

ESTTA Tracking number: **ESTTA727062**

Filing date: **02/15/2016**

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

Proceeding	91223142
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Date	02/15/2016
Attachments	Motion for Summary.pdf(189554 bytes) Ex A-H.pdf(2287861 bytes) Ex I.pdf(3724181 bytes) Ex J.pdf(1618188 bytes) Ex K 1 of 2.pdf(3050336 bytes) Ex K 2 of 2.pdf(3938118 bytes) Ex L-N.pdf(5317842 bytes) Ex O-P.pdf(4008310 bytes) Ex Q 1 of 2.pdf(3719285 bytes) Ex Q 2 of 2.pdf(3622330 bytes) Ex R.pdf(117859 bytes) Ex S.pdf(76960 bytes) Ex T.pdf(927589 bytes) Ex U.pdf(91914 bytes) Ex V.pdf(294243 bytes) Ex W.pdf(211020 bytes) Ex X.pdf(83794 bytes) Ex Y.pdf(179318 bytes)

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

Javier Rodriguez, LLC

Opposer,

Opposition No: 91223142

v.

Zyis Ltd.,

Applicant.

**OPPOSER'S RESPONSE TO APPLICANT'S RENEWED MOTION TO DISMISS OR,
IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT AND CROSS-
MOTION FOR SUMMARY JUDGMENT**

Opposer Javier Rodriguez, LLC, by and through its attorneys Revision Legal, PLLC, hereby responds to Applicant's Renewed Motion to Dismiss or, in the alternative, Motion for Summary Judgment and Cross-Motion for Summary Judgment. In doing so, Opposer relies on this combined motion and brief.

INTRODUCTION

The proposed mark at issue in this matter, FRIV, is a generic term. Opposer has consistently maintained that the term "friv" is generic since the filing of its first opposition against Applicant's previous application for registration on May 5, 2014. Knowing that it was going to lose in the previous opposition proceeding, Applicant filed two additional applications for registration of the term "friv" with the USPTO. Additionally, Applicant filed an application with the Office for Harmonization in the Internal Market's Trade Marks and Designs office to obtain a EU Community Mark. Applicant used this EU mark as the basis for its initiation of an arbitration proceeding under the Uniform Domain

Name Dispute Resolution Policy to request the transfer of <friv.co> domain name from Opposer. Applicant cynically hijacked Opposer's domain name and now uses its bad faith actions as the basis for its claim that Opposer lacks standing. Opposer hereby responds to Applicant's Motion and moves that the Board grant summary judgment in Opposer's favor, finding that the term "friv" is generic.

I. STATEMENT OF FACTS

On October 25, 2013, Applicant applied for registration on the Principal Register for the mark FRIV (the "Mark") for "Entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing temporary use of non-downloadable video games."¹ On March 18, 2014, the Mark was published for opposition. On May 5, 2014, and after an extension of time to oppose was granted, Opposer filed its Notice of Opposition on the grounds that FRIV is a generic term and that the relevant purchasing public understands the designation FRIV to primarily refer to the genus of short computer games playable on the Internet.² Also on May 5, 2014, the United States Patent and Trademark Office's Trademark Trial and Appeal Board issued a letter to the parties notifying them of the Notice of Opposition and setting forth a schedule of dates.³

On August 7, 2014, Opposer served discovery requests on Applicant, including Requests to Admit, Interrogatories, and Requests for Production of Documents. Applicant failed to timely provide responses to Opposer's discovery responses. Opposer sought in good faith to resolve the matter and provided Applicant with an extension to provide discovery answers. Applicant failed to do so. Opposer then filed a Motion to

¹ See **Exhibit A**, March 12, 2015 Trademark Application.

² See **Exhibit B**, Notice of Opposition.

³ See **Exhibit C**, TTAB Order dated May 5, 2014.

Deem Admissions Admitted. Applicant failed to respond. On November 18, 2014, the Board granted Opposer's Motion to Deem Admissions Admitted.⁴

On March 17, 2015, presumably in an attempt to avoid its failure to prosecute its application for registration of FRIV (Serial No. 86101423), Applicant filed two additional applications for registration of FRIV under Serial Nos. 86566285 (design plus words mark) and 86562665 (character mark). In response, Opposer filed the instant opposition proceeding on August 5, 2015. Applicant's '285 and '665 marks seek registration in International Class 041 for use in association with providing online computer games, which is in contrast to its initial '423 application, which sought registration in International Class 009 for use in association with computer game programs.

On March 16, 2015, Applicant filed an application for registration of FRIV with the Office for Harmonization in the Internal Market's Trade Marks and Designs office (Application No. 013839287) to obtain a EU Community Mark. This EU Community Mark was registered on July 2, 2015 See **Exhibit U**, Printout of EU Community Mark. This mark was filed for use in association with "[e]ntertainment services, namely, providing on-line computer games; [e]ntertainment services, namely, providing temporary use of non-downloadable video games."

While these subsequently filed applications were pending, and on January 9 and 13, 2015, respectively, Applicant filed a Motion to Extend Discovery and to Withdraw and Amend Admissions and Reopen the Time to Respond to Discovery Requests. The Board denied Applicant's request to withdraw its admissions. Applicant then filed a Motion for Reconsideration and a Petition for Supervisory Review. Applicant's Motion

⁴ See **Exhibit D**, TTAB Order dated Nov. 18, 2014.

was denied on October 30, 2015⁵. Subsequently, on November 6, 2015, Applicant withdrew its application for registration. The Board entered judgment against Applicant on November 10, 2015⁶.

While the instant opposition proceeding was pending, and on November 20, 2015, Applicant filed an arbitration proceeding with the National Arbitration Forum, which sought the transfer of the <friv.co> domain name from Opposer to Applicant under the limited terms of the Uniform Domain Name Dispute Resolution Policy (“UDRP”). See **Exhibit V**, UDRP Complaint. The sole basis for Applicant’s request was its EU Community Mark registration, and Applicant deceptively failed to inform the UDRP panel of the ongoing proceedings with any factual specificity. Opposer filed a response, which argued that the dispute between the parties was outside of the limited scope of the UDRP. See **Exhibit W**, UDRP Response. On January 11, 2016, the Panel ruled in Applicant’s favor, ignoring Opposer’s arguments. Subsequently, the <friv.co> domain name was transferred to Applicant. See **Exhibit Y**, Notice of Decision.

Opposer now moves for Summary Judgment on both the procedural and substantive aspects of Applicant’s applications for registration.

II. STANDARD OF REVIEW

Summary judgment is only appropriate where there are no genuine disputes as to any material facts, thus allowing the case to be resolved as a matter of law. Fed. R. Civ. P. 56(a). The party seeking summary judgment bears the burden of demonstrating the absence of any genuine dispute of material fact, and that it is entitled to a judgment under the applicable law. See *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986);

⁵ See **Exhibit R**, TTAB Order dated October 30, 2015.

⁶ See **Exhibit S**, Judgment against Applicant.

Sweats Fashions, Inc. v. Pannill Knitting Co. Inc., 833 F.2d 1560, 4 USPQ2d 1793, 1796 (Fed. Cir. 1987). This burden is greater than the evidentiary burden at trial. See TBMP § 528.01 and cases cited therein. A factual dispute is genuine if, on the evidence of record, a reasonable fact finder could resolve the matter in favor of the non-moving party. See *Opryland USA Inc. v. Great Am. Music Show Inc.*, 970 F.2d 847, 23 USPQ2d 1471, 1472 (Fed. Cir. 1992); *Olde Tyme Foods, Inc. v. Roundy's, Inc.*, 961 F.2d 200, 22 USPQ2d 1542, 1544 (Fed. Cir. 1992). Evidence on summary judgment must be viewed in a light most favorable to the non-movant, and all justifiable inferences are to be drawn in the nonmovant's favor. *Lloyd's Food Prods., Inc. v. Eli's, Inc.*, 987 F.2d 766, 25 USPQ2d 2027, 2029 (Fed. Cir. 1993); *Opryland USA*, 23 USPQ2d at 1472. The Board may not resolve genuine disputes as to material facts; it may only ascertain whether genuine disputes as to material facts exist. See *Lloyd's Food Prods.*, 25 USPQ2d at 2029; *Olde Tyme Foods*, 22 USPQ2d at 1544.

As has often been stated, the purpose of summary judgment is one of judicial economy, namely, to save the time and expense of a useless trial where no genuine issue of material fact remains and more evidence than is already available in connection with the motion for summary judgment could not be reasonably expected to change the result. See, e.g., *Levi Strauss & Co. v. Genesco, Inc.*, 742 F.2d 1401, 222 USPQ 939, 941 (Fed. Cir. 1984) and *Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 222 USPQ 741, 743 (Fed. Cir. 1984).

III. ARGUMENT

A. APPLICANT'S MOTION TO DISMISS/MOTION FOR SUMMARY JUDGMENT BASED ON STANDING MUST BE DENIED.

Applicant argues at length that Opposer no longer has standing because Applicant has obtained the <friv.co> domain name under the Uniform Domain Name Dispute Resolution Policy. Pursuant to Section 13 of the Trademark Act, 15 U.S.C. § 1063, an opposition may be brought by “any person who believes that he is or will be damaged by the registration of a mark on the principal register....” Damage, in this section, relates to standing: a party must plead and prove a “real interest” in the case, that is, a personal interest in the outcome of the proceeding beyond that of the general public or a mere intermeddler. See *Otto Roth & Co. v. Universal Foods Corp.*, 640 F.2d 1317, 1321 (C.C.P.A. 1981) (“It is clear that use of a term in a descriptive sense is sufficient to impart standing to oppose federal registration of a descriptive ‘word, name, symbol, or device’ as a trademark.”). Standing is proper where a party has shown that it is engaged in the sale of the same goods or services as those listed in the applicant’s application and where the opposer’s freedom to continue a generic or descriptive use would be placed in jeopardy as a result of the granting of a registration. See *Sheetz of Delaware, Inc.*, 108 U.S.P.Q. 2d 1341 (P.T.O. Sept. 5, 2013) (“To prove its standing to opposed the registration of an allegedly generic term, a plaintiff need only show it is engaged in the manufacture or sale of the same or related goods as those listed in the applicant’s application; that is, that plaintiff has the right to use the term in a descriptive or generic manner.”); see also *McCormick & Co. v. Summers*, 354 F.2d 668, 674 (C.C.P.A. 1966) (“It must be emphasized that McCormick is not asserting trademark rights but merely freedom to continue a descriptive use. Certainly this right would be placed in jeopardy by a grant of registration as sought by Summers on the Principal

Register with its attendant presumptions of validity, ownership and the right to exclusive use.”).

Opposer previously pled and proved its standing in this matter. Opposer offers the same services as Applicant, namely, non-downloadable software, under the term “friv.” See **Exhibit X**, Declaration of Nader. Opposer previously owned the <friv.co> domain name before Applicant hijacked that domain name through the UDRP process. See **Exhibit Y**, Notice of Decision. And Opposer continues to own the <juegosfriv.co> domain name, at which Opposer continues to offer the same services as Applicant. See **Exhibit X**, Declaration of Nader.

Applicant’s assertion that Opposer lacks standing in this matter after it obtained the <friv.co> domain name through a truncated arbitration proceeding and on the basis of its asserted European trademark rights can only be described as bad faith. Trademark rights are territorial, and “a trademark is recognized as having a separate existence in each sovereign territory in which it is registered or legally recognized as a mark.” J. Thomas McCarthy, 4 *McCarthy on Trademarks and Unfair Competition* § 29:1, pp. 29-4, 29-5 (4th ed. 2000), citing *Person’s Co. v. Christman*, 900 F.2d 1565, 14 U.S.P.Q. 2d 1477 (Fed. Cir. 1990). Applicant used this territoriality to its advantage to obtain the <friv.co> domain name in an attempt to disrupt the lawful resolution of this proceeding on its merits and Applicant should be sanctioned for its bad-faith conduct under the inherent authority of the Board. See *Cent. Mfg. Inc.*, 61 U.S.P.Q. 2d 1210 (P.T.O. Dec. 7, 2001). A judgment against Applicant is an appropriate sanction for such bad faith.

Even assuming, *arguendo*, Opposer no longer owned any domain names containing the generic term “friv,” Opposer would still have standing because Opposer has been damaged by Applicant through the hijacking of Opposer’s <friv.co> domain. And Opposer continues to have a reasonable basis for its belief in damage, which stems, in part, from Applicant’s hijacking of Opposer’s domain name and the likelihood that Applicant will again use the doctrine of territoriality to hijack Opposer’s <juegosfriv.co> domain name. Opposer remains under constant fear that Applicant will use its non-existent rights to steal Opposer’s property, which is enough to support standing in this case. See *Montecash, LLC*, 95 U.S.P.Q. 2d 1060 (P.T.O. May 7, 2010) (“The focus must be on whether petitioner has shown a reasonable basis for its belief in damage, and there is no requirement that any actual “damage” be pled or proved to establish standing.... In a case involving assertion of an equal right to use a term, the question is whether the presumptions flowing from the respondent’s registration are damaging to petitioner’s right to legal and continuous use of that term. Competitors in the same field or industry as the respondent have a personal stake in the resolution of the question.”). For these reasons, Opposer has established standing and Applicant’s Motion must be denied.

B. SUMMARY JUDGMENT IS PROPER BECAUSE APPLICANT’S APPLICATIONS FOR REGISTRATION ARE BARRED BY ISSUE PRECLUSION

Opposer’s Motion for Summary Judgment must be granted because Applicant’s applications for registration of the ‘285 and ‘665 marks are precluded by the doctrines of issue and claim preclusion. In order for issue preclusion to apply, the following requirements must be met: (1) the issue to be determined must be identical to the issue

involved in the prior litigation; (2) the issue must have been raised, litigated, and actually adjudged in the prior action; (3) the determination of the issue must have been necessary and essential to the resulting judgment; and (4) the party precluded must have been fully represented in the prior action. See *Mother's Restaurant, Inc. v. Mama's Pizza, Inc.*, 723 F.2d 1566, 1569-70 (Fed. Cir. 1983). "To preclude parties from contesting matters that they have had a full and fair opportunity to litigate protects their adversaries from the expense and vexation attending multiple lawsuits, conserves judicial resources, and fosters reliance on judicial action by minimizing the possibility of inconsistent decisions." *Montana v. United States*, 440 U.S. 147, 153-54 (1979).

Applicant has filed two additional trademark applications for FRIV, the '285 and '665 applications, which are intended to provide Applicant with second bite at the apple so that it can avoid the prejudicial effect of its withdrawal of its prior application for the '423 mark, which resulted in the successful opposition of that mark by Opposer. Applicant has filed these applications to avoid the preclusive effect of its failure to respond to Opposer's Requests to Admit. Applicant should not be rewarded for its fraud on the Board.

In this matter, the issue to be determined is identical to the issue that was involved in the opposition of the '423 mark: Applicant's purported FRIV mark is generic. Additionally, the genericness of Applicant's purported FRIV mark was raised, litigated, and actually adjudged in the prior action. Applicant will contend that it was dealt an unfair hand—that it missed its opportunity to respond to Opposer's Requests to Admit. But what is the purpose of such requests if they are provided no preclusive effect? Applicant failed to respond to Opposer's Requests to Admit for a period of

approximately six months. Its failure to respond served as the substantive basis for the Board's determination that Applicant's Requests to Admit should be admitted.⁷ The determination of the Board was not only necessary and essential to the resulting judgment, but it was the very reason for the judgment: had Opposer not prevailed in its motion to deem its Request to Admit admitted, and had Applicant not failed in its Motion for Reconsideration, Applicant would not have withdrawn its application for registration. Applicant was fully represented in the prior action, fully litigated the substantive merits of that prior application⁸, and lost. Applicant should not now have an opportunity to skirt the effects of that loss by filing for substantially the same marks in association with identical software. Summary judgment is proper because Applicant is precluded from registering these marks by issue preclusion.

