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

Proceeding	91226469
Party	Defendant Jerry Zhu
Correspondence Address	JERRY ZHU 10805 HINTON CT GLEN ALLEN, VA 23060-6482 UNITED STATES leaf37@hotmail.com
Submission	Motion to Compel Discovery
Filer's Name	Jerry Zhu
Filer's e-mail	leaf37@hotmail.com
Signature	/Jerry Zhu/
Date	06/02/2016
Attachments	Initial Disclosure.pdf(1332940 bytes) RFD.pdf(468974 bytes)

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

**In the matter of application Serial No. 86/587,983
For the trademark STOREBOOK
Published in the Office Gazette on August 25, 2015**

FACEBOOK, INC.)	
)	
Opposer,)	
)	Opposition Number: 91226469
v.)	
JERRY ZHU)	
Applicant)	

APPLICANT’S RULE 2(A)(1) INITIAL DISCLOSURE

Applicant hereby submits its initial disclosure as required by Rule 26(a)(1) of the Federal Rules of Civil Procedure 37 C.F.R.2.120(a)(3).

- A. In accordance with Rule 26(a)(1)(A), follow in is a list of persons who are likely to have discoverable non-privileged information that Applicant may use to support its claims.

Jerry Zhu, applicant of STOREBOOK mark.

Subject: use and ownership of the Applicant’s mark; design, inspiration and creation for the mark; Applicant’s business operations and activities; Applicant’s goods and services; Applicant’s trademark application; facts and defenses alleged in the Notice of Opposition and Answer thereto.

Opposer’s representative

Pavitra Pothpan, Brand Integrity Manager Facebook, Inc.

Subject: Nature and scope of Facebook’s products and services offered under the FACEBOOK marks; protection of the FACEBOOK marks; use, management, and consumer recognition of the FACEBOOK marks; Facebook’s product marketing and communications; growth and popularity of Facebook; Facebook’s target markets and trade channels for products and services offered under the FACEBOOK marks.

B. In accordance with Rule 26(a)(1)(B), a copy of or description by category of all documents and things now in Applicant's possession, custody or control that it may use to support its defenses. Below documents are all Applicant can provide and provide direct or inferred answers. If Opposer did not find as requested, it only means that what are requested do not exist or not relevant to the matter. It is because Storebook is not an established company but just an individual, the Applicant. There were no documents between marketing departments, between sales departments, and etc. There are no those departments, hence there are no documents recording those activities such as a marketing or sales channels hence no related documents to provide. STOREBOOK mark and related website are mere the Applicant's own venture experiments. Applicant has done many experiments including logo designs and those designs were informal and tested in different places.

Opposer provided a logo design of Applicant similar to Facebook and concluded that the use of STOREBOOK was inspired by FACEBOOK. This claim was simply false as explained in Answer. Applicant has created many logos for experimental purpose and Opposer failed to provide other logos. Among many logos tested outside our website, only one is used in the website. Other logos not used in the website are simply not adopted and hence abandoned. A logo similar to FACEBOOK was abandoned once it was realized that it was similar to FACEBOOK logo. Applicant never wanted and will never in the future create a logo similar to FACEBOOK in anyway. Facebook can be ensured that Storebook will do anything to be distant from FACEBOOK in terms of logo design.

1. Documents reflecting Applicant's creation and first use of its mark. (Exhibit A)
2. Documents reflecting Applicant's many testing marks. (Exhibit B)
3. Documents reflecting Applicant's services and goods. (Exhibit C)
4. Documents reflecting Opposer's goods and services. (Exhibit D)

Applicant reserves the right to amend this list upon identification of other documents and things through discovery or through development of issues.

Dated this 29th Day of May, 2016

Jerry Zhu, Applicant
10805 Hinton Court, Glen Allen, VA 23060
703 823 4609
Jerry.zhu@storebook.net

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Applicant's Rule 26(A)(1) Initial Disclosures has been served on the following by delivering said copy on FACEBOOK via First **Rebecca Givner-Forbes**

