ESTTA Tracking number: **ESTTA741952**
Filing date: **04/23/2016**

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

Proceeding	91222065
Party	Defendant Jawad Essadki
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Date	04/23/2016
Attachments	Objection Interro Admissions reply.pdf(79606 bytes) PRODUCTION.pdf(92238 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of application Serial No. 86/387,251

Mark: GOOGLIFE

Published: January 27, 2015

GOOGLE INC.,	)	
Opposer,	)	Opposition No. 91222065
	)	
v.	)	
JAWAD ESSADKI.,	)	
Applicant.	)	

APPLICANT'S OBJECTIONS AND COMPLEMENT OF RESPONSE

As requested by the Board, regarding This Opposition, please find below Objections and All requested Complement of answer. All previous answers remain applicable as if fully embedded in this response.

We would like to underline the obvious unclear intentions of the Opposer who focuses on Corporate confidential information (irrelevant) rather than focus on the MARK ORIGINALITY, that is DIFFERENT and INDEPENDENT from Google. Those questions which are irrelevant to the Mark will have a ** Next to them.

I. GENERAL RESPONSES

Applicant hereby incorporates the following General Responses by reference into the individual responses to each Request. They shall have the same force and effect as if fully set forth in the individual response to each Request.

1. Applicant's responses to the Requests are made to the best of Applicant's present knowledge, information, and belief and are at all times subject to such

additional or different information that discovery or further investigation may disclose. While based on the present state of Applicant's recollection, they are subject to refreshing of such recollection, and such additional knowledge of facts, as may result from Applicant's further discovery or investigation.

2. Applicant reserves the right to make any use of, or to introduce at any hearing, trial, or elsewhere, information, or documents responsive to the Requests but discovered subsequent to the date of these responses, including, but not limited to, any such information or documents obtained in discovery in this action.

3. The provision of a response to any of these Requests does not constitute a waiver of any objection regarding the use of said response in these proceedings. Applicant reserves all objections or other questions as to competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of applicant's responses herein and any information, document, or thing identified or produced in response to the Requests.

4. Applicant reserves the right to object on any grounds at any time to such other or supplemental requests for admission as Google may at any time propound involving or relating to the subject matter of these Requests.

II. GENERAL OBJECTIONS

Whether or not separately set forth in response to each Request, Applicant makes the following General Objections to each and every Definition, Instruction, and Request propounded in Google's First Set of Requests for Admission.

1. Applicant objects to all Definitions, Instructions, and Requests to the extent that any Request requires disclosure of information or documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Such information or documents shall not be produced in response to the Requests. Any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege or right with respect to such information or documents or of any work product immunity that may attach thereto.

2. Applicant objects generally to all Definitions, Instructions, and Requests to the extent they purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific Request on the ground that such enlargement, expansion, or alteration renders said Request vague, ambiguous, unintelligible, unduly broad, and uncertain.

3. Applicant objects generally to all Definitions, Instructions, and Requests to the extent any Request requires documents or information not currently in Applicant's possession, custody, or control, or refers to persons, entities, or events not known in order to respond, on the grounds that such Definitions, Instructions, or Requests seek to require more of Applicant than any obligation imposed by law, would subject Applicant to unreasonable and undue annoyance, oppression, burden, and expense, and would seek to impose upon Applicant an obligation to investigate or discover information or materials from third parties or services that are equally or more readily accessible to Opposer.

4. Applicant objects generally to all Definitions, Instructions, and Requests to the extent that any Request unilaterally imposes an obligation to provide information greater than that required by the Federal Rules of Civil Procedure, the Trademark Rules, or any order in this matter.

5. Applicant objects generally to all Definitions, Instructions, and Requests to the extent that any Request requires the disclosure of information protected from disclosure pursuant to Federal Rule of Evidence 501. Such information shall not be produced in response to the Requests and any inadvertent production thereof shall not be deemed a waiver of any privilege with respect to such information.

6. Applicant objects generally to all Definitions, Instructions, and Requests to the extent that any Request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence that is relevant to proving one or more of the parties' claims or defenses, as provided by Federal Rule of Civil Procedure 26(b)(1) and Federal Rules of Evidence 401 and 402. Applicant objects on the grounds that said demands are overly broad and would subject Applicant to undue annoyance, oppression, burden, and expense. Such information shall not be provided in response to the Requests.

7. Applicant objects generally to all Definitions, Instructions, and Requests to the extent that any Request requires access to electronically-stored information not reasonably accessible to Applicant because of undue burden or cost (e.g., documents stored on systems for archival or recovery purposes, data residing in hardware buffer memories, deleted files that have not been fully overwritten, replica data resulting from automatic back-up functions, etc.) in order to respond.

III. SPECIFIC OBJECTIONS & RESPONSES

INTERROGATORY 1: Identify Each Person with knowledge of Your selection or Adoption of the Googlife Mark

> **Answer:** In addition to the General Responses and Objections, applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to Interrogatory No. 1:

As my personal and sole endeavor, I sought some advice and ideas but no one that I can think of now. It was a long time ago, it never became that important due to this proceeding.