C. SUMMARY JUDGMENT IS PROPER BECAUSE THERE IS NO GENUINE ISSUE OF MATERIAL FACT THAT THE RELEVANT PUBLIC UNDERSTANDS FRIV TO PRIMARILY REFER TO COMPUTER GAMES

"A name of a thing cannot be a trademark for that thing." 2 McCarthy on Trademarks and Unfair Competition § 12:1. As a result, a generic name of a product or service can never function as a trademark to indicate origin. *Id.*

A mark is a generic name if it refers to the class or category of goods and/or services on or in connection with which it is used. *In re Dial-A-Mattress Mattress Operating Corp.*, 240 F.3d, 1341, 57 USPQ2d 1807 (Fed. Cir. 2001), citing *H. Marvin Ginn Corp. v International Association of Fire Chiefs, Inc.*, 782 F.2d 987, 228 USPQ 528 (Fed. Cir. 1986 ("*Marvin Ginn*")). The test for determining whether a mark is generic is a

⁷ See **Exhibit D**, TTAB Order dated Nov. 18, 2014.

⁸ It is worth noting that Applicant agreed that an order deeming Opposer's Requests to Admit admitted would have the effect of substantively ending Applicant's application for registration. See **Exhibit T**, Applicant's Motion for Reconsideration pg. 11.

two-step inquiry: “First, what is the genus of goods or services at issue? Second, is the term sought to be registered . . . understood by the relevant public primarily to refer to that genus of goods or services?” *Marvin Ginn*, 228 USPQ at 530.

i. The Genus Of Goods Is Computer Games

“[A] proper genericness inquiry focuses on the description of services set forth in the certificate of registration.” *Magic Wand, Inc. v RDB, Inc.*, 940 F.2d 638, 19 USPQ2d 1551, 1552 (Fed. Cir. 1991). However, in certain circumstances it may be appropriate to consider other evidence to inform the Board's understanding of the nature of the identified services. *In re Reed Elsevier Properties Inc.*, 482 F.3d 1376, 82 USPQ2d 1378, 1380 (Fed. Cir. 2007) (approving the Board's review of the subject website); *In re Steelbuilding.com*, 415 F.3d 1293, 1298, 75 USPQ2d 1420 (Fed. Cir. 2005) (examining the subject website in order to understand the meaning of terms for which coverage was sought and thereby define the genus of covered services).

Here, Applicant's Trademark Application⁹ describes the related goods or services as “Entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing temporary use of non-downloadable video games.” However, Applicant has also admitted that the proper genus of goods is “computer games.”¹⁰ Further, a review of Applicant's website¹¹ shows that the only goods and services Applicant provides are computer games. *In re Steelbuilding.com*, 415 F.3d at 1298; *see also In re Country Music Ass'n*, 100 USPQ2d 1824, 1827-28 (TTAB 2011) (noting that the genus of the goods and/or services is often defined by an applicant's identification of goods and/or services). The webpage is simply a grid-like pattern of

⁹ See **Exhibit A**, Applicant's Trademark Application

¹⁰ See **Exhibit E**, Opposer's First Requests for Admissions, ¶ 5,6.

¹¹ See **Exhibit A** Applicant's Trademark Application Specimen, showing its purported use on <friv.com>.

small images serving as links to computer games. There are no other goods or services offered by Applicant or its website.¹² As a result, Opposer contends the proper genus classification is “computer games.”

ii. The Relevant Public Understands Friv To Primarily Refer To Computer Games

Within the second part of the genericness test, the “relevant public” refers to the consuming public for the goods or services in question. *Sheetz of Del., Inc. v. Doctor’s Assocs. Inc.*, ___ USPQ2d ___, Opp’n No. 91192657 (TTAB Sept. 5, 2013). It is not necessary to show that the “relevant public” actively or expressly uses the term, but rather, whether or not they recognize the term as generic. *In re 1800Mattress.com IP LLC*, 586 F.3d 1359, 92 USPQ2d 1682, 1685 (Fed. Cir. 2009). The “relevant public’s” understanding of a term can be shown using any competent source, including dictionary definitions, research databases, newspapers, and other publications. *In re Northland Aluminum Products, Inc.*, 777 F.2d 1556, 227 USPQ 961 (Fed. Cir. 1985). Additionally, Applicant’s website, as well as other websites representing dealers of similar goods or services, can evidence the meaning of the term in relation to the goods or services. *In re Reed Elsevier Properties Inc.*, 482 F.3d 1376, 82 USPQ2d 1378 (Fed. Cir. 2007) (in holding LAWYERS.COM generic, the Board properly considered applicant’s website and eight other websites containing “lawyer.com” or “lawyers.com” to determine the meaning of applicant’s “information exchange about legal services”).

The relevant issue in this case is whether or not consumers of computer games (the “relevant public”) recognize the term “friv” to represent computer games. Because Applicant is attempting to use FRIV to identify the genus “computer games,” computer

¹² See **Exhibit F**, *Friv.com: Guide to the Free Games Network* online article, describing Friv.com as a “games network” and “gaming site.”

game users are the consumers of the goods in question. *Sheetz*, ___ USPQ2d at ____.

The evidence is overwhelming and no genuine issue of material fact remains for trial.

First, the popular online dictionary Urban Dictionary has one definition for “friv,” which reads: “A *gaming* site dedicated to a page of mini *games* ranging in type, style and content. Generally go on when someone is very bored and has nothing else to do.”¹³ Second, a Google search for “friv” yields *fourteen* straight pages of results, all of which are links to online gaming websites.¹⁴ In other words, the first one hundred and forty search results for the term “friv” turn up links to computer games with friv as part of the domain itself. Finally, Applicant’s own gaming website, along with hundreds of other gaming websites that use “friv” in their titles and URL’s, evidences that the mark FRIV primarily refers to computer games.¹⁵ *In re Reed Elsevier*, 82 USPQ2d 1378. These websites use the term “friv” in their URL’s and within the titles of their websites to identify the availability of computer games. One look at Opposer’s **Exhibit I**, and one can see the industry standard for friv gaming websites—namely, small, colorful, graphic images serving as links to computer games—and just how many of these websites exist. All of these website URL’s use “friv” as the main element of the domain name, and many contain “game(s)” as well:

- friv1000games.org
- friv9000games.org
- frivarcgames.org
- friv4000games.org

¹³ See **Exhibit G**, Urban Dictionary (emphasis added).

¹⁴ See **Exhibit H**, Google Search Results.

¹⁵ See **Exhibit I**, Screenshots of Various Gaming Websites with “friv” in the Domain.

- friv2014games.org
- friv2015game.net
- friv600games.com
- friv10000games.net
- friv200games.net¹⁶

All of this sheds light on the general understanding amongst computer game users, the “relevant public” in this case, that FRIV is a generic mark for computer games.

Beyond these examples, searches of extremely popular and expansive social media applications and online game stores yield thousands of results, **all** of which tie the term “friv” to computer games. These results show that the relevant public—and Internet users even beyond the relevant public—associate the term “friv” with computer games, because the websites, users, and entities that appear in the search results either (1) use the terms “friv” in the title of their post and/or (2) tag the term “friv” so that those searching for the term will find them. The websites, users, applications, etc. appearing as search results are mostly online gaming-based. This shows a clear connection between the term “friv” and online gaming.

The searches are listed and cited below:

- **Twitter** – Results from a search of the social media application Twitter using the keyword “friv” resulted in pages upon pages of “tweets” (140 character messages that users write and publish to the Twitter platform, which can then be seen by any other user) that include the word “friv.” Almost all of these tweets associate “friv” with computer games. See **Exhibit J**, Twitter Search Results.

¹⁶ See **Exhibit I**, Screenshots of Various Gaming Websites with “friv” in the Domain.

- **Instagram** – Results from a search of the social media application Instagram using the keyword “friv” resulted in over 3000 pictures and videos with captions in which users “hashtagged” (tagged or marked) the word “friv.” Almost all of these photographs and videos show people playing computer games, many of them children. See **Exhibit K**, Instagram Search Results.
- **Facebook** – Results from a search of the social media application Facebook using the keyword “friv” resulted in hundreds of Facebook pages using the word “friv” in the title of the page. All of the pages were created by computer gaming websites and portals for the purpose of directing Facebook users to their websites. See **Exhibit L**, Facebook Search Results.
- **YouTube** – Results from a search of the online video hub YouTube using the keyword “friv” resulted in thousands of videos, all of which featured walkthroughs, reviews, or game footage of computer games. See **Exhibit M**, YouTube Search Results.
- **Reddit** – Reddit.com is a content sharing forum that can be described as an online bulletin board. It allows users to post user-generated content, links, pictures, and all kinds of other content. Reddit’s “bulletin boards” are called sub-Reddits, which act as specific pages for specific content. There is a sub-Reddit page for “Friv,” which features links to computer gaming websites. See **Exhibit N**, Reddit Page.
- **Apple App Store** – Results from a search of the Apple App Store (an online marketplace, run by Apple, Inc. that sells mobile applications and games for iPhones and iPads) using the keyword “friv” resulted in hundreds of *computer*

games sold by vendors in the App Store. See **Exhibit O**, Apple App Store Search Results.

- **Google Play Store** – Results from a search of the Google Play store (the Google version of the Apple App Store) using the keyword “friv” resulted in hundreds of *computer games* sold by vendors in the Play Store. See **Exhibit P**, Google Play Store Search Results.

Even in a light most favorable to Applicant, it cannot show that FRIV is not generic. In fact, Applicant has admitted, in the prior TTAB opposition proceeding, that many of the above referenced websites offer substantially similar goods and services, and that the term FRIV is understood by the relevant public to primarily refer to computer games.¹⁷ Applicant’s repeated failure to submit answers to Opposer’s First Requests for Admission resulted in the requests to be deemed admitted as a matter of law. But, as evidenced above, the rampant use of the term FRIV is almost exclusively connected with computer games. In short, FRIV is the name of computer games and as a result, cannot be a trademark for computer games. Opposer is confident that its instant motion could stand on its own without consideration of Applicant’s admissions. But the Board cannot ignore Applicant’s admissions.

First, Applicant has admitted that the following domain names resolve to websites and apps that provide substantially similar goods and/or services as Applicant:

- A. <http://friv.today/>
- B. <http://www.frivbest.com/>
- C. <http://friv.co/>
- D. <http://bestfrivgames.net/>
- E. <http://friv.ge/>
- F. <http://www.friv.org.in/>

¹⁷ See **Exhibit E**, Opposer’s First Requests for Admissions, ¶ 1, 6.

- G. <http://www.friv-girls.com/>
- H. <http://www.girls-friv.com/>
- I. <http://www.frivfan.com/>
- J. <http://barbie.friv365.net/>
- K. <http://www.friv-games.eu/>
- L. <http://www.friv2014games.org/>
- M. <http://www.3dfrivgames.com/>
- N. <http://www.1frivgames.com/>
- O. <http://my-friv.com/>
- P. <http://www.friv.mn/>
- Q. <http://www.friv1000.com/>
- R. <http://www.friv2.org.uk/>
- S. <http://www.friv4.co.in/>
- T. <http://friv2014.friv.asia/>
- U. <http://www.friv10.co/>
- V. <http://www.frivgamesbook.com/>
- W. <http://www.friv00.com/>
- X. <http://best-friv-games.de.tl/>
- Y. <http://www.frivgamescon.com/>
- Z. <http://parking.frivmini.com/>
- AA. <http://www.frivco.org/>
- BB. <http://www.friv14.com/>
- CC. <http://www.frivaboo.org/>
- DD. <http://www.frivcon.com/>

Apps

- A. <http://www.friv.org/> <https://itunes.apple.com/us/app/friv-games/id721668874?mt=8>
- B. <http://www.amazon.com/Hopy-Games-FRIV/dp/B00FWJ8Q0K>

Screenshots of each website and app are attached as **Exhibit Q**. As one can plainly see, all of these websites offer users the ability to play computer games. There is simply no question that the goods or services offered by Applicant are identical to those listed in **Exhibit Q**. Second, Applicant has admitted as a matter of law the domains and apps referenced above do not relate to, and are not owned by, Applicant. Third, Applicant has admitted that FRIV is a shortened version of the term FRIVOLOUS. Again, as one can plainly see from the evidence provided, the FRIV computer games offered on hundreds of websites are advertised as simple, quick games to play. In other words, these are not

serious or complicated games. They are FRIVOLOUS games. And FRIV is unquestionably a shortened version of the term FRIVOLOUS as the first four letters are identical. Fourth, and as confirmed by Applicant's description of the goods or services it provides, the genus of goods identified in International Class 009 is computer games. Finally, Applicant has admitted the term FRIV is understood by the relevant public to primarily refer to computer games.¹⁸

There is no evidence Applicant could produce that would change the fact that "friv" is generic. *Genesco, Inc.*, 222 USPQ at 941. Therefore, there are no undisputed facts at issue in this matter; no "reasonable fact finder could decide the question in favor of the non-moving party." *Opryland USA Inc.*, 970 F.2d 847. Therefore, there can be no conclusion other than that FRIV is a generic mark for the genus "computer games," and Opposer's Motion for Summary Judgment should be granted by the Board.

II. FRIV Cannot Claim Acquired Distinctiveness

FRIV is a generic mark and therefore it cannot claim that it acquired distinctiveness through use because evidence of acquired distinctiveness cannot suffice to convert a generic term into a registrable mark. As the Board observed in *Continental Airlines Inc. v. United Airlines Inc.*, 53 USPQ2d 1385,1395 (TTAB 1999):

Even if one has achieved de facto acquired distinctiveness in a generic term through promotion and advertising, the generic term is still not entitled to protection because to allow protection would "deprive competing manufacturers of the product of the right to call an article by its name." *America Online Inc. v. AT & T Corp.*, 51 USPQ2d 1865, 1873 (E.D. Va. 1999), citing *Abercrombie & Fitch*, 537 F.2d 4, 9, 189 USPQ 759 (2d Cir. 1976); *Genesee Brewing Co., Inc. v. Stroh Brewing Co.*, 124 F.3d 137, 143 at n.4, 43 USPQ2d 1734 (2d Cir. 1997); *Keebler Co. v. Rovira Biscuit Corp.*, 624 F.2d 366, 374, 207 USPQ 465 (1st Cir. 1980) ("No amount of purported proof that a generic term has acquired secondary

¹⁸ Opposer understands that deemed admissions as to questions of law are typically not considered by the Board, however, the evidence provided by Opposer overwhelmingly confirms this admission.

meaning associating it with a particular producer can transform that term into a registrable trademark”); *Reese Publishing v. Hampton International Communication*, 620 F.2d 7, 12 n.2, 205 USPQ 585 (2d Cir. 1980) (Evidence of secondary meaning “at most could have established ‘de facto secondary meaning,’ which cannot suffice to convert a generic term into a trademark”); *Surgicenters of America, Inc. v. Medical Dental Surgeries, Co.*, 601 F.2d 1011, 1014, 202 USPQ 401 (9th Cir. 1979) (A generic word “cannot be validly registered as a trademark even if there is proof of secondary meaning”). *America Online Inc. v. AT & T Corp.*, 51 USPQ2d at 1873.

The law concerning acquired distinctiveness for generic marks is clear: Various federal trial courts, federal circuit courts, and this Board have held that generic marks cannot acquire distinctiveness. *Id.* The rationale for this is grounded in public policy, and that policy applies here. As evidenced by the collection of search results Opposer provides, thousands of websites provide online “friv games.” All of these websites would be forced to call the “friv games” that they provide something other than what they are commonly called. This Board should not let that happen by granting Applicant significant proprietary rights with a federally registered trademark.

CONCLUSION

This Board should grant Opposer’s Motion for Summary Judgment because Applicant’s proposed mark, FRIV, is generic. The genus of Applicant’s mark is “computer games,” to which Applicant admits, and the relevant public, computer game users, refers to computer games of the type offered by Applicant and many other competitors as “friv games.” The term is common, it is pervasive online as shown by Opposer’s numerous exhibits, and it is generic. “A name of a thing cannot be a trademark for that thing.” 2 McCarthy on Trademarks and Unfair Competition § 12:1. FRIV is a name for computer games and cannot be a trademark for computer games.

Dated this 15th day of February, 2016.

