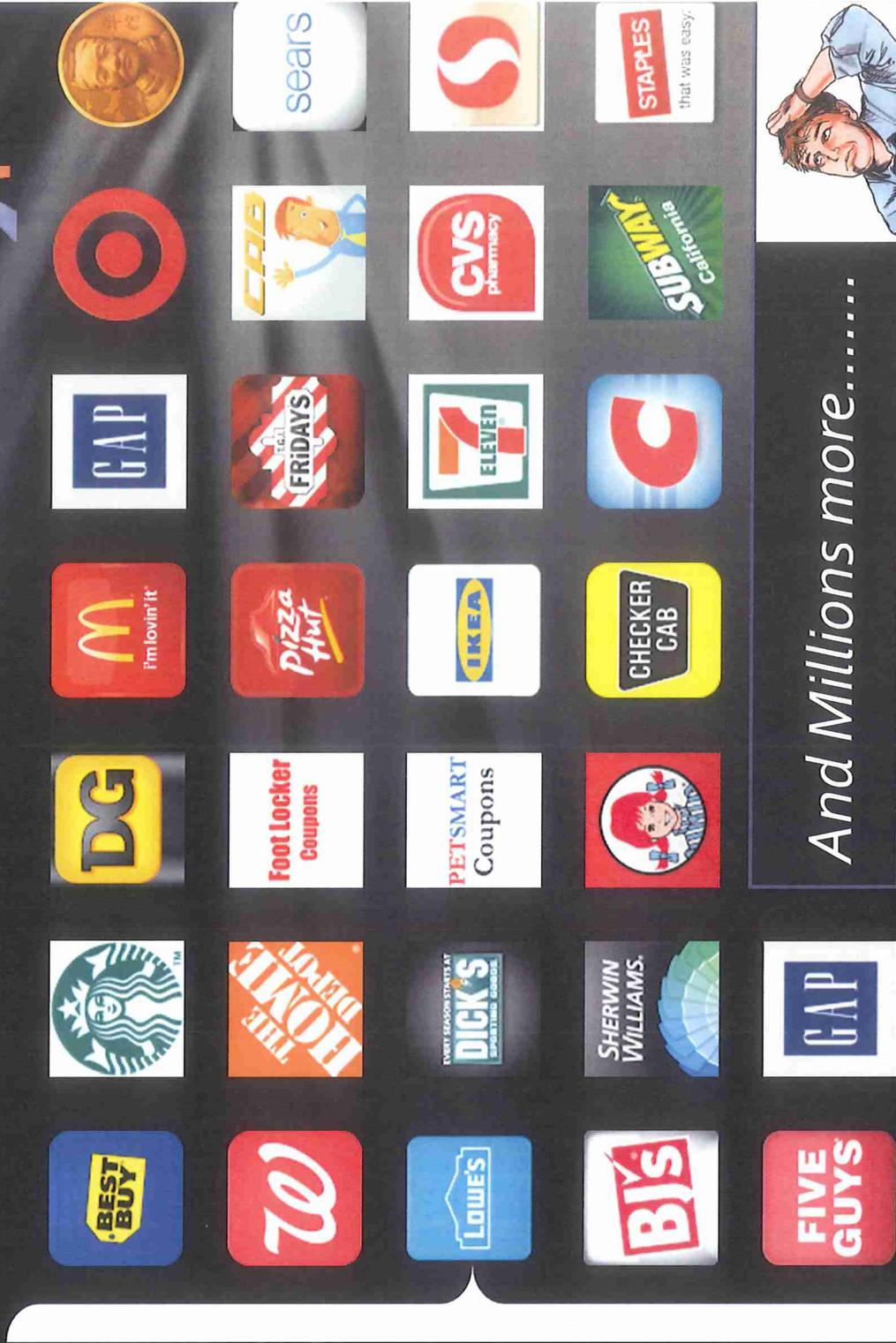
- Runmobi conceptualized & developed by an entrepreneur who pioneered the world's first mobile ordering app to solve the waiting-in-line problem at the LA Coliseum in 2007.
- 'Passionate' CEO | Founder: Syed Ali Hasan II
- Development: Architect, VP of IT, developers on demand
- Advisors: Influential business & tech boards
- Sales & Marketing: Affiliate program, 2 sales people



## In Sum:

- Runmobi is in production and processing orders with more than 30 restaurants
- Pipeline of 500 businesses asking to be on-boarded
- The ONLY mobile commerce app with a ZERO-FOOTPRINT install for retailers. NO startup costs. NO POS integration. NO license or equipment fees. If there is Wi-Fi or a working internet connection, GAME ON!
- Proven, effective business model beginning to generate (minimal) revenue.
- Resilient team has built world-class app with minimal resources and is ready to scale!

# Lastly : Solves App Clutter!



And Millions more.....