Exhibit A

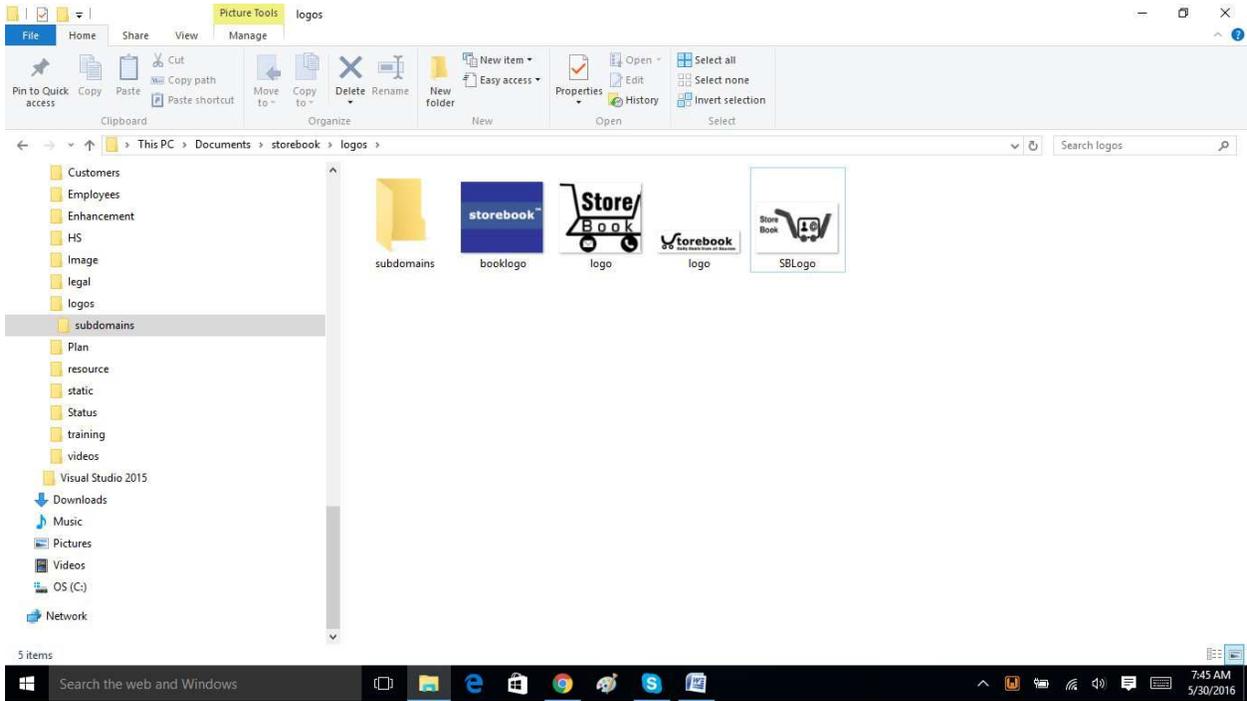


Exhibit B

Learn to code | Codecademy | Visual Studio Express | Storebook - Open your... | Facebook's 1st RFAs to J... | Storebook's Overview | LI... | Adding, Editing or Remo...

https://www.linkedin.com/company/dust2pearl-inc?report%2Esuccess=KJ_KKFGTDCfMt-A7wV3Fn9Yvgwr02Kd6AZHGx4bQCdIP6-2rfP2oxyVoEQiPrcAQ7Bf

Search for people, jobs, companies, and more. Advanced

Home Profile My Network Jobs Interests Business Services Try Premium for free

[The Brown Executive Master in Science and Technology Leadership - Broaden your impact](#)

Store Book
Internet
1-10 employees
10 followers Following Edit

Home Analytics Notifications

Admin Center

Drive engagement
Posting daily company updates is the most effective way to start a conversation, and create word of mouth for your business. [View tips](#)

Share an update

Share with: All followers Share [See all notifications](#)

Customize your image when you post a link!
Now you can upload the image you want in your company's updates with links.

- 1 Create your update, paste in your URL, and then wait for the preview

How You're Connected

- 1 first-degree connection
- 2 Employees on LinkedIn

Search the web and Windows

8:16 AM
5/30/2016

Exhibit C

storebook
Daily Deals from all Sources

Membership Pricing Blog Deals Local Stores Communities My Store

Filter by: Must-Go Sales Dollar Mart 100 Miles from My Location

GOODS & SERVICE OFFERED GOODS & SERVICE WANTED keywords

Pricing

Register as a basic member for free to sell, to buy, and to network
Upgrade to get your own website and do more

Professional Member	Business Member
\$9/month or \$72/year	\$25/month or \$200/year

Basic Member - Anyone who is 13 years of age or older can register to become a basic member. Basic members get a storefront with own web address to list products and services to sell and to buy, connect with other members, create and join groups, and join communities.

Professional Member - limited pages website: ecommerce, social network, credentials, and blog. Members use either a sub-domain (myID.storebook.net) or an existing domain (www.myID.com).

Business Member - Unlimited pages website: ecommerce, store categorization, testimonials, promotions, customer engagements, social networks, social media, sales reporting, and blog.

members buy things from one another and jobs are created at the organization to manage drop off and pickup. Another example is online consignment shop where jobs are created to sell on behalf of sellers who do not have a computer. Still another example is to get excessive items from governments and businesses and sell these items to people under government assistance programs to reduce their cost of living. Opportunities are endless and they exist because of the power of social network capabilities when combined with ecommerce capabilities.