/EWM/
Eric Misterovich
John Di Giacomo
Revision Legal, PLLC
109 E. Front St., Suite 309
Traverse City, MI 49684
(231) 714-0100
eric@revisionlegal.com
john@revisionlegal.com

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of February 2016, a true and correct copy of Opposer's Motion for Summary Judgment was served on Applicant's counsel, through the TTAB's electronic filing system and by emailing a copy to:

nwells@kmclaw.com, jrupp@kmclaw.com

/EWM/
Eric Misterovich
John Di Giacomo
Revision Legal, PLLC
109 E. Front St., Suite 309
Traverse City, MI 49684
(231) 714-0100

Exhibit A

Trademark/Service Mark Application, Principal Register

Serial Number: 86101423

Filing Date: 10/25/2013

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86101423
MARK INFORMATION	
*MARK	FRIV
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	FRIV
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Zyis Ltd.
*STREET	1 Castle Court, Castle Hill
*CITY	Farnham, Surrey
*COUNTRY	United Kingdom
*ZIP/POSTAL CODE (Required for U.S. applicants only)	GU97JE
LEGAL ENTITY INFORMATION	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	United Kingdom
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009
	Computer game programs; video game programs; downloadable software for playing

*IDENTIFICATION	on-line games; interactive computer game programs; computer game software for use on mobile and cellular phones, handheld computers, computers, video game consoles and wireless devices
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 03/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 03/01/2007
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\861\014\86101423\xml1\ APP0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\861\014\86101423\xml1\ APP0004.JPG
SPECIMEN DESCRIPTION	Screen capture of downloadable click-to-play games list and of online game upon loading in browser for play
ATTORNEY INFORMATION	
NAME	Nicholas D. Wells
ATTORNEY DOCKET NUMBER	5133.02
FIRM NAME	Wells IP Law
STREET	299 South Main Street, Suite 1300
CITY	Salt Lake City
STATE	Utah
COUNTRY	United States
ZIP/POSTAL CODE	84111
PHONE	8014447143
FAX	2032953730
EMAIL ADDRESS	nwells@wellsiplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
DOMESTIC REPRESENTATIVE INFORMATION	
NAME	Nicholas D. Wells
FIRM NAME	Wells IP Law
STREET	299 South Main Street, Suite 1300
CITY	Salt Lake City
STATE	Utah

COUNTRY	United States
ZIP CODE	84111
PHONE	8014447143
FAX	2032953730
EMAIL ADDRESS	nwells@wellsiplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Nicholas D. Wells
FIRM NAME	Wells IP Law
STREET	299 South Main Street, Suite 1300
CITY	Salt Lake City
STATE	Utah
COUNTRY	United States
ZIP/POSTAL CODE	84111
PHONE	8014447143
FAX	2032953730
EMAIL ADDRESS	nwells@wellsiplaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Nicholas D. Wells/
SIGNATORY'S NAME	Nicholas D. Wells
SIGNATORY'S POSITION	Attorney
DATE SIGNED	10/25/2013

Trademark/Service Mark Application, Principal Register

Serial Number: 86101423

Filing Date: 10/25/2013

To the Commissioner for Trademarks:

MARK: FRIV (Standard Characters, see [mark](#))

The literal element of the mark consists of FRIV.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Zyis Ltd., a limited liability company legally organized under the laws of United Kingdom, having an address of

1 Castle Court, Castle Hill
Farnham, Surrey GU97JE
United Kingdom

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Computer game programs; video game programs; downloadable software for playing on-line games; interactive computer game programs; computer game software for use on mobile and cellular phones, handheld computers, computers, video game consoles and wireless devices

In International Class 009, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 03/01/2007, and first used in commerce at least as early as 03/01/2007, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Screen capture of downloadable click-to-play games list and of online game upon loading in browser for play.

[Specimen File1](#)

[Specimen File2](#)

The applicant's current Attorney Information:

Nicholas D. Wells of Wells IP Law
299 South Main Street, Suite 1300
Salt Lake City, Utah 84111
United States

The attorney docket/reference number is 5133.02.

The applicant hereby appoints Nicholas D. Wells of Wells IP Law
299 South Main Street, Suite 1300

Salt Lake City Utah 84111
United States

as applicant's representative upon whom notice or process in the proceedings affecting the mark may be served.

The applicant's current Correspondence Information:

Nicholas D. Wells
Wells IP Law
299 South Main Street, Suite 1300
Salt Lake City, Utah 84111
8014447143(phone)
2032953730(fax)
nwells@wellsiplaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Nicholas D. Wells/ Date: 10/25/2013
Signatory's Name: Nicholas D. Wells
Signatory's Position: Attorney
RAM Sale Number: 86101423
RAM Accounting Date: 10/25/2013

Serial Number: 86101423
Internet Transmission Date: Fri Oct 25 11:36:33 EDT 2013
TEAS Stamp: USPTO/BAS-67.164.248.109-201310251136333
70633-86101423-5004a804ea03bfc12434a68f4
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9-CC-10456-20131025112230064181

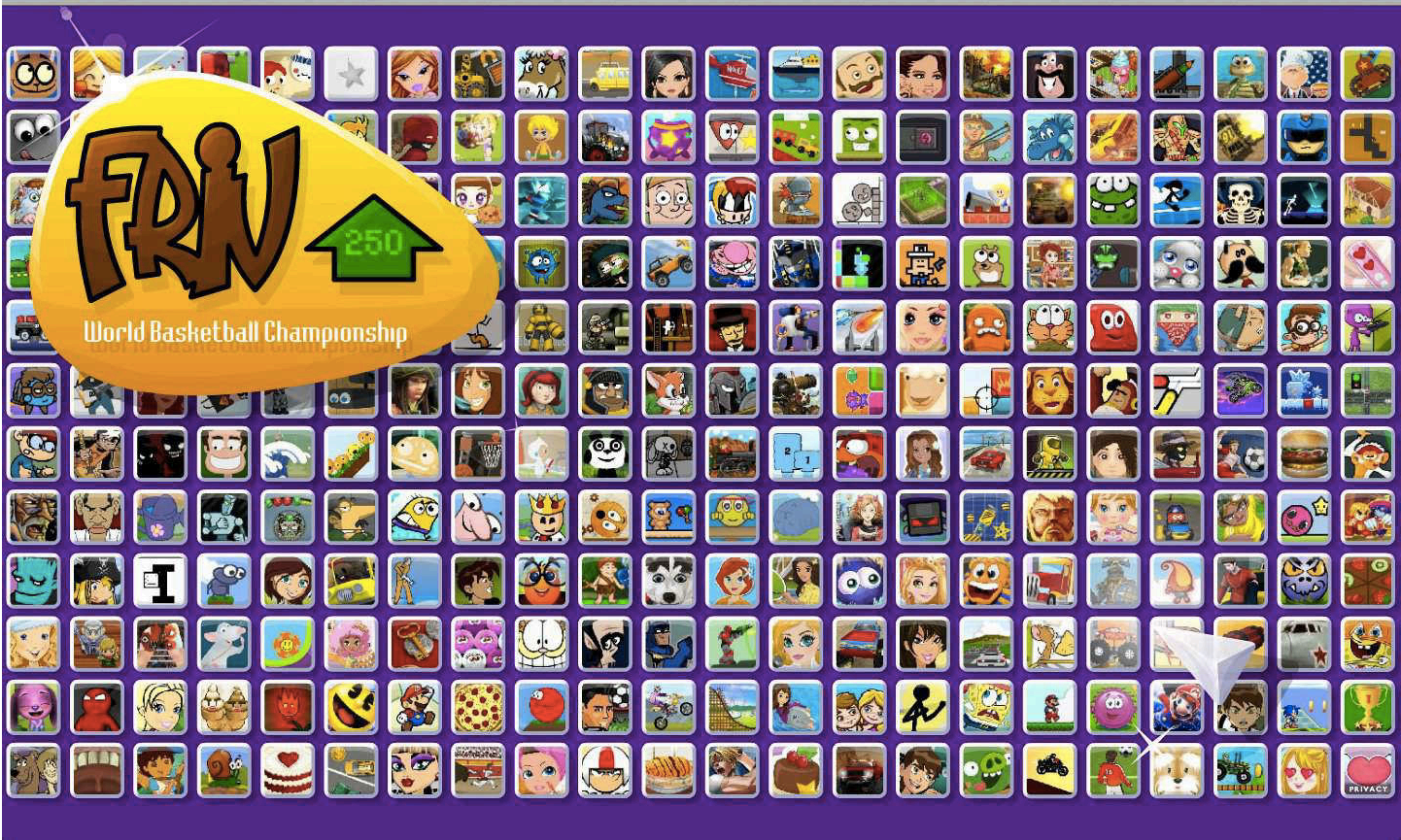
FRIV

FAST GAMES

GAMYSTAR.com

Sleepwalk

Continue



FAST GAMES

GAMYSTAR.com

Sleepwalk

Continue

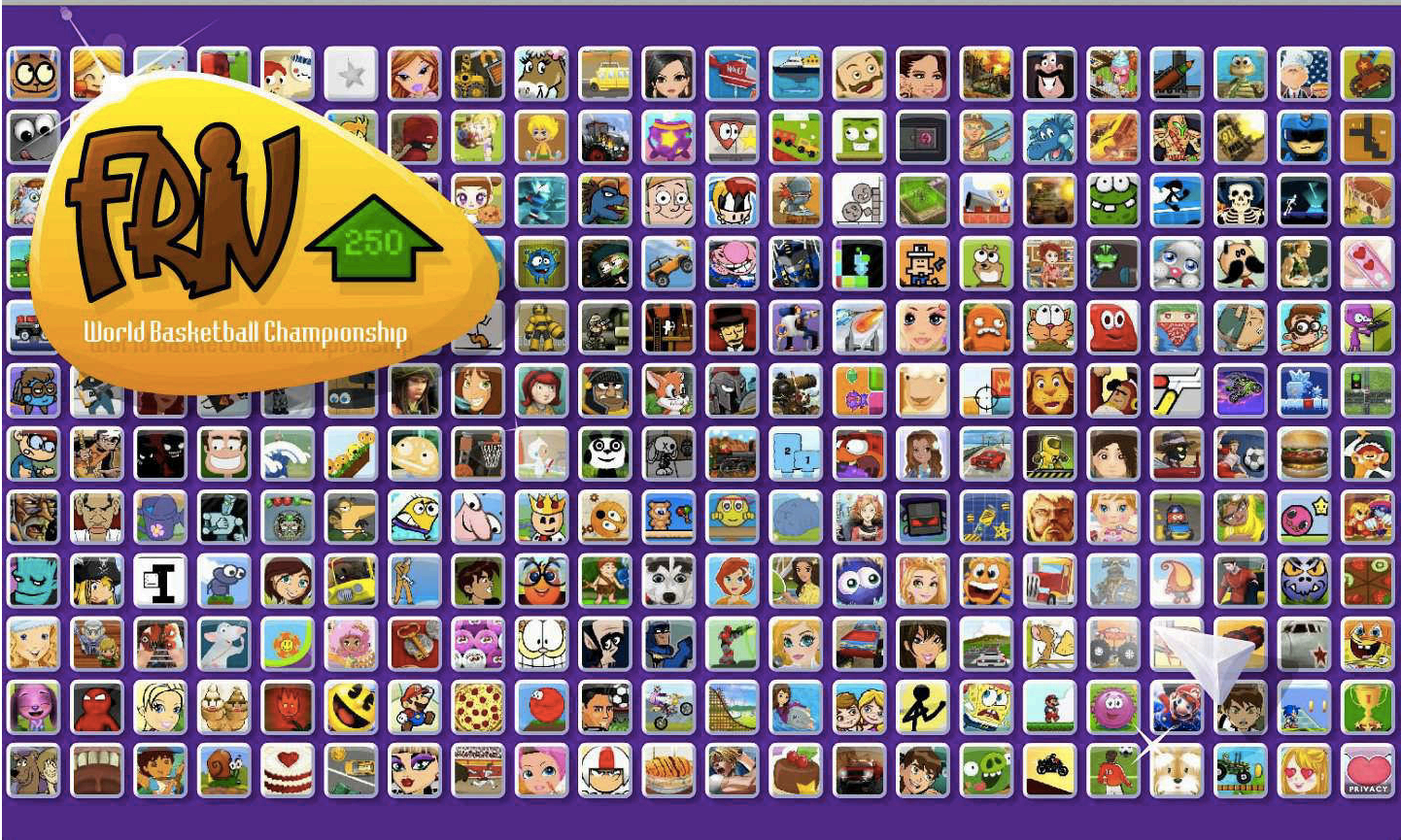


Exhibit B

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

Javier Rodriguez, LLC

Opposer,

Proceeding No:

v.

Zyis Ltd.,

Applicant.

NOTICE OF OPPOSITION

NOW COMES Javier Rodriguez, LLC, by and through its attorneys Revision Legal, PLLC, and for its Notice of Opposition of Zyis Ltd.'s trademark application for FRIV, which is pending under USPTO Serial No. 86101423, states as follows:

PARTIES

1. Javier Rodriguez, LLC ("Opposer") is a limited liability organized under the laws of the State of Delaware.
2. Upon information and belief, Zyis Ltd. ("Applicant") is a limited company organized under the laws of the United Kingdom.
3. Upon information and belief, Applicant is the owner of friv.com, a website that provides frivolous and short computer games found on third party websites on the Internet. Applicant frames and displays these games on its friv.com website.
4. Applicant's application for registration of FRIV seeks registration in International Class 009 for use of that mark in association with computer game programs, video game programs, downloadable software for playing on-line games, interactive computer game programs, computer game software for use on mobile and cellular

phones, handheld computers, computers, video game consoles, and wireless devices.

5. Opposer is the owner of several websites and domain names containing the generic term "friv," including but not limited to friv.co.
6. At these websites and domain names, Opposer provides frivolous and short computer games found on third party websites on the Internet. Opposer, like Applicant, frames and displays these games on its websites.
7. Consequently, Opposer is engaged in the offering or sale of the same or related goods listed in Applicant's Application.
8. Opposer believes that it will be damaged by registration of Applicant's proposed FRIV mark because, if Applicant's Application for registration is granted, Applicant will obtain a prima facie exclusive right to use FRIV in commerce to the detriment and damage of Opposer.
9. Opposer hereby opposes Applicant's Application for registration.

OPPOSER'S GROUNDS FOR OPPOSITION

a. Applicant's purported trademark is generic.

10. Opposer restates paragraphs 1-9 as if fully restated herein.
11. The term "friv," as used in association with frivolous computer games, is a generic term.
12. Since the early 2000s, "friv" has referred to the genius of frivolous, short computer games playable on the Internet.
13. A simple web search for the term "friv," which displays 4,310,000 results, evidences that the term refers to a generic category of frivolous, short computer games.
14. Tens of thousands of third party websites use the term "friv" in a generic sense, including, but not limited to, kizifrivjuegos.com, bestfrivgames.net, friv5game.com,

friv.today, funnyfrivgames.com, frivzi.com, frivjunky.com, addicting friv.com, friveer.com, frivcon.com, friv.org, friv.com.br, and friv.com.tr.

15. None of these third party uses are used or intended to function as an indicator of the source of their respective goods and services. These numerous third party generic uses make clear that purchasers will not be able to differentiate between competing sources by viewing the term "friv."
16. Consequently, the relevant public understands the designation "friv" to primarily refer to the genius of short computer games provided on thousands of websites across the World Wide Web.

RELIEF SOUGHT

In light of the foregoing, Opposer respectfully requests that the Trademark Trial and Appeal Board deny Applicant's application for registration.

Dated: May 5, 2014



John Di Giacomo
Eric Misterovich
Revision Legal, PLLC
227 Lake Avenue
Traverse City, MI 49684
Phone: (231) 714-0100
Fax: (231) 714-0200
Email: john@revisionlegal.com,
eric@revisionlegal.com
Attorneys for Opposer

CERTIFICATE OF SERVICE

I, John Di Giacomo, hereby certify and declare that on May 5, 2014 I personally served Opposer's Notice of Opposition on Applicant on Applicant's attorney of record via first class mail.



John Di Giacomo
Eric Misterovich
Revision Legal, PLLC
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Fax: (231) 714-0200
Email: john@revisionlegal.com,
eric@revisionlegal.com
Attorneys for Opposer

Exhibit C

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: May 5, 2014

Opposition No. 91216208
Serial No. 86101423

NICHOLAS D. WELLS
WELLS IP LAW
299 S MAIN ST STE 1300
SALT LAKE CITY, UT 84111-2241
nwells@wellsiplaw.com

JAVIER RODRIGUEZ LLC

v.

Zyis Ltd.

