

ESTTA Tracking number: **ESTTA698648**

Filing date: **09/28/2015**

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

Proceeding	91222006
Party	Defendant Designbook LLC
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Date	09/28/2015
Attachments	91222006Answer15936-002USK1.pdf(33530 bytes )

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

In the Matter of Application Serial Nos. 86/331,248, 86/331,173, 86/324,885 and 86/324,872  
Published in the *Official Gazette* of December 2, 2014 and December 9, 2014

Facebook, Inc.,	:	
	:	
Opposer,	:	Opposition No.: 91222006
	:	
-against-	:	
	:	
Designbook, LLC,	:	
	:	
Applicant.	:	
	:	

**APPLICANT’S ANSWER AND AFFIRMATIVE DEFENSES**

Applicant, Designbook, LLC (“Applicant”) answers the allegations set forth in the Notice of Opposition (“Opposition”) filed by Facebook, Inc. (“Opposer”) as follows:

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.
2. Applicant admits that Opposer is listed in the records of the U.S. Patent and Trademark Office (USPTO) as the owner of multiple registrations for the mark FACEBOOK. As to the remainder of the allegations in this paragraph, the records of the USPTO speak for themselves and/or they state legal conclusions to which no response is required.
3. Applicant admits that copies of registrations for the mark FACEBOOK are attached as Exhibit A to the Opposition. As to the remainder of the allegations in this paragraph, the records of the USPTO speak for themselves.
4. Applicant admits that copies of the USPTO online status pages for several pending trademark applications that consist of or incorporate the term FACEBOOK Opposer are

attached as Exhibit B to the Opposition. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph relating to Opposer's common law rights, and therefore denies same. As to the remainder of the allegations in this paragraph, the records of the USPTO speak for themselves and/or they state legal conclusions to which no response is required.

5. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

6. Applicant admits that it is the owner of the DESIGNBOOK Applications. As to the remainder of the allegations in this paragraph, the records of the USPTO speak for themselves.

7. Applicant admits that Serial Nos. 86/324,885 and 86/324,872 were published in the *Official Gazette* on December 2, 2014, and that Serial Nos. 86/331,248 and 86/331,173 were published in the *Official Gazette* on December 9, 2014.

**FIRST GROUND FOR OPPOSITION: LIKELIHOOD OF CONFUSION**

8. Admitted that this paragraph purports to incorporate by reference the allegations set forth in paragraphs 1 through 7 of the Opposition. To the extent a response is required, Applicant incorporates its responses by reference.

9. As to the allegations in this paragraph pertaining to the filing dates of applications filed with the USPTO, the records of the USPTO speak for themselves. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations in this paragraph, and therefore denies same.

10. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

11. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

12. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

13. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

14. Denied.

15. Applicant admits that no affiliation or connection exists between Applicant and Opposer. The remainder of the allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required.

16. Admitted.

17. Applicant admits that Opposer has no control over the nature and quality of the services that are and/or will be offered under the DESIGNBOOK Marks. The remainder of the allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

18. The allegations in this paragraph constitute a request, legal conclusion or statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

**SECOND GROUND FOR OPPOSITION: DILUTION OF A FAMOUS MARK**

19. Admitted that this paragraph purports to incorporate by reference the allegations set forth in paragraphs 1 through 18 of the Opposition. To the extent a response is required, Applicant incorporates its responses by reference.

20. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

21. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

22. Applicant admits that Opposer is listed in the records of the USPTO as the owner of multiple registrations and applications for the FACEBOOK Marks. As to the remainder of the allegations in this paragraph, the records of the USPTO speak for themselves.

23. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph, and therefore denies same.

24. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

25. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

26. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

27. The allegations in this paragraph are legal conclusions or a statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

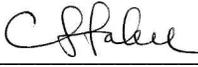
28. The allegations in this paragraph constitute a request, legal conclusion or statement of opinion to which no response is required. To the extent the allegations constitute factual allegations, Applicant denies them.

**AFFIRMATIVE DEFENSE**

The Opposition fails to state a claim upon which relief can be granted.

Respectfully submitted this 28th day of September, 2015.

DOWNS RACHLIN MARTIN PLLC

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2015, I electronically filed **APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES** using the Electronic System for Trademark Trials and Appeals system and that a copy of the foregoing has been served on Thomas M. Hadid, counsel for Opposer, by mailing said copy on September 28, 2015, via First Class Mail, postage prepaid to:

Thomas M. Hadid  
Cooley LLP  
1299 Pennsylvania Ave., NWSuite 700  
Washington, DC 20004  
United States



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Jennifer Parent

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