INTERROGATORY 3. Identify each good or service in connection with which you currently use or intend to use the Googlife Mark**

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase "good or service" is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 3:

Currently: None – Intend to use: Not sure or decided

Interrogatory 4

Describe all relevant facts and circumstances regarding the target market(S) for the good and services identified in Interrogatory 3. **

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase "good or service" is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 4:

Bay Area internet users.

Interrogatory 5.

Identify All Channels of trade for the goods and services identified in response to interrogatory 3, including without limitation the persons that currently or will in the future offer, sell, or advertise such goods and services**

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase "all channels of trade" is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 5:

The internet.

Interrogatory 6. Identify the price of each good and service identified in response to interrogatory 3**

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase "good or

service" is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 6:

Not sure, but the vagueness and irrelevance of this questions goes to show the lack of goodwill in the Opposer undertaking of this endeavor with the applicant. With all due respect what is the point of asking this question?

Interrogatory 7. Describe all relevant facts and circumstances regarding any plans, intentions, preparations, or efforts to make any of the goods or services identified in response to interrogatory 3 competitive with any Google product or service or compatible with any google product or service**

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase "good or service" is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 7:

No facts to report.

Interrogatory 9.

Describe all Relevant facts and circumstances regarding any preparations to use the Googlife Mark in US commerce in connection with the goods and services identified in response to interrogatory 3.

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase "good or service" is vague and ambiguous. Subject to and without waiving these

objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 9:

Early ideas, nothing concrete.

Interrogatory 13

Describe all relevant facts and circumstances regarding your registration and renewal of the <googlife.com> domain name:

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase "good or service" is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 13:

I had a dream. Looked up the name. Bought the domain.

Interrogatory 14: Describe all relevant facts and circumstances regarding your offering for sale, attempted sale, or sale of the <googlife.com> domain name

Answer:

I do want here to note there was an oversight in the initial responses where 1 answer was missing. Answer provided "None" applied for Question 15.

Regarding the sale of the domain name. It is a site that I own like many other things which I constantly like to expose in the marketplace to gage value. It is listed in an Auction site as an experiment.

Interrogatory 15: Indentify Each person who supplied information in response to these interrogatories or any other discovery requests propounded by google or who was consulted or whose documents or files were consulted in connection with the preparation of responses to these interrogatories or any other discovery requests propounded by Google.

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the interrogatory is nonsensical, vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to interrogatory 15:

I do my own diligence.

REQUEST FOR ADMISSION 30. Admit that you have never had a communication with an investor or potential investor in the Googlife Services

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. This also is beyond confidentiality and seems irrelevant here. Applicant further objects on the basis that the question is vague and ambiguous.

REQUEST FOR ADMISSION 31:

Admit that you have no documents reflecting any communications with investors or potential investors in the Googlife services

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase is vague and ambiguous.

Request for admission 33:

Admit that you have no documents reflecting any steps you have taken to develop promotional, marketing, or advertising material that uses the Googlife Mark to refer to the Googlife Services.

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the phrase is vague, ambiguous, and nonsensical. There are no services. The opposer again, changing the subject instead of discussing how the GOOGLIFE MARK IS ORIGINAL.

Request for Admission 34:

Admit that you have no documents reflecting your preparations to offer the service of "providing a secure, web based service enabling individuals to remotely create and manage their own accounts so that whatever private content they upload now can be encrypted, then delivered to their intended recipients, at the time and in the manner requested" Under the Googlife Mark in U.S. Commerce

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to request for admission 34:

Googlife was one name that was thought of amongst many different marks to be applied to different businesses. Our endeavors are not mark specific. All our internal Documentations and Archives are non mark specific. Googlife never made it past "draft". It has been a long time. Have no recollection and have not looked in the archives.

Request for Admission 35:

Admit that you have no documents reflecting your preparations to offer the service of " Computer services, namely, providing and interactive web site featuring technology that allows users to consolidate and manage social networkd, accounts, and connections to existing and emerging application programming interfaces (API's)" Under the googlife Mark in US commerce.

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that the is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to request for admission 35:

Googlife was one name that was thought of amongst many different marks to be applied to different businesses. Our endeavors are not mark specific. All our internal Documentations and Archives are non mark specific. Googlife never made it past "draft". It has been a long time. Have no recollection and have not looked in the archives

Request for admission 36. Admit that you have no documents reflecting your preparations to offer the service of "Social bookmarking website services, namely, providing a website featuring technology that enables users to organize, store, manage, share, and search for bookmarks of resources online" Under the Googlife Mark

Answer: In addition to the General Responses and Objections, Applicant objects to this Request on the grounds that it seeks information that is not relevant to this proceeding or calculated to lead to the discovery of admissible evidence. Applicant further objects on the basis that "reflecting your preparations" is vague and ambiguous. Subject to and without waiving these objections or the General Responses and Objections stated above, Applicant responds as follows to request for admission 36:

Googlife was one name that was thought of amongst many different marks to be applied to different businesses. Our endeavors are not mark specific. All our internal Documentations and Archives are non mark specific. Googlife never made it past "draft". It has been a long time. Have no recollection and have not looked in the archives

Date: April 23, 2016 By: /Jawad Essadki/

Applicant

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, a true and correct copy of the foregoing

APPLICANT'S OBJECTIONS AND COMPLEMENT OF RESPONSE

was served via FEDEX to the address specified below:

Morgan A .Champion

COOLEY LLP

1299 Pennsylvania Ave., N.W., Suite 700

Washington, D.C. 20004

Counsel for OPPOSER GOOGLE INC.