John Di Giacomo
Revision Legal, PLLC
227 Lake Avenue
Traverse City, MI 49684
john@revisionlegal.com

ESTTA602281

A notice of opposition to the registration sought by the above-identified application has been filed. A service copy of the notice of opposition was forwarded to applicant (defendant) by the opposer (plaintiff). An electronic version of the notice of opposition is viewable in the electronic file for this proceeding via the Board's TTABVUE system: <http://ttabvue.uspto.gov/ttabvue/v?qs=91216208>.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations ("Trademark Rules"). These rules may be viewed at the USPTO's trademarks page: <http://www.uspto.gov/trademarks/index.jsp>. The Board's main webpage (<http://www.uspto.gov/trademarks/process/appeal/index.jsp>) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Plaintiff must notify the Board when service has been ineffective, within 10 days of the date of receipt of a returned service copy or the date on which plaintiff learns that service has been ineffective.

Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or through any other means discovers a newer correspondence address for

the defendant, then such address must be provided to the Board. Likewise, if by voluntary investigation or other means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) **Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVUE system at the following web address:**
<http://ttabvue.uspto.gov/ttabvue/>.

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. **If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies.** See Trademark Rule 2.119(b)(6).

The parties also are referred in particular to Trademark Rule 2.126, which pertains to the form of submissions. **Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.**

Time to Answer	6/14/2014
Deadline for Discovery Conference	7/14/2014
Discovery Opens	7/14/2014
Initial Disclosures Due	8/13/2014
Expert Disclosures Due	12/11/2014
Discovery Closes	1/10/2015
Plaintiff's Pretrial Disclosures	2/24/2015
Plaintiff's 30-day Trial Period Ends	4/10/2015
Defendant's Pretrial Disclosures	4/25/2015
Defendant's 30-day Trial Period Ends	6/9/2015
Plaintiff's Rebuttal Disclosures	6/24/2015
Plaintiff's 15-day Rebuttal Period Ends	7/24/2015

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and

introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third subject should include a discussion of whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through the Electronic System for Trademark Trials and Appeals (ESTTA) or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVUE record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at:

<http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required only in cases commenced on or after that date. The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for

pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The parties must note that the Board allows them to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA). Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.

Exhibit D

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

DMD

Mailed: November 18, 2014

Opposition No. 91216208

Javier Rodriguez, LLC

v.

Zyis Ltd.

**M. Catherine Faint,
Interlocutory Attorney:**

Now before the Board is Opposer's motion (filed October 8, 2014) to deem Requests to Admit to Applicant, served pursuant to Fed. R. Civ. P. 36(a) on Applicant on August 7, 2014, admitted.¹

Applicant failed to respond to Opposer's requests for admission within 30 days of service of the request, and failed to file a motion to amend or withdraw those admissions. Accordingly, those requests are deemed admitted and conclusively established by operation of law. *See* Fed. R. Civ. P. 36(a); TBMP § 407.03(a).

Trial dates remain as set in the Board's July 10, 2014 order.

¹ It is not necessary to file a motion to deem requests for admissions admitted when no response is served, since the admissions are deemed admitted by operation of Fed. R. Civ. P. 36(a). *See* TBMP § 407.03(a).

Exhibit E

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

Javier Rodriguez, LLC

Opposer,

Opposition No: 86101423

v.

Zyis Ltd.,

Applicant.

OPPOSER'S FIRST REQUESTS FOR ADMISSION

Javier Rodriguez, LLC, by and through its attorneys Revision Legal, PLLC, and pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, requests that Application Zyis Ltd. answer the following requests for admission under oath, subject the following, and serve responses upon Opposer within 30 days of service:

DEFINITIONS AND INSTRUCTIONS

INSTRUCTIONS

These Requests for Admissions ("Request(s)") will be admitted unless, within thirty (30) days after service, a sworn written answer or objection responding to each Request is served upon Plaintiffs' counsel. Answers will specifically deny the Request or set forth in detail why the Request cannot be truthfully admitted or denied. Where a party cannot, in good faith, fully answer a Request, it will answer or deny the parts of the Request that can be answered or denied and set forth in detail why the remainder of the Request cannot be admitted or denied. Lack of information or knowledge is an

insufficient reason for a failure to admit or deny a Request unless a party has made a reasonable inquiry into the Request and, based on that inquiry, cannot admit or deny the request with information known or readily available to the party. If you answer a Request on the basis that you lack sufficient information to respond, describe any and all efforts you made to inform yourself of the facts and circumstances necessary to answer or respond.

These Requests are continuing in nature and your answers to these Requests must be supplemented within thirty (30) days or before trial, whichever is earlier, if you directly or indirectly obtain further information after you have submitted a response to these Requests.

DEFINITIONS

The words “Applicant”, “You”, and “Your”, as used herein refer to Zyis Ltd., its agents, officers, directors, employees and all other persons acting on its behalf.

REQUESTS FOR ADMISSION

1. Admit that the following domains resolve to websites that provide substantially similar goods and/or services as Applicant:

- A. <http://friv.today/>
- B. <http://www.frivbest.com/>
- C. <http://friv.co/>
- D. <http://bestfrivgames.net/>
- E. <http://friv.ge/>
- F. <http://www.friv.org.in/>
- G. <http://www.friv-girls.com/>
- H. <http://www.girls-friv.com/>
- I. <http://www.frivfan.com/>
- J. <http://barbie.friv365.net/>
- K. <http://www.friv-games.eu/>
- L. <http://www.friv2014games.org/>
- M. <http://www.3dfrivgames.com/>

- N. <http://www.1frivgames.com/>
- O. <http://my-friv.com/>
- P. <http://www.friv.mn/>
- Q. <http://www.friv1000.com/>
- R. <http://www.friv2.org.uk/>
- S. <http://www.friv4.co.in/>
- T. <http://friv2014.friv.asia/>
- U. <http://www.friv10.co/>
- V. <http://www.frivgamesbook.com/>
- W. <http://www.friv00.com/>
- X. <http://best-friv-games.de.tl/>
- Y. <http://www.frivgamescon.com/>
- Z. <http://parking.frivmini.com/>
- AA. <http://www.frivco.org/>
- BB. <http://www.friv14.com/>
- CC. <http://www.frivaboo.org/>
- DD. <http://www.frivcon.com/>
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2. Admit the following apps provide substantially similar goods and/or services as

Applicant:

- A. <https://itunes.apple.com/us/app/friv-games/id721668874?mt=8>
- B. <http://www.amazon.com/Hopy-Games-FRIV/dp/B00FWJ8Q0K>

3. Admit the domains and apps referenced in Requests for Admission Nos. 1 and 2 do not relate to, and are not owned by, Applicant.

4. Admit the FRIV mark is a shortened version of the term FRIVOLOUS.

5. Admit that the genus of the goods identified in International Class 009 of the Applicant's trademark registration application at issue is computer games.

6. Admit the term FRIV is understood by the relevant public primarily to refer to computer games.

Dated: August 7, 2014

John Di Giacomo
Eric Misterovich
Revision Legal, PLLC
148 E. Front St. 3rd Floor
Traverse City, MI 49684
(231) 714-0100
eric@revisionlegal.com
john@revisionlegal.com

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2014, a true and correct copy of the above Opposer's First Set of Requests for Admissions was served on Applicant via email at nwells@wellsiplaw.com and first class mail.

John Di Giacomo
Eric Misterovich
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Exhibit F

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About.com About Tech Social Media ... Online Games

Friv.com: Guide to the Free Friv Games Network

Friv.com is A Popular Free Games Network with Super Easy Games

By Leslie Walker
Social Media Expert

SHARE PIN

Ads Social Media New Happy Wheel Games Carnival Games Driving School Games Business Games Online



[Friv.com](#) is a free online gaming site that offers a super large collection of frivolous free games that are very easy to play.

Since it requires no signup, lots of people are sampling the Friv.com gaming site and getting hooked on the colorful, addictive games. And yes, most Friv games are

highly frivolous, but isn't that the point of online Flash games? They help you fritter away your time and get pleasure in return.

What's the Appeal of Friv.com?

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UP NEXT

Free Online Games

...e interface, for young people of games. At last count, the site claimed to have more than 700 [free games](#). They are classified in categories like Action, Shoot Em Up, Sports, Puzzle and Youngsters.

Not surprisingly, Friv.com is particularly popular with kids, teens and young adults because its games are so easy to use. But plenty of older people play the games too.

The games are all accessible from the [home page](#) through a grid of tiny tiles, one for each game. You just mouse over a game tile to see the name of the game, then click on it if you want to play.

Since the games are created using the Flash programming technology, it can take a fair

amount of time to load a game. And it requires a computer that has the latest version of

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the Adobe Flash player installed.

Friv Gaming Network

Friv.com is the main games portal, but a bunch of other sites like [FrivGames.biz](#) provide information about the gazillion games in the Friv gaming network.

FrivGames.Biz in particular has a nice list of categories, allowing you to browse and play games in a more organized fashion than you can on Friv.com.

What to Play ?

The site rotates its game displays, which can make it hard to find a game you like again.

Some of the popular games on Friv are:

- [Angry Birds Rovio](#) - Yes, those snarly faced birds are popular with young people.
- [Red Driver 2](#) - Drive around various race tracks in a flashy red racing car, competing against other drivers.
- [Monster Truck Demolition](#) - Go ahead, drive those oversized trucks until they crash and burn.

More Popular Friv Game Titles

This list changes constantly, but here are some of the ongoing popular titles on Friv.com

- [Panda Tactical Sniper 2](#) - Go through target training and become a panda sniper by completing various mission levels.
- [Super Mario Strikers](#) - Add a little soccer to your Mario game and voila, it's addictive.
- [Dibbles](#) - Dibbles, dibbles, dibbles. Lemmings, lemmings, lemmings.
- [Panda Tactical Sniper 2](#) - Go through target training and become a panda sniper by completing various mission levels.

How to Find the Popular Friv.com Games

You can see a list of all the most [popular Friv games](#) at the FrivTown website.

FrivTown also maintains various specific lists of popular titles, including popular [Friv games for girls](#), and [popular shooting games](#).

One of the top-rated Friv games, for example, is called "[Bloons Tower Defense 4 Expansion](#)" and it's a strategy game about defending the Bloons Tower. Another Friv game garnering a lot of kudos from players is [Xeno Squad](#).

If You Want More Social Games. . .

Friv.com is not the most social of gaming sites, and it certainly isn't leading the charge as [gaming goes social](#).

So if you're into playing games with other people in real time, you might learn more in this [social games guide](#) which includes an overview of Facebook's social games. [Mobile social gaming](#) is a hot area, too.

Also, try out a few social game sites like these:

- [Raptr](#)

SOCIAL MEDIA CATEGORIES

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- Other Sites Like Friv: Free Online Games
- Online Games for Girls
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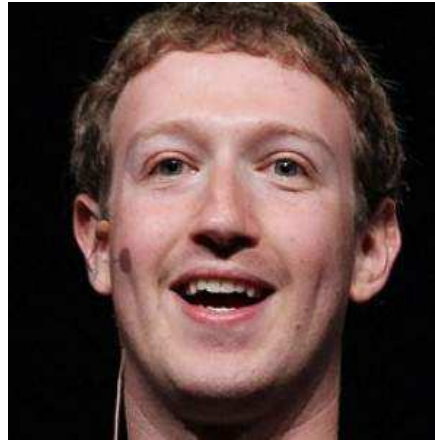
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Users Are Making Money on These Social Networks

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Exhibit G



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1. Friv

A gaming site dedicated to a page of mini games ranging in type, style and content. Generally go on when someone is very bored and has nothing else to do.

Jerry: Hey Bob i'm gonna go on friv

Bob: Ok, What you gonna play??

Jerry: Ninja Glove probably

by flopsy35 July 15, 2010



15 5



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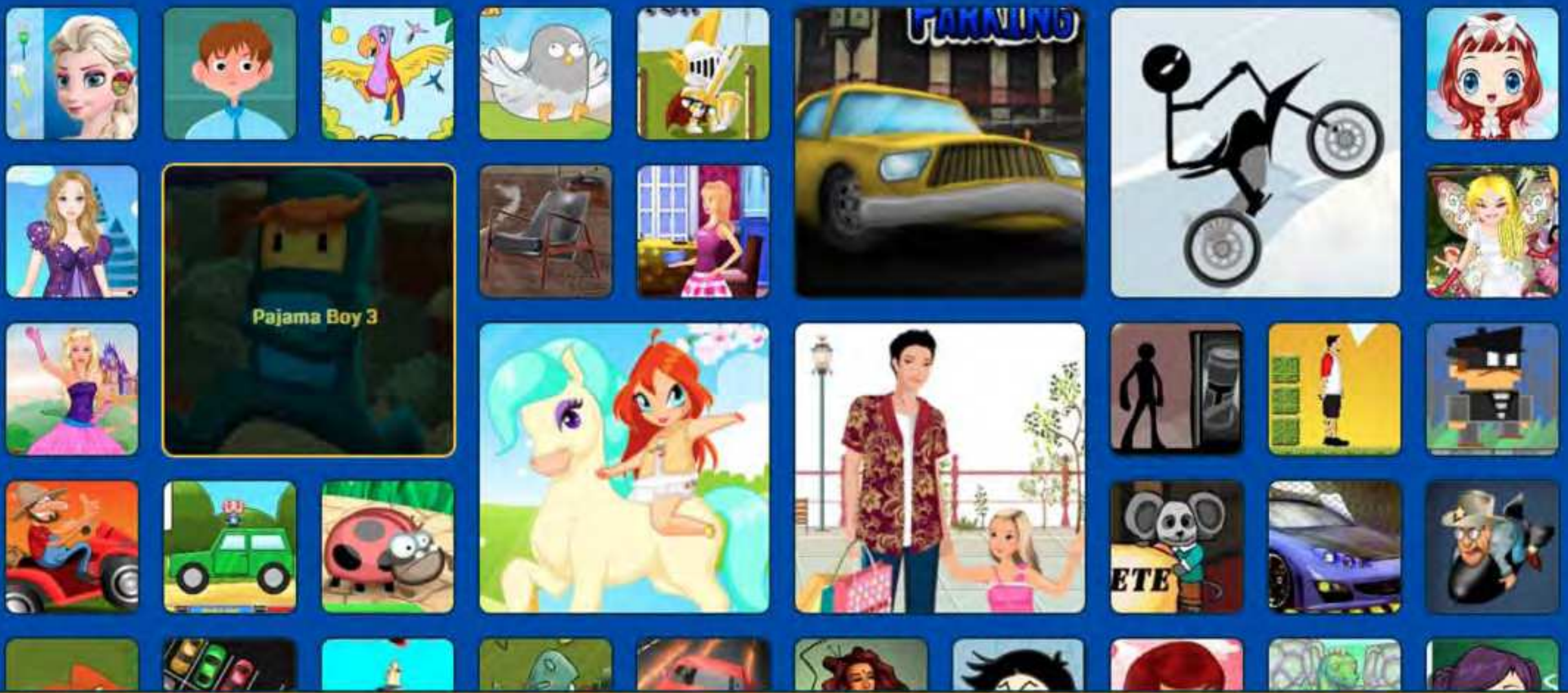
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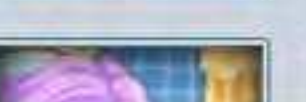
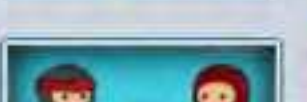
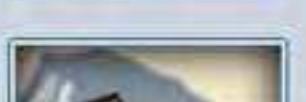
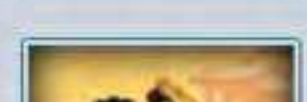
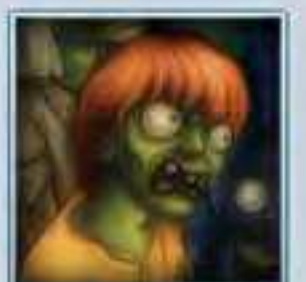
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Raft Wars 2



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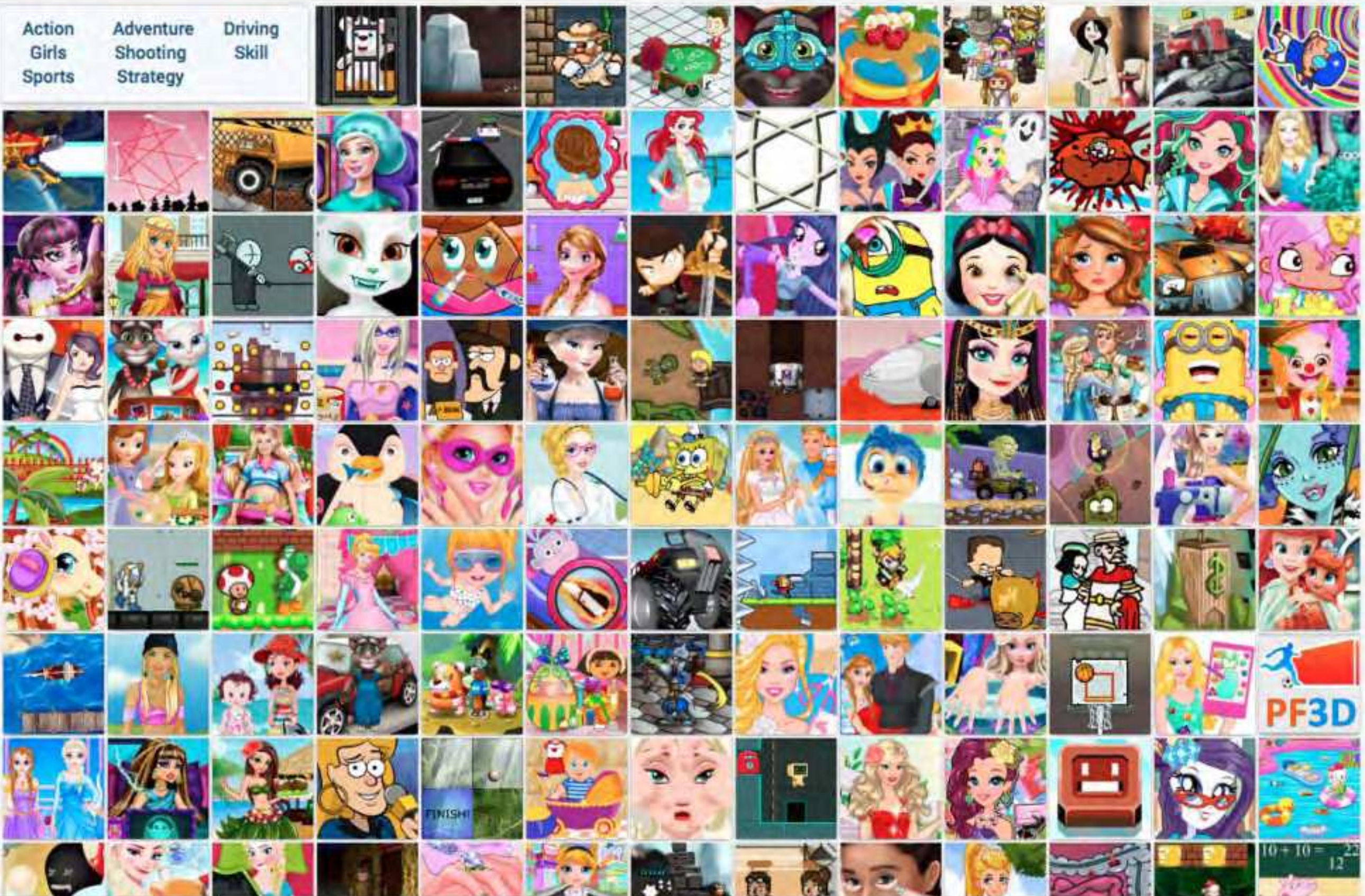
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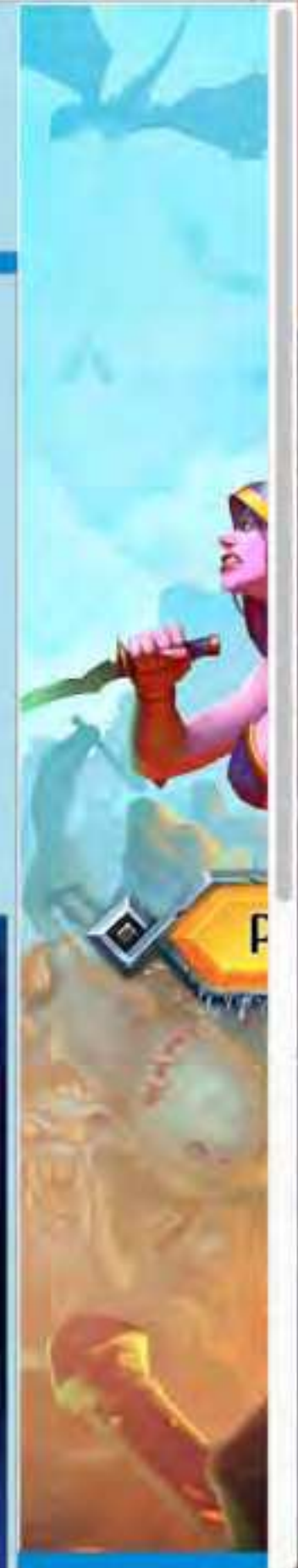
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Puff's Skate Jam



Whack Your Boss 17 Ways! (NEW)



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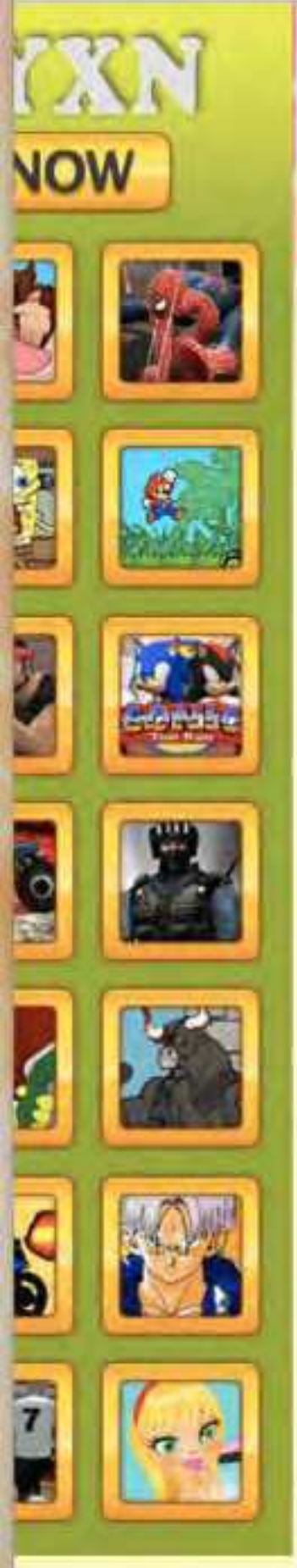
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Friv 200 es un sitio seguro en Internet para los niños. Friv200games.net tiene una interfaz muy sencilla, diseñada para hacer más fácil para los jóvenes a explorar su amplia variedad de juegos. No es de extrañar, Friv es particularmente popular entre los niños, los adolescentes y adultos jóvenes, ya que sus juegos son tan fáciles de usar. Pero un montón de gente de más edad jugar juegos Friv también. Los juegos son accesibles desde la página principal a través de una rejilla de diminutos azulejos, uno para cada juego. Usted acaba de ratón sobre una ficha del juego para ver el nombre del juego, a continuación, haga clic en él si quieres jugar. [Friv 100](#) - [Friv 2015](#) - [Friv 1000](#) - [Friv 10000](#) - [Friv](#) - [Friv Games](#)

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Baby Hazel Annual Day



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Spongebob Burger Adventure



Super Barbie Nails Design



Barbie Maternity Doctor



Disney Castle Cleanup



Slotcar Getaway



Emoji Dress Designer



Ariel Palace Pets



Barbie Superhero Tailor



Barbie Wedding Dress Design



Draculaura Swimsuits Design



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QUBEY the Cube



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Princess Team Blonde



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- #ChangeTheWorldIn5Words**
44.7K Tweets about this trend
- #BackToBack**
New Music: Drake - 'Back To Back' (Meek Mill Diss)
667K Tweets about this trend
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12 Weird But True Facts About Lipstick
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Friv4School Online @Friv4school · Jul 27
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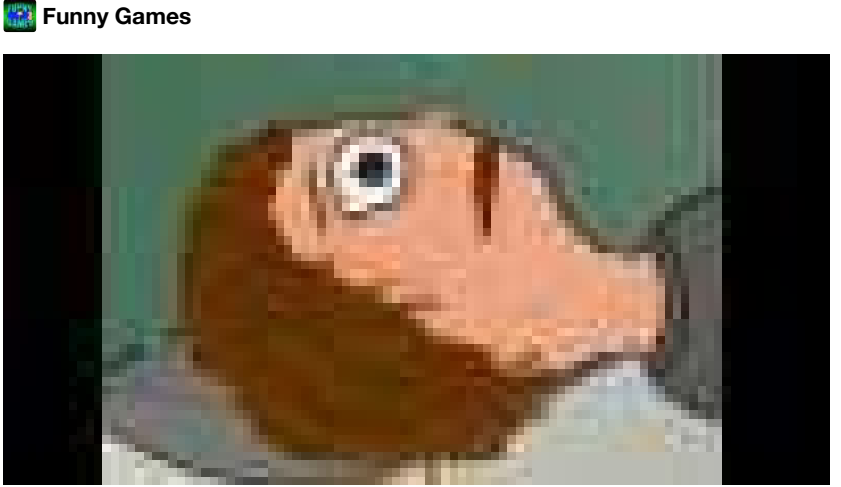
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OK.Fresh NOTHING chi @Fresh_Jordanz · Jul 26
#dreambook was about my coach bag and my phones stolen cause I reported cloak sexual assault from the 204 Vermont #no confidentiality #friv

Day @DayaraMatiola · Jul 25
Leo e eu jogando Foguinho 😂😂 #friv

Ariiana @arii_dlc · Jul 25
Tengo Frio... 🐼🐼🐼
#ConBelen #JugandoJuegos #Friv

Wallpaper HD @Wallpaper_HDS · Jul 23
#jeff #the #killer #Adventure #Friv #Games goo.gl/hNs2Ai
funnygames.space/?p=4467



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Friv Jeff the Killer

By **Funny Games** @FunnyGamesFriv




play free Jeff the Killer, Jeff the Killer is a super friv game to distract you a good time March 17, 2015

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Wallpaper HD @Wallpaper_HDS · Jul 23
#super #fashion #designer #hd 🤖 #3D #games #friv 🤖 goo.gl/YcYCJG [▶](#)
onlinegames.space/?p=7658















Funny Games @FunnyGamesFriv · Jul 23
#Friv Jewel Match goo.gl/fb/1tfP9t #other #puzzle #beads #boardgame
#jewelmatch #jewels #logic #match3

Girl Games @GirlGamesGG · Jul 23
#Friv Salazar the Alchemist goo.gl/fb/h3NjBw #action



- 
Girl Games @GirlGamesGG · Jul 23
 #Friv Beauty and Brains goo.gl/fb/yP38NN #princess
- 
Диана Васкул29 @vaskul96 · Jul 23
 minecraft 1 0 0 news-today-olgyv.worls.aledecor.ru/pontific-730/f... #Friv
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FrivGames @FrivGamesFG · Jul 21
 #Friv Owls Tetriz goo.gl/fb/1ZyTcX #3d #action #parking #puzzles #strategy #superheros #surfing #zombie
- 
FrivGames @FrivGamesFG · Jul 21
 #Friv Sleeping Giant Provincial Park goo.gl/fb/TDe8rY #parking #puzzles
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Funny Games @FunnyGamesFriv · Jul 21
 #Friv Magic Forest Theatre goo.gl/fb/OX2jAV #puzzle #hiddenobjectgames #hiddenobjects #spotthedifferenes
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Funny Games @FunnyGamesFriv · Jul 21
 #Friv Anti Body goo.gl/fb/0m7bSI #action #other #sports #antibody #cure #defend #fight #fun #medicine #skill
- 
Guille @guillelagoshot1 · Jul 20
 Es ree ella jugando a los jueguitos 😂😂😂😂 #friv 🙄
- 
Любовь Глазева @GlazevaLyuba · Jul 19
 #Friv играть бесплатно news-today-exgwq.right.seedbit.ro/nematocyst-407...
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Галина Коновалова @williamugeratoj · Jul 19
 #Friv игры news-today-mplxs.xrofire.5chat.ru/point-264/friv...
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5YearsOfOneDirection @maia_lovera · Jul 18
 JAJAJAJAJAJ MALDITI MARIO SE TRABO JAJAJAJAJAJAJJA 😂😂😂😂😂😂😂😂 #mariobros #trabado #friv instagram.com/p/5SDkZQRqOE/
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Tatii.~™ :3 @TMichlig · Jul 17
 Aca con mi primita Viki <3:P Jugando :3 #FRIV



Friv4School Online @Friv4schooll · Jul 17
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Elias @EliasRo09 · Jul 17
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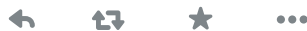
Greg Jeffery @GregJeffery888 · Jul 15
#Friv Figure Shaper goo.gl/fb/1Yq7kY #painting #ball #change #figures #forms
#physic #select #shapes #smile ift.tt/1HuiEDO



Girl Games @GirlGamesGG · Jul 15
#Friv #Tetrix #Cubes goo.gl/fb/A8raOI #action #hiddenobjects #makeover
#multiplayer #music #painting #sports



Girl Games @GirlGamesGG · Jul 15
#Friv #Ottawa #Jigsaw goo.gl/fb/5G7teG #painting #canada #puzzle



FrivGames @FrivGamesFG · Jul 15
#Friv Ariel #Kissing goo.gl/fb/GdB5e7 #action #girl #princess



FrivGames @FrivGamesFG · Jul 15
#Friv Peanuts #Cartoon #Memory goo.gl/fb/TciZTd #action #puzzle



Funny Games @FunnyGamesFriv · Jul 15
#Friv Midnight Drift Race Miami goo.gl/fb/DaAKFU #driving #car #driving
#racing



Funny Games @FunnyGamesFriv · Jul 15

#Friv Police Van Parking goo.gl/fb/69DaUy #driving #car #driving #racing



Funny Games @FunnyGamesFriv · Jul 15

#Friv Driverless #Car goo.gl/fb/pA2vF2 #driving #adventure #robot



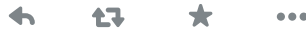
Funny Games @FunnyGamesFriv · Jul 15

#Friv Survive The Night goo.gl/fb/RtES26 #driving #car #driving #racing



Mulatto @TristanMatthew_ · Jul 14

#EpicFestV #LADAT "You ain't living #FRIV



Haber Duyum @haberduyum · Jul 14

Ramazan'a özel! Friv ile HD ve İki Kişilik oyunlar hemen ücretsiz Friv.com
haberduyum.com/teknoloji/rama... #friv



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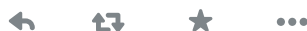


Haber Duyum @haberduyum · Jul 14

2 kişilik ve kaliteli oyun oynamak artık #Friv üzerinden çok kolay.
fb.me/7kfAWwnRU



Friv4School Online @Friv4schooll · Jul 13
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friv4schoolonline.net/games-coloring...



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Геннадий Канцелярук @gkantselyaruk · Jul 13
25 игр бесплатные игры на friv23.ru онлайн feed-
wvhwg.druhk.sellars.us/blotting-598/f... #Friv



Luci- @lucigassmann · Jul 12
juegos #friv



Gimena @gimena28060669 · Jul 11
#Friv



Romina Messina @messina850 · Jul 11
#pelada #monsterhigh #beautysalon #rapada #matilda #friv #peluqueriavirtual
peluquera.instagram.com/p/5BQYGPBDI/





Joshua Santarin @joshuarobert31 · Jul 10
#Friv #Y8 #Y3 #MiniClip #lbongAdama #Bloopers



Meli Torrado @mel__debieber · Jul 9
Jugando ❤️ #Friv #Driving [instagram.com/p/47rJDirJ9x/](https://www.instagram.com/p/47rJDirJ9x/)



Gule Zehra Mirza @gulzehramirza · Jul 9
Game time :P #Friv #Lol



Friv4School Online @Friv4school · Jul 8
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Victoria @viky_pons · Jul 8
#Previa #Fede ❤️ #Friv 🙌



masteryohan @masteryohan32 · Jul 8
Caleb playing online game... #friv.com @ Duraville Homes Phase1 Angono, Rizal
[instagram.com/p/44DNNXJGnY/](https://www.instagram.com/p/44DNNXJGnY/)



Girl Games @GirlGamesGG · Jul 6
#Friv Marquesas Island Jigsaw goo.gl/fb/Hjg3Hb #painting
#islandjigsawpuzzletropical



Girl Games @GirlGamesGG · Jul 6
#Friv Monterey #Jigsaw goo.gl/fb/XylagZ #painting #california #landscape
#scenic



Girl Games @GirlGamesGG · Jul 6
#Friv Happy #Clown Tetriz goo.gl/fb/pHhzm8 #action #painting #board #fun
#graph #kids #matching #online



Girl Games @GirlGamesGG · Jul 6
#Friv Celeb Face Morph goo.gl/fb/FnJudz #painting #princess #celebmorph



#celebrity #racemorphing #tungames



FrivGames @FrivGamesFG · Jul 6

#Friv Avengers Hero VS Alien Robot goo.gl/fb/MfX7sC #action #2player



FrivGames @FrivGamesFG · Jul 6

#Friv Frozen Elsa Magic #Adventure goo.gl/fb/YpLrmO #action #girl



Vanessa @l4rrysty · Jul 3

No cambio más.

#friv 😬 instagram.com/p/4rkSqFG8Wt/



Site Page Stats @SitePageStats · Jul 1

Site page stats of #Friv.co.id with page analysis information including IPs data, traffic, bit.ly/1Kt1sm8 #webstats



Marcelo Bonaventura @planetaip · Jul 1

Friv: juegos en flash online planetaip.blogspot.com/2009/08/friv-j... #juegos #Friv fb.me/4nUBNIO3c



† **MARIA SOL** † @SolDeArmas · Jul 1

#FRIV!



I love Justin @JustinLindo___ · Jul 1

#MyBigFriend #Friv



Lucy Newton @LucyNew61624667 · Jul 1

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Juanma @JuanManuel_114 · Jun 29

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Luisa Fernanda @LuisaDC59 · Jun 28

#friv recordandoooo



Mulatto @TristanMatthew_ · Jun 27

S/o to #FRIV



jaynar25 @jaynaravila1 · Jun 27

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PSSST TAU ;)

#FRIV fb.me/4l9CkOVjp



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#FRIV 😊



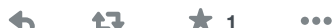
Site Page Stats @SitePageStats · Jun 25

#webstats friv[dot]yt - Site page stats of #Friv.yt with page analysis information including IPs data, traffic, an... ow.ly/30wTfd



Girl Games @GirlGamesGG · Jun 24

#games ❤️ #StitchDressup #DressUp 😊 #Friv 🎀 goo.gl/anhHEf girlgames.space/?p=1326



Girl Games @GirlGamesGG · Jun 24

#games ❤️ #SarahsRainbowNailArt #Makeover 😊 #Friv 🎀 goo.gl/anhHEf girlgames.space/?p=1325



Funny Games @FunnyGamesFriv · Jun 23

#CalculateGenius #Other #Friv #Games goo.gl/hNs2Ai funnygames.space/?p=2802



Funny Games @FunnyGamesFriv · Jun 23

#CannibalCuisine #Other #Friv #Games goo.gl/hNs2Ai funnygames.space/?p=2800

← ↻ ★ 1 ⋮



FrivGames @FrivGamesFG · Jun 23

#Friv 🐱 #CatchEmIfYouCan 🤖 #Action #Games 🤖 frivgames.click/?p=2148

← ↻ ★ 1 ⋮



Online Games @youronlinegame · Jun 22

#online #friv 🤖 Goodgame Farmer #Other #games 🤖 goo.gl/YcYCJG onlinegames.space/?p=1186



Online Games @youronlinegame · Jun 22

#online #friv 🤖 FOG Golf #Other #games 🤖 goo.gl/YcYCJG onlinegames.space/?p=1185



Mulatto @TristanMatthew_ · Jun 22

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← ↻ ★ 2 ⋮



Роза Кликина75 @rklikina · Jun 22

тачки ...20-06-2015-yjibm.thetime.seemou4u.com/riddance-385/f... #Friv

← ↻ 3 ★ ⋮



Sofi @SoofiiTarfa · Jun 21

para matar el aburrimiento #FRIV soy una nena :)

← ↻ ★ ⋮



Girl Games @GirlGamesGG · Jun 20

#games ❤️ #ForestFairyDressup #DressUp 🥰 #Friv 🦄 goo.gl/anhHEf
girlgames.space/?p=1259

← ↻ ★ 1 ⋮



Girl Games @GirlGamesGG · Jun 20

#games ❤️ #OliviaEasterRoomDecor #Girls 🥰 #Friv 🦄 goo.gl/anhHEf
girlgames.space/?p=1258

← ↻ ★ 1 ⋮



Funny Games @FunnyGamesFriv · Jun 19

#Cubikill4 #Other #Friv #Games goo.gl/hNs2Ai
funnygames.space/?p=2647

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Friv4School Online @Friv4school · Jun 19

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FrivGames @FrivGamesFG · Jun 19

#Friv #3DStuntPilotSanFrancisco #Games frivgames.click/?p=2033

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FrivGames @FrivGamesFG · Jun 19

#Friv #MiniGolfIslands #Games frivgames.click/?p=2031

← ↻ ★ 1 ⋮



Online Games @youronlinegame · Jun 19

#online #friv 🤖 Pyro Man Jump #3D #games 🤖 goo.gl/YcYCJG ➔ onlinegames.space/?p=1122

↩️ ↻ ⭐ 1 ⋮



Online Games @youronlinegame · Jun 19

#online #friv 🤖 Castellan #3D #games 🤖 goo.gl/YcYCJG ➔ onlinegames.space/?p=1121

↩️ ↻ ⭐ 1 ⋮



Online Games @youronlinegame · Jun 19

#online #friv 🤖 Regal Bedroom Escape #3D #games 🤖 goo.gl/YcYCJG ➔ onlinegames.space/?p=1120

↩️ ↻ ⭐ 1 ⋮



Online Games @youronlinegame · Jun 19

#online #friv 🤖 Slopy #3D #games 🤖 goo.gl/YcYCJG ➔ onlinegames.space/?p=1119

↩️ ↻ ⭐ 1 ⋮



tú vago nocturno ▲ @nanaovaldovinos · Jun 18

Tan aburrido estoy para jugar #Friv

↩️ ↻ ⭐ ⋮



@Fray ♥PDC☺ @fray93239185 · Jun 18

Estoy Tan Aburrido Que JUGARE :#FRIV <3

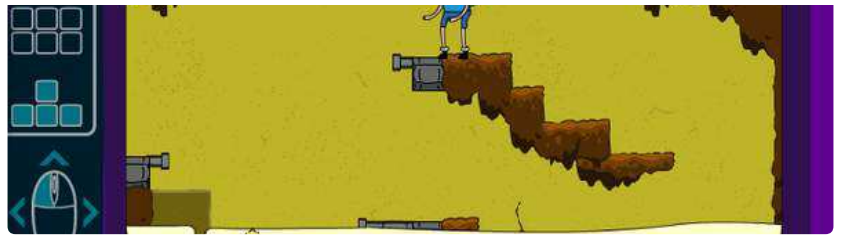
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14deMayode1899CNdeF 🇵🇷 @tengo_faso1 · Jun 18

AMOR POR ESTE JUEGO #FRIV





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damiii @d_ami200 · Jun 17
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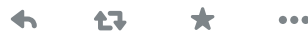


Tony López @lopezpagan · Jun 16
En #Friv puedes disfrutar de los mejores #juegos #gratis #online.

Lee más lopezpagan.com/juegos-de-friv fb.me/3OS6Qz5ou



- Chei De Ódio @Thyane_Aloprada · Jun 15
Voo Jogaa #Friv 😄



Girl Games @GirlGamesGG · Jun 15
#games ❤️ #PlaygroundEggHunt #Girls 😄 #Friv 🎮 goo.gl/anhHEf girlgames.space/?p=1190



Girl Games @GirlGamesGG · Jun 15

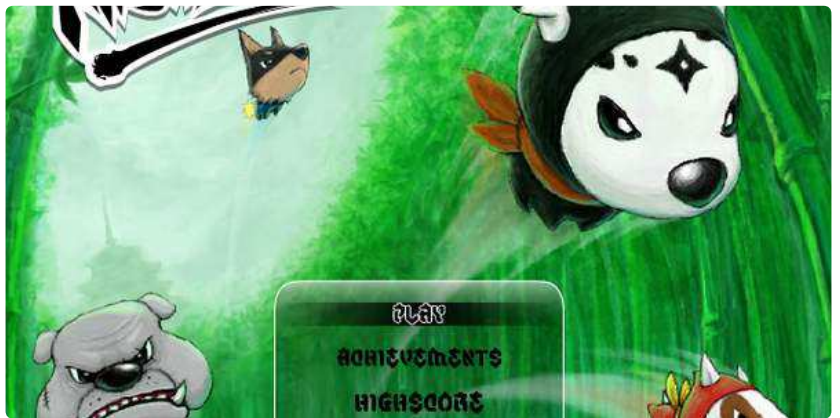


#games 🍷 #PetPiggyCare #DressUp 😊 #Friv 🚀 goo.gl/anhHEf ➡
girlgames.space/?p=1191

← ↻ ★ 1 ⋮



Friv4School Online @Friv4schooll · Jun 14
#friv_games #friv4 #friv #friv_4 update new games
friv4schoolonline.net/games-ninja-do...



← ↻ ★ ⋮

[View photo](#)



Funny Games @FunnyGamesFriv · Jun 14
#LuckyMachine #Other 🗨️ #Friv 📺 #Games 🍷 goo.gl/hNs2Ai ➡
funnygames.space/?p=2525

← ↻ ★ 1 ⋮



FrivGames @FrivGamesFG · Jun 14

#Friv 🐱 #Nadia'sRage #Multiplayer 🤪 #Games 🤪 goo.gl/QNqgqM frivgames.click/?p=1915

← ↻ ★ 1 ⋮



FrivGames @FrivGamesFG · Jun 14

#Friv 🐱 #BirdRunner #Multiplayer 🤪 #Games 🤪 goo.gl/QNqgqM frivgames.click/?p=1913

← ↻ ★ 1 ⋮



Ceszyy @Ceszcicaxx · Jun 13

@AnggeMondejar @_aaliyahmayuga #FRIV huhu ikaw nag simula non :p

← ↻ ★ 1 ⋮

[View conversation](#)



jemima//ifb ❤️ @lukexniallbaes · Jun 12

Fireboy and Watergirl ((: #friv #simple

← ↻ ★ ⋮



MessiEsArgentino ❤️ @elsebitademaza · Jun 12

Mira si no me aburro que pongo los juegos #Friv

← ↻ ★ ⋮



Трофим Картохин @KartokhinNice · Jun 12

3000 игр nkovregqfrdp.filo.co.nl/bread-425/friv... #Friv

← ↻ ★ ⋮



Florencia. ♡♡ @EspinosaFlor14 · Jun 10

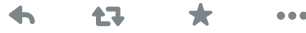
Jugando a juegos #Friv

← ↻ ★ 1 ⋮



Rapphaell_ @rapphaell_ · Jun 8

Jogando #Friv com o primo durante a noite nao tem preço.
[instagram.com/p/3sNa_ILWBJ/](https://www.instagram.com/p/3sNa_ILWBJ/)



→ **Alancitoo** ☆ @AlanArregui1 · Jun 8

Al pedo como bocina de avión 🤪

#Juegoos #FRIV 🙌 [instagram.com/p/3riQH3KuCX/](https://www.instagram.com/p/3riQH3KuCX/)



Girl Games @GirlGamesGG · Jun 8

#games ❤️ #BunnyGirl #DressUp 😊 #Friv 🧚 goo.gl/anhHEf girlgames.space/?p=1125



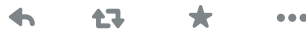
Funny Games @FunnyGamesFriv · Jun 8

#SnakeAndLadder #Other 🗨️ #Friv 🚩 #Games 🍷 goo.gl/hNs2Ai funnygames.space/?p=2417



anri yamazaki @fromRiriwithluv · Jun 7

The boss!! #friv #sebb #VSCO #babylove [instagram.com/p/3ptRPylb4i/](https://www.instagram.com/p/3ptRPylb4i/)



FrivGames @FrivGamesFG · Jun 7

#Friv 🐱 #SpaceBlocks #Puzzles 🧩 #Games 🎮 goo.gl/QNqqqM frivgames.click/?p=1767



Марьяна Градина6 @I6Gradinam · Jun 7

#Friv tanki online traffapsjzjmw.homechat.eu.com/qualify-792/fr...



Francisco Javier @falcotac · Jun 6

juegos con el regalón #Friv ❤️



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@egnetnews ايجي نت نيوز · Jun 6

#friv: العاب فرايف اسرع من البرق -العاب فرايف اون لاين العاب طبخ مباشر للبنات تعود بك الي زمن الطفولة egnetnews.blogspot.com/2015/06/friv-t...



sebasENCUENTRAMEpdc @pdc_karol · Jun 5

y pues hoy es 05 ELLA es la mejor @DayiizRam la que ha estado hay cuando la nesecito LA R AMO jaj gracias por todo (ADRENALINA) #FRIV



Fondosdeescritorio10 @Fondosde10 · Jun 5

#Friv 🐱 #GasAndAirArcticExpedition #Action 🎮 #Games 🎮 goo.gl/QNqqqM frivgames.click/?p=14446



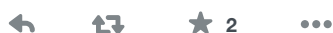
Ульяна Наюк @nayuku1 · Jun 5

для девочек 1000 игр бесплатно tapkikcadh.unl.tubepile.com/complainant-33 ... #Friv



Girl Games @GirlGamesGG · Jun 4

#online #friv 🤖 Extreme Cupcake Slots #3D #games 🤖 goo.gl/YcYCJG onlinegames.space/?p=4497



Girl Games @GirlGamesGG · Jun 4

#games ❤️ #JinafireLongSpaMakeover #Girls 🤖 #Friv 🤖 goo.gl/anhHEf girlgames.space/?p=1100



China @MaruuDa · Jun 4

Que bronca cuando no puedes pasar un nivel de los jueguitos de #Friv



Funny Games @FunnyGamesFriv · Jun 4

#Cattoss 🤖 #Friv 🚩 #Games 🤖 goo.gl/hNs2Ai funnygames.space/?p=2371



Funny Games @FunnyGamesFriv · Jun 4

#AngryMike 🤖 #Friv 🚩 #Games 🤖 goo.gl/hNs2Ai funnygames.space/?p=2369



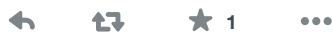
Арсений Куртиев @KurtievSenya · Jun 4

игры 9 tortiauekksrq.shosun.podium.ru/daybreak-813/f... #Friv



FrivGames @FrivGamesFG · Jun 4

#Friv 🤖 #SimAirTraffic 🤖 #Games 🤖 goo.gl/QNqqqM frivgames.click/?p=1721



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Exhibit K

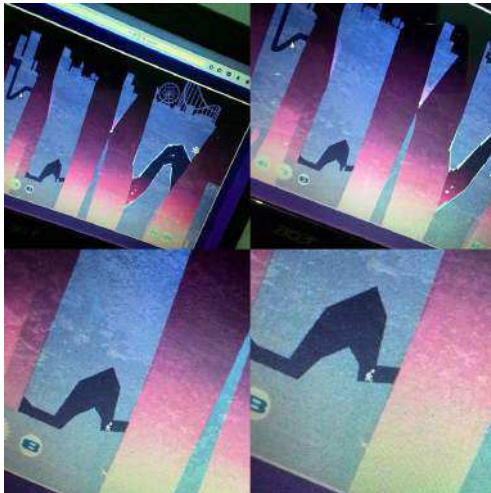
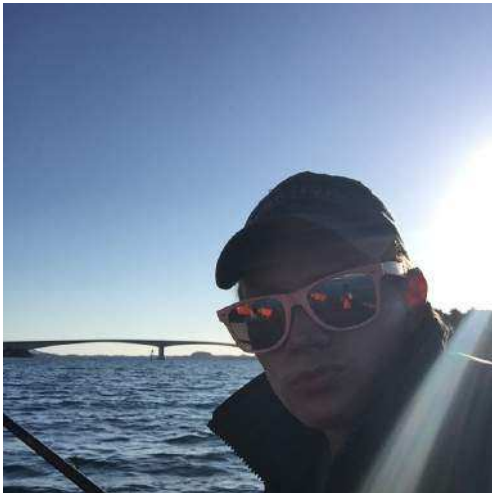
Search

jurgense

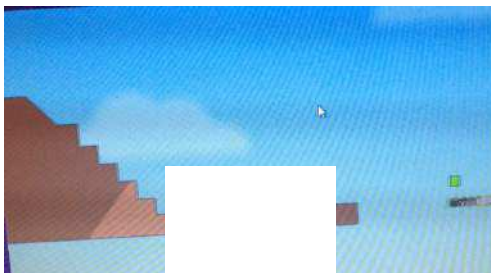
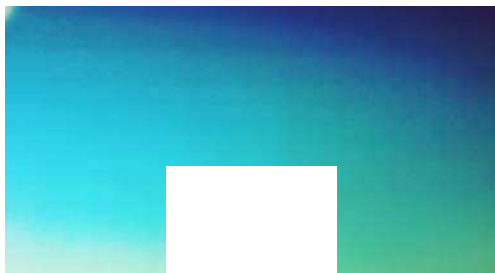
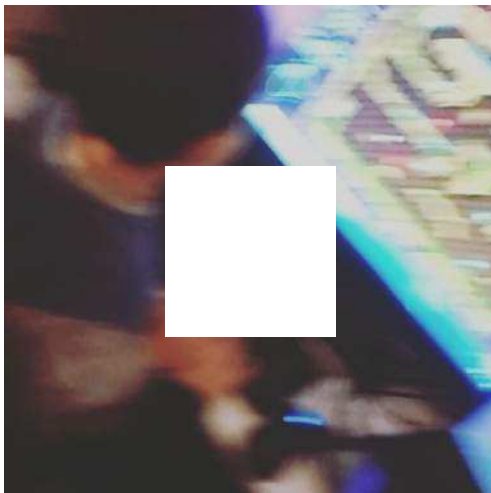
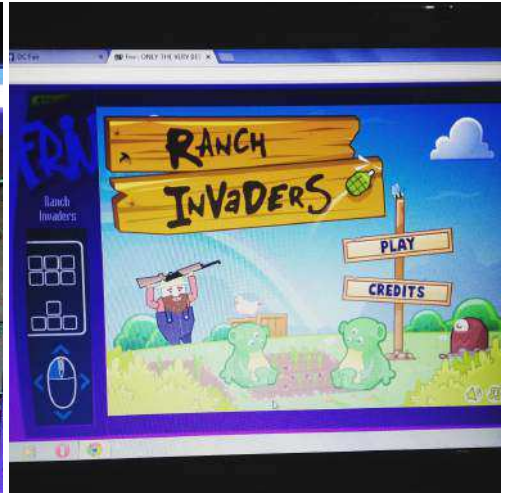
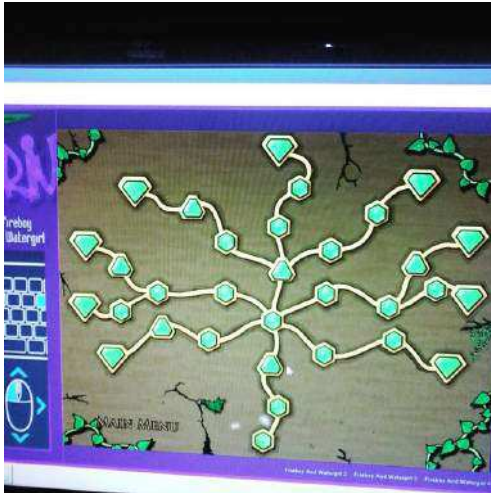
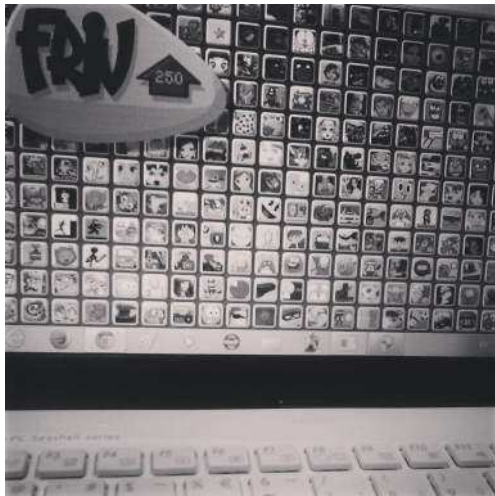
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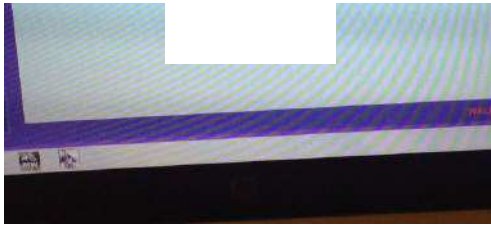
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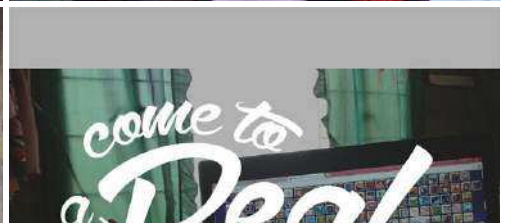
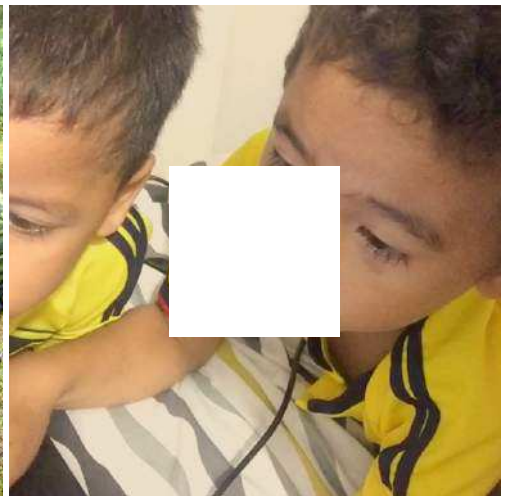
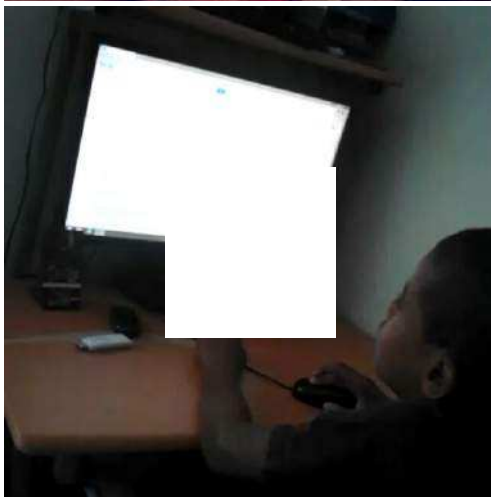
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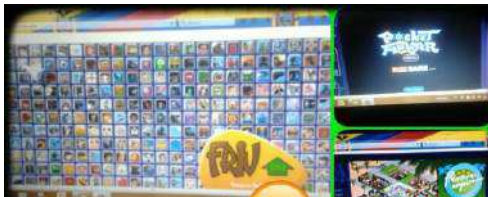
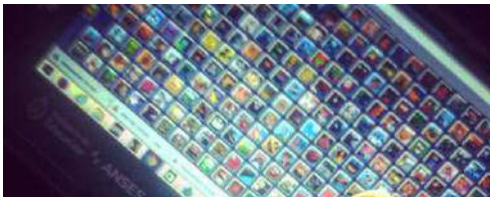
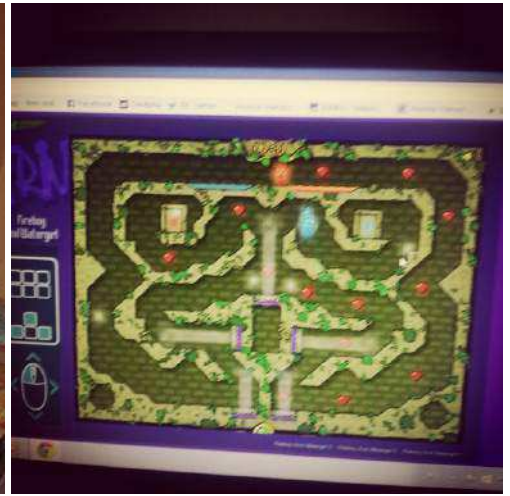


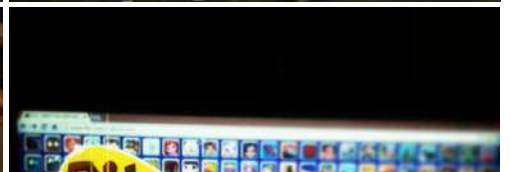
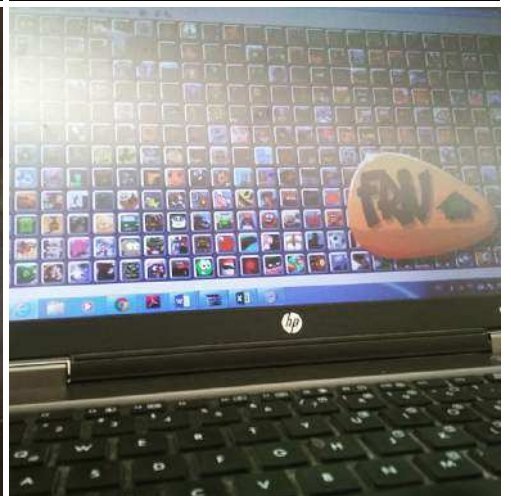
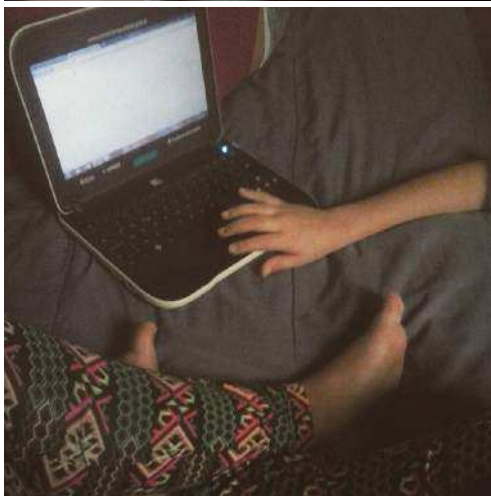
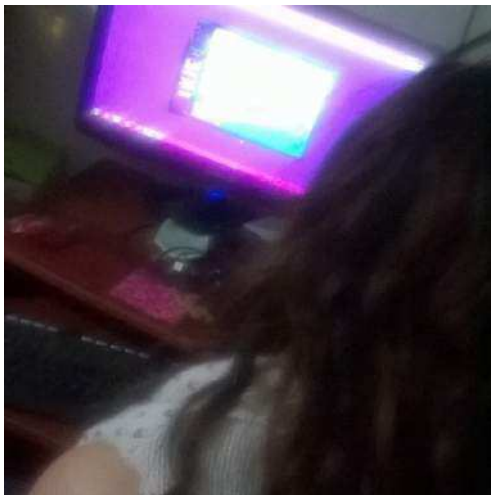
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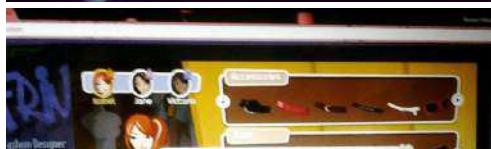
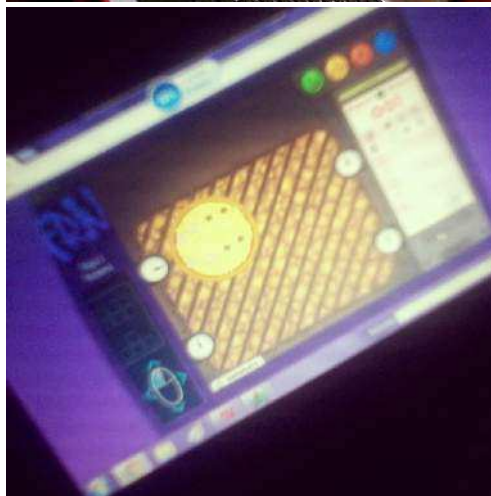
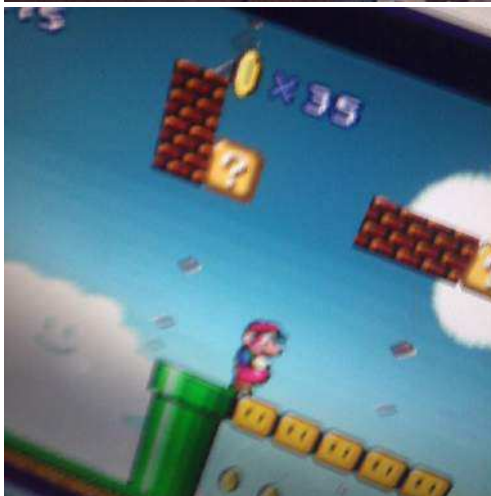
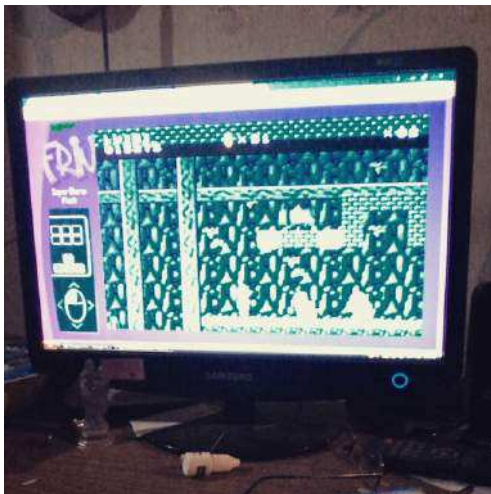
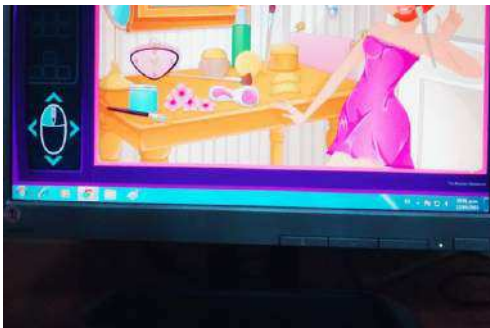


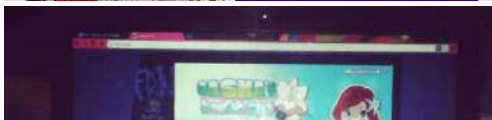
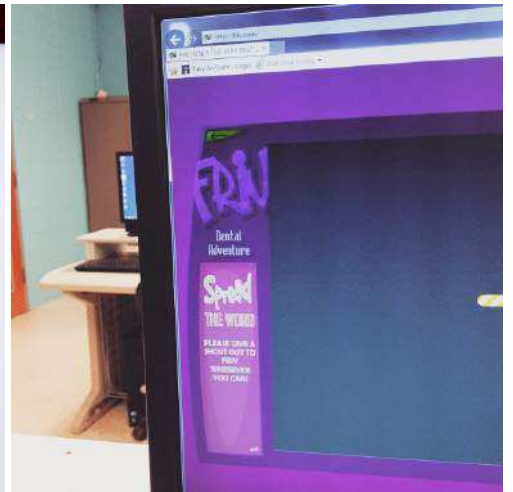
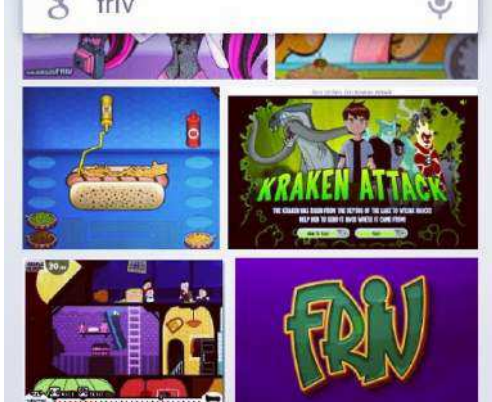
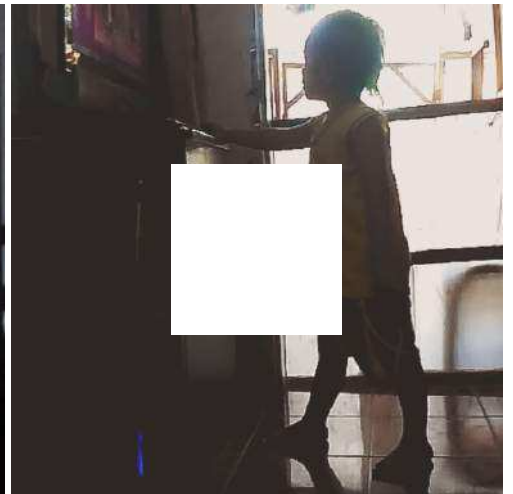
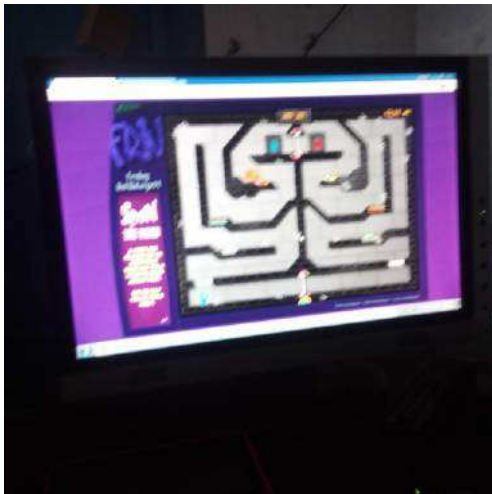
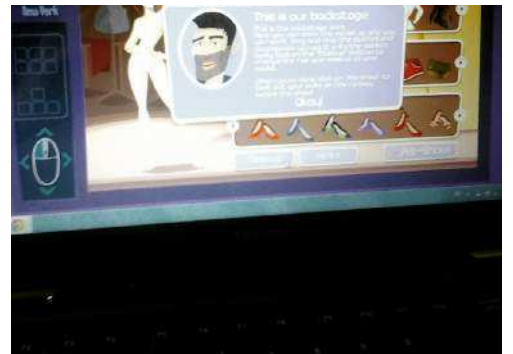


