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

Proceeding	91226469
Party	Defendant Zhu, Jerry
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Date	03/25/2016
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

FACEBOOK, INC)	Opposition No. 91226469
)	
Opposer,)	Application No. 86/587,983
)	
v.)	Mark: STOREBOOK
)	
JERRY ZHU,)	Published in the Official Gazette on
)	August 25, 2015
Applicant.)	
_____)	

ANSWER

Jerry Zhu (“Applicant”), answers Facebook, Inc.’s (“Opposer”) Notice of Opposition as follows:

1. Paragraph 1. Admitted.
2. Paragraph 2. Admitted.
3. Paragraph 3. Admitted.
4. Paragraph 4. Admitted.
5. Paragraph 5. Admitted.
6. Paragraph 6. Admitted.
7. Paragraph 7. Admitted.
8. Paragraph 8. Admitted.
9. Paragraph 9. Admitted.
10. Paragraph 10. Admitted.
11. Paragraph 11. Denied.
12. Paragraph 12. Denied.

13. Paragraph 13. Denied.
14. Paragraph 14. Denied.
15. Paragraph 15. Denied.
16. Paragraph 16. Admitted.
17. Paragraph 17. Admitted as to “Facebook has no control over the nature and quality of the services that are and/or will be offered under the STOREBOOK Mark,” but denied as to the remainder.
18. Paragraph 18. Denied.
19. Paragraph 19. Applicant is without sufficient knowledge to form a belief as to the truth or falsity of the allegations of paragraph 19, and therefore denies the same.
20. Paragraph 20. Admitted.
21. Paragraph 21. Admitted.
22. Paragraph 22. Admitted.
23. Paragraph 23. Admitted.
24. Paragraph 24. Admitted.
25. Paragraph 25. Admitted.
26. Paragraph 26. Denied.
27. Paragraph 27. Denied.
28. Paragraph 28. Denied.

Affirmative Defenses

29. Applicant alleges that BOOK in STOREBOOK does not describe itself as or imply social network.

The meaning of book in STOREBOOK derives from Merriam-Webster dictionary:

1 e : a record of a business's financial transactions or financial condition —often used in plural <the *books* show a profit>

3: something that yields knowledge or understanding <the great *book* of nature> <her face was an open *book*>

4 a (1) : the total available knowledge and experience that can be brought to bear on a task or problem <tried every trick in the *book*> (2) : inside information or analysis

7: a packet of items bound together like a book <a *book* of stamps> <a *book* of matches>

The use of BOOK in STOREBOOK is exactly the same as the dictionary definition of the book.

30. Storebook is a marketplace for goods and services and discounted goods and services from three sources of sellers: large businesses, small businesses, and individuals. Storebook classifies large and small business sellers by industry while classify individual sellers by community. Community, herein, is defined as a collection of individual sellers selling similar goods and services. Examples include students-community that sells used textbooks and mothers-with-new-babies-community that sells baby stuff. Communities are market verticals of individual sellers to find and buy from each other.

31. Therefore, the STOREBOOK mark, describes itself not as a social network but a marketplace. STOREBOOK has not and will not sell services related to social networking but services related eCommerce. The -BOOK suffix does NOT refer to social networking as FACEBOOK does but refers to below three things as defined in **Merriam-Webster dictionary**:

- A collection of stores bounded together like a book in the same way phone numbers are bound together, i.e. a phonebook.
- Total knowledge of deal offerings in the marketplace from multi sources. Storebook is created for consumers to do research online before making buying decisions.
- A record of business financial transactions as STOREBOOK offers its business members the reporting services of sales transactions.

32. The “STORE” component of the mark does NOT describe STOREBOOK’ services to create a social network. STORE describes STOREBOOK’s services to create ecommerce and commerce platform services as our individual and business customers use STOREBOOK to create online stores and sell their offerings. The “BOOK” component and its meaning is NOT derived from “FACEBOOK” but from **Merrian-Webster dictionary**. Accordingly, consumers coming to STOREBOOK website not for social networking but for online research and shopping for discounted goods and creating online stores to sell goods and services.
33. STOREBOOK is not a social networking site because its meaning is not aligned with the dictionary definition of social network.

Social network

noun

1: a network of individuals (such as friends, acquaintances, and coworkers) connected by interpersonal relationships.

2: an online service or site through which people create and maintain interpersonal relationships.

Storebook customers are individuals and businesses as sellers and buyers. They come to storebook site to buy things but not to look for interpersonal relationships. If the seller does not have what a buyer wants, he or she simply look for other sellers. The services offered by storebook being not social networking services are self evident by looking at the website which is full of goods and services like any marketplace websites.

34. Storebook incorporates by reference Paragraphs 29 through 33, inclusive, as if fully set forth herein.
35. STOREBOOK mark is not similar in commercial impression to the FACEBOOK marks. FACE and STORE has only one letter in common and they pronounce differently.
36. FACEBOOK is in the business of social networking. STOREBOOK, however, is in the business of ecommerce and commerce platform. Storebook services involve the creation of online stores, store financial management, and store customer care. Our customers pay for store creation and

management, not social networking, services. Our multi level membership services and fees for each are described in our website. In contrast, Facebook services are mainly interpersonal relationships. Accordingly, Storebook services are of different kind and far more sophisticated than Facebook services. Therefore there are no overlapping goods and services between Facebook and Storebook.

37. As our mark STOREBOOK is used in connection with such different goods and services than those connected to FACEBOOK, consumers will not be confused as to the source of the goods and services in connection with either mark. Consumers looking for deals and looking for ecommerce services will not come to Facebook site, and consumers looking for friends and personal relationships won't come to Storebook site. As it is unlikely Storebook will offer goods in Facebook's line of business, or vice versa, consumers will easily be able to identify from which source Storebook and Facebook's goods and services are coming from.
38. Storebook customers are buyers and sellers of products and services while Facebook customers are social networkers for relationships. Customers who visit facebook will not come to Storebook and vice versa. Confusion between the STOREBOOK mark and FACEBOOK mark is out of the question.
39. Like phonebook categorizing and storing phone numbers, STOREBOOK categorizes and stores online stores; FACEBOOK organizes and categories people (faces). Applicant asserts that for the above reasons STOREBOOK is distinct from FACEBOOK.
40. The selection of STOREBOOK mark is based on dictionary definition, common sense, logic, industry jargons, and most importantly the vision of our business. Storebook vision is consistent with the meaning of words displayed in its mark and its resulting services. The difference between STOREBOOK vision and FACEBOOK vision is so great that there is no need to create any association with the FACEBOOK marks and never intended to.

WHEREFORE, Applicant requests that the notice of opposition be dismissed.

Respectively submitted,

Jerry Zhu,

By 

Jerry Zhu

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition has been served on opposing counsel by mailing said copy on March 25, 2016, via First Class Mail, postage prepaid to:

Thomas Hadid
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Friday, March 25, 2016