Date: April 23rd, 2016 / **Jawad Essadki** /

600 East Weddell Drive, #40

Sunnyvale, California 94089

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

In the matter of application Serial No. 86/387,251
Mark: GOOGLIFE
Published: January 27, 2015

GOOGLE INC.,	)	**Opposition No. 91222065**
Opposer,	)	
	)	
	)	
	)	
v.	)	
	)	
JAWAD ESSADKI.,	)	
	)	
Applicant.	)	
	)	

APPLICANT JAWAD ESSADKI'S OBJECTIONS AND RESPONSES TO OPPOSER'S
FIRST SET OF REQUESTS FOR PRODUCTION

Pursuant to 37 C.F.R. § 2.120 and Federal Rule of Civil Procedure 34, Applicant Jawad Essadki hereby submits these objections and responses to the First Set of Requests for Production of Documents and Things ("Requests") propounded by Opposer Google ("Opposert").

I. GENERAL RESPONSES

Applicant hereby incorporates the following General Responses by reference into the individual responses to each Request. They shall have the same force and effect as if fully set forth in the individual response to each Request.

1. Applicant's responses to the Requests are made to the best of Applicant's present knowledge, information, and belief and are at all times subject to such additional or different information that discovery or further investigation may disclose. While based on the present state of Applicant's recollection, they are subject to refreshing of such recollection, and such additional knowledge of facts, as may result from Applicant's further discovery or investigation.

2. Applicant reserves the right to make any use of, or to introduce at any hearing, trial, or elsewhere, information, or documents responsive to the Requests but discovered subsequent to the date of these responses, including, but not limited to, any such information or documents obtained in discovery in this action.

3. To the extent applicant agrees to produce documents in response to any Request, Applicant will respond with responsive, non-privileged information currently in its corporate possession, custody, or control. Applicant has no duty to produce or identify information outside of its possession, custody, or control. By stating in these responses that Applicant will produce documents or is searching for documents, Applicant does not represent that any document actually exists, but rather that it will make a good faith search and reasonable inquiry to ascertain whether documents responsive to the Requests do, in fact, exist, and to produce such documents if they are found to exist and are within Applicant's possession, custody, or control.

4. To the extent that Applicant responds to a Request by stating that Applicant will provide information or documents which Applicant or any other party to this litigation deems to embody material that is private, business confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Federal Rule of Civil Procedure 26(c) or Federal Rule of Evidence 501, Applicant will do so only subject to the protections of the Trademark Trial and Appeal Board's standard protective order against the unauthorized use or disclosure of such information.

5. Unless otherwise stipulated in a production protocol or ordered by the Board, should Applicant agree to produce responsive documents, it will produce them in the form in which they are ordinarily maintained or in a reasonably usable form. Further, Applicant reserves its right to only produce one copy of any document responsive to a document request.

6. The provision of a response to any of these Requests does not constitute a waiver of any objection regarding the use of said response in these proceedings. Applicant reserves all objections or other questions as to competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Applicant's responses herein and any information, document, or thing identified or produced in response to the Requests.

Applicant reserves the right to object on any grounds at any time to such other or supplemental requests for production as Google may at any time propound involving or relating to the subject matter of these Requests.

II. OBJECTIONS AND RESPONSES TO ALL REQUESTS FOR PRODUCTION

Applicant objects to all these Requests on the basis that they are overbroad and unduly burdensome.

Applicant further objects to these Requests because it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Applicant also objects to these Requests to the extent that they seek information that is protected from disclosure on the basis of the attorney-client privilege or the work product doctrine. In addition, Applicant objects to some of these Requests to the extent that they seek information that is publicly available and equally accessible to Opposer.
In addition, many of the Opposer requests are vague, ambiguous, and incomprehensible.

On the basis of the foregoing objections, the applicant will not search for documents responsive to these Requests.

The fact that Opposer replies to our efforts of discovery have not been bona fide and has not demonstrated all along any ground of proprietary mark on GOOGLIFE, rather the Opposer tries to access proprietary information that is irrelevant to the argument around the mark, diluting the obvious truth all the while admitting it: GOOGLIFE IS NOT GOOGLE.

Date: April 23, 2016 By: /Jawad Essadki/

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, a true and correct copy of the foregoing

APPLICANT JAWAD ESSADKI'S OBJECTIONS AND RESPONSES TO OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION

was served via FEDEX. to the address specified below:

Morgan A. Champion
COOLEY LLP
1299 Pennsylvania Ave., N.W., Suite 700
Washington, D.C. 20004
And By Email:
mchampion@cooley.com

Counsel for OPPOSER GOOGLE INC.

By: / Jawad Essadki /
600 East Weddell Drive, #40
Sunnyvale, California 94089

Date: April 23, 2016