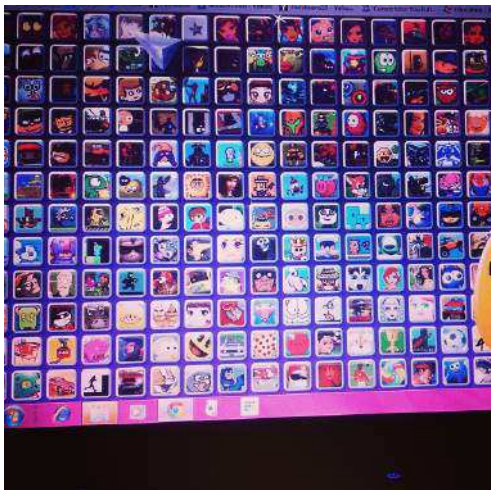
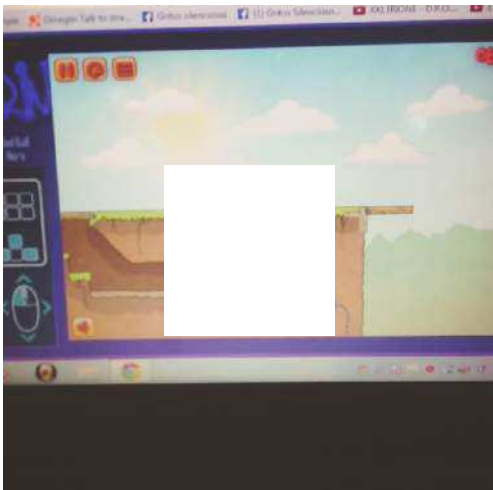
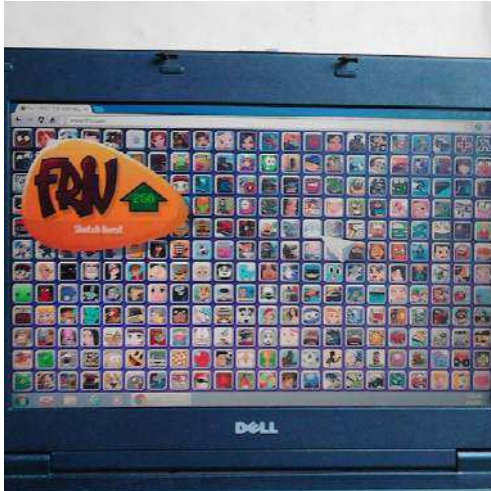
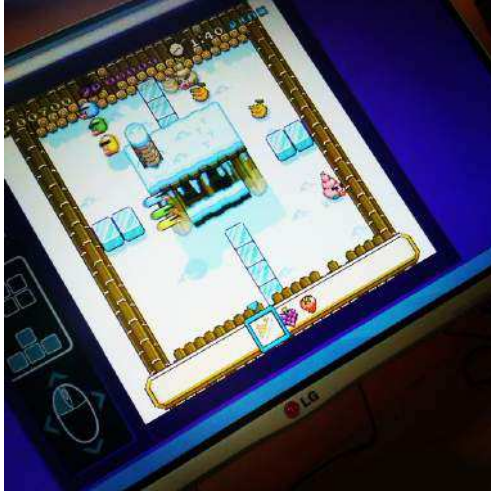


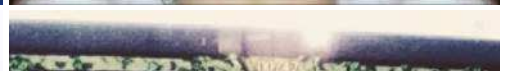
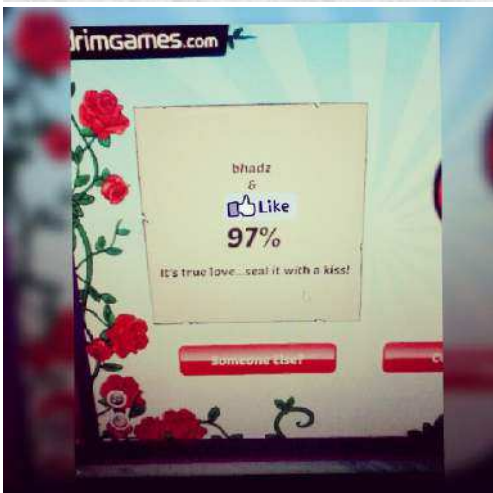
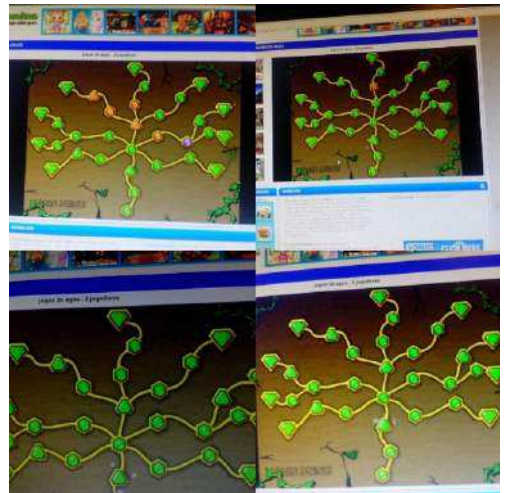
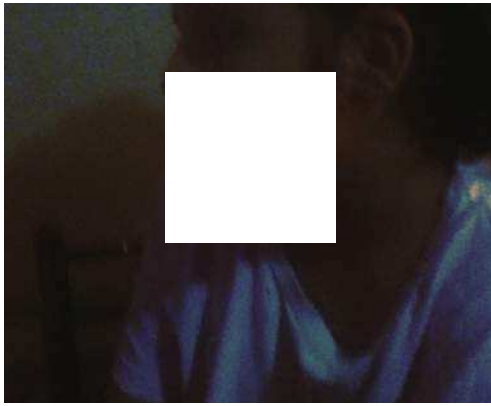


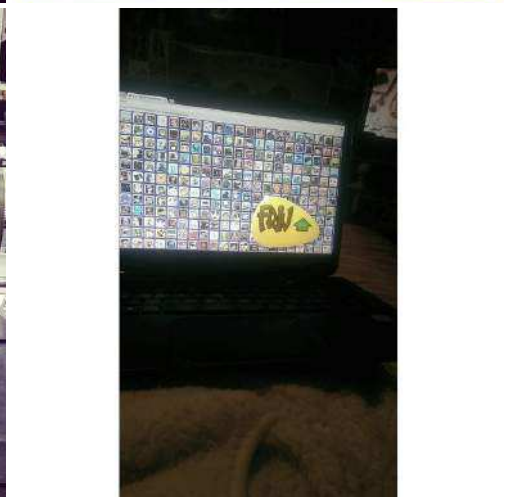
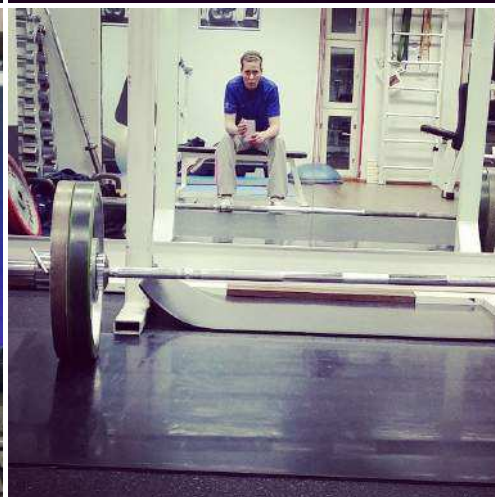
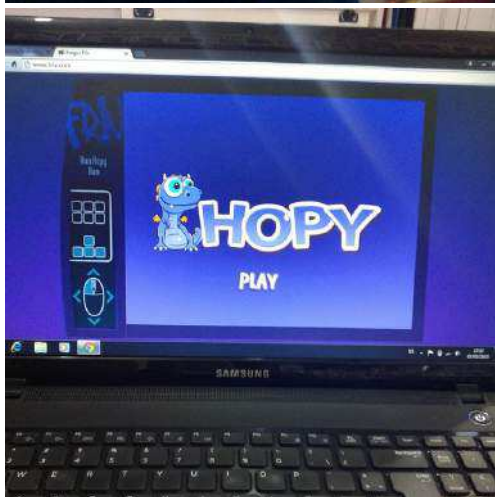
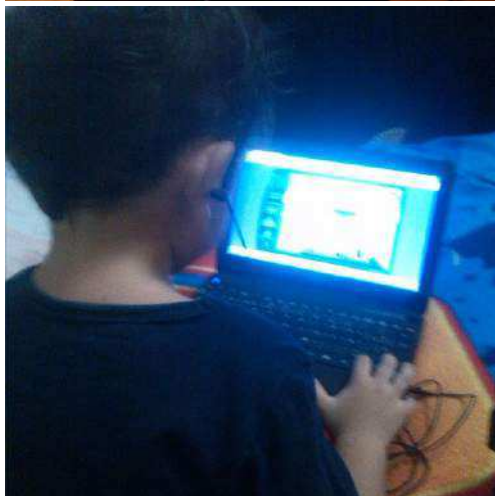
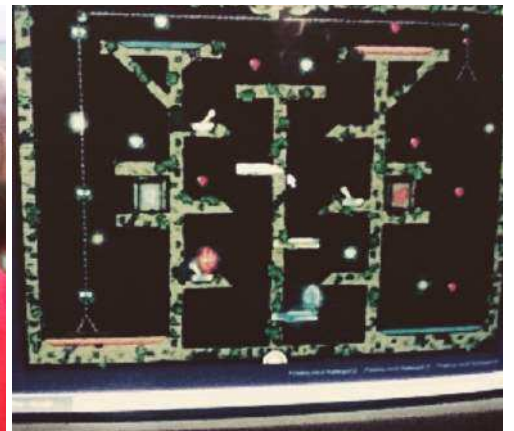


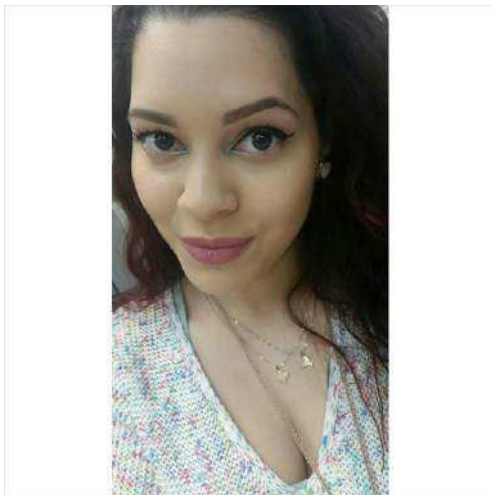
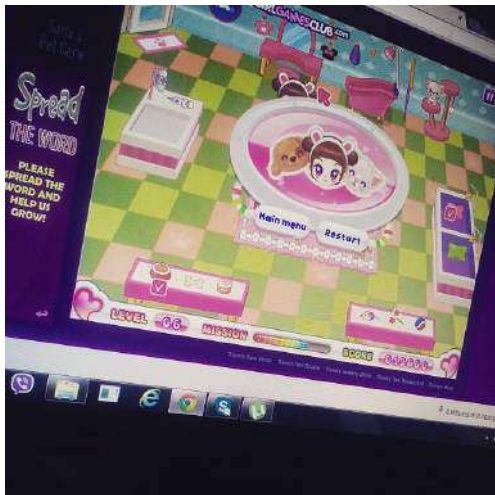
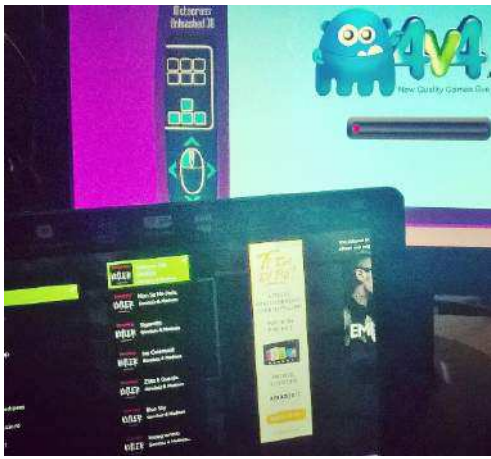


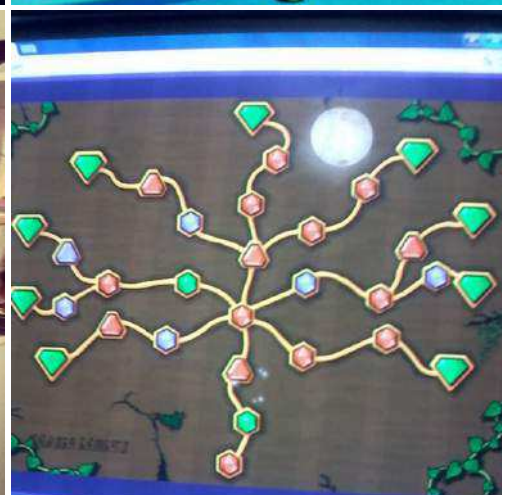
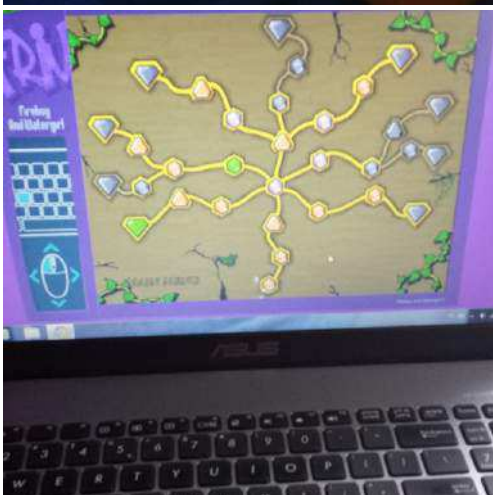
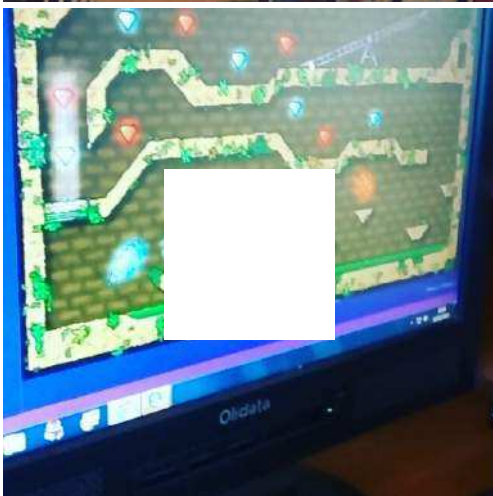