Storebook has the lowest selling fee in marketplace.

What is the total cost to sell 100 items with \$40 each?

Storebook	Etsy	Ebay	Amazon
\$250	\$305	\$576	\$700

Above data is based on the following rate plan per transaction.

	Storebook	Etsy	Ebay	Amazon
Selling fee	\$0.25 + 5%	\$0.20 + 3.5%	\$0.30 + 10%	\$1 + 15%
Payment processing fee	\$0.25	\$0.25 + 3%	\$0.30 + 2.9%	None
Total	\$0.50 + 5%	\$0.45 + 6.5%	\$0.60 + 12.9%	\$1 + 15%

- A payment fee of \$0.31 + 3% of sale price will be charged to buyers if buyers pay by credit/debit cards.
- No payment fee if buyers pay by Dwolla.
- Storebook and Amazon are free to list and relist while Etsy and Ebay charge a fee to list and relist regardless you sell them or not.
- Ebay and Amazon selling fees are complicated but the above fees are typical.
- Group fee, 1% of sales is charged by group owners if both seller and buyer are within the group.

HOME | WHY STOREBOOK | ABOUT US | PRIVACY POLICY | TERMS & CONDITIONS | GROUPS | MARKETS | SHOP BUY LOCAL

Copyright @storebook All rights reserved.

Exhibit D

The screenshot shows a web browser window with the Facebook Help Center page. The browser's address bar shows the URL <https://www.facebook.com/help/1561485474074139>. The page header includes the Facebook logo, the text "Help Center", and a "Go to News Feed" link. Below the header is a search bar with the text "Hi Jerry, how can we help?" and a magnifying glass icon. To the left of the search bar is a cartoon owl character. Below the search bar, there is a "Desktop Help" link and a language selector set to "English (US)".

The main content area is titled "What are the Facebook Services?". It contains the following text:

Facebook offers a wide variety of products and services, including communications and advertising platforms. Many of these products and services — such as the Facebook mobile app, Messenger, and Paper — are part of your Facebook experience. Other services, such as Slingshot, Rooms, or the Internet.org app, offer more independent experiences (ex: they may not require you to register for or sign in to the service using your Facebook account). Certain services, such as Page Manager or Audience Insights, are products that we offer our business partners such as advertisers. All of these Services are covered by our Data Policy, which describes how we collect, use and disclose your information. Sometimes supplemental terms may also apply to specific products or services, which we will tell you about through those services.

Please note that in some cases, products and services that we offer have their own separate privacy policies and terms.

Our family of companies also have their own separate services, terms and policies. You can see a list of our companies and links to their policies.

Below the text, there is a feedback section with the question "How helpful did you find this answer?" and five smiley face icons. To the right of the feedback section are links for "Permalink", "Share", and "Related articles".

On the left side of the page, there is a navigation menu with the following items:

- Login & Password
- Get Started on Facebook
- Manage Your Account
- Privacy
- Security
- News Feed
- Sharing
- Messaging
- Connecting
- Pages
- Ads

The Windows taskbar at the bottom shows the search bar "Search the web and Windows" and several application icons. The system tray on the right shows the time "8:34 AM" and the date "5/30/2016".

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FACEBOOK, INC.)	
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JERRY ZHU)	
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**APPLICANT’S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS
TO OPPOSER**

Propounding Party: Opposer Facebook, Inc.

Responding Party: Applicant Jerry Zhu

Set Number: One

DOCUMENT REQUESTS Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120). Trademark Trial and Appeal Board Manual of Procedure § 408, and Federal Rule of Civil Procedure 34, Applicant JERRY ZHU requests that Opposer FACEBOOK produce for inspection and copying the documents WITH 30 days of service hereof and in accordance with the Definitions and Instructions set forth below.

I. DEFINITIONS

Notwithstanding any Definition below, each word, term, or phrase used in these Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. As used in these Requests, words in capital letters are defined as follows:

1. YOU, YOUR, or YOURS refer to Opposer and anyone acting on his behalf, including without limitation his employees, partners, attorneys, accountants, licensees, and consultants, as well as any business entity owned or operated by Applicant, including any such business entity's officers, employees, partners, directors, corporate parent, subsidiaries, affiliates, attorneys, accountants, licensees, and consultants.
2. COMMUNICATION is used in its broadest sense, and means any transmission of information from one PERSON to another by any means, including without limitation written communications, telephone communications, in-person communications, email, instant messaging, and other electronic communications.
3. CONCERN or CONCERNING means constituting, relating to, reflecting, regarding, memorializing, identifying, embodying, referring to, pertaining to, commenting on, discussing, analyzing, considering, describing, containing, consisting of, connected to, indicating, evidencing, supporting, or refuting.
4. DOCUMENT or DOCUMENTS shall have the broadest meaning ascribed to those terms by Federal Rule of Civil Procedure 34, and include electronically-stored information and tangible things, whose discovery is permitted under Rule 34(a)(1), and writings as defined by Rule 1001(1) of the Federal Rules of Evidence. A draft or non-identical copy is a separate "document" within the meaning of this term.
5. PERSON means any natural person, business, or other legal entity.
6. OPPOSITION refers to Opposition No. 91226469, filed by Facebook on February 22, 2016.
7. YOUR ANSWER refers to the Answer YOU filed in the OPPOSITION on March 25, 2016.
8. STOREBOOK MARK refers to the mark reflected in U.S. Application No. 86/587,983.
9. FACEBOOK MARKS refer collectively to all of Facebook's marks that consist of or incorporate the term FACEBOOK, including without limitation the FACEBOOK marks identified in Facebook's Notice of Opposition filed on February 22, 2016.

II. INSTRUCTIONS

1. YOU shall produce all non-privileged DOCUMENTS or tangible things in YOUR possession, custody, or control that are responsive to these Requests. If YOU object to part of a Request and refuse to respond to that part, YOU shall produce all DOCUMENTS called for which are not subject to that objection. If YOU object to the scope or time period of a Request, YOU shall state YOUR objection and produce all documents responsive to the Request that are not covered by YOUR objection.
2. If, in responding to these Requests, YOU encounter any ambiguities when construing a Request or Definition, YOU shall set forth in YOUR written response to the Request the matter deemed ambiguous and the construction used in responding.
3. Each DOCUMENT or tangible thing produced in response to these Requests shall be produced as it is kept in the usual course of business, including file folders, binders, notebooks, and other devices by which such papers or things may be organized or separated, or it shall be organized and labeled to correspond with the Requests to which it is responsive. All DOCUMENTS that are physically or electronically attached to each other shall be produced in that form and designated accordingly in an electronic production.
4. DOCUMENTS should be produced in a form pursuant to a production protocol to be agreed upon by the parties, in a form in which they are ordinarily maintained (e.g., native form), or in a reasonably usable form (e.g., TIFF images with Concordance-compatible load files).
5. If there are no DOCUMENTS or things responsive to any particular Request, YOU must indicate the same in writing. If any responsive DOCUMENT is no longer in existence, cannot be located, or is not in YOUR possession, custody, or control, identify it, describe its subject matter, and describe its disposition, including without limitation identifying the PERSON(S) having knowledge of its disposition.
6. These Requests are continuing so as to require prompt supplemental responses as required under Federal Rule of Civil Procedure 26(e) up to and including the time of trial of the OPPOSITION. If YOU come into possession, custody, or control of responsive DOCUMENTS or 4 things after the initial production, YOU shall supplement the production by promptly producing such DOCUMENTS or things.

7. If YOU believe that any Request calls for the disclosure of privileged information, YOU must comply with the requirements of Federal Rule of Civil Procedure 26(b)(5) as to each DOCUMENT for which a claim of privilege or protection from discovery is made.

8. When a DOCUMENT contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without disclosing the privileged material. If a privilege is asserted with regard to part of the material contained in a DOCUMENT, YOU must clearly indicate the portions as to which the privilege is claimed. When a DOCUMENT has been redacted or altered in any fashion, YOU shall identify as to each DOCUMENT the reason for the redaction or alteration, the date of the redaction or alteration, and the individual performing the redaction or alteration. Any redaction must be clearly visible on the redacted DOCUMENT.

9. Whenever used herein, the present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all"; "any" means "any and all." "Including" means "including but not limited to." "And" and "or" encompasses both "and" and "or." Words in the masculine, feminine, or neutral form shall include each of the other genders. III.

10. If Documents requested below are already provided, simply identify and provide documents that are not yet provided.

III. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All DOCUMENTS CONCERNING facts that form the basis of any defense responding in the Applicant's ANSWER.

REQUEST FOR PRODUCTION NO. 2:

All DOCUMENTS YOU used, identified, relied upon, or referred to when defining the social network services offered by Opposer FACEBOOK.

REQUEST FOR PRODUCTION NO. 3:

DOCUMENTS sufficient to show the prices YOU charge or intend to charge social network services that YOU offer or intend to offer in connection with the FACEBOOK MARK.

REQUEST FOR PRODUCTION NO. 4:

All DOCUMENTS YOU intend to rely on in the OPPOSITION.

Dated this 29th Day of May, 2016

Jerry Zhu, Applicant

10805 Hinton Court, Glen Allen, VA 23060

703 823 4609

Jerry.zhu@storebook.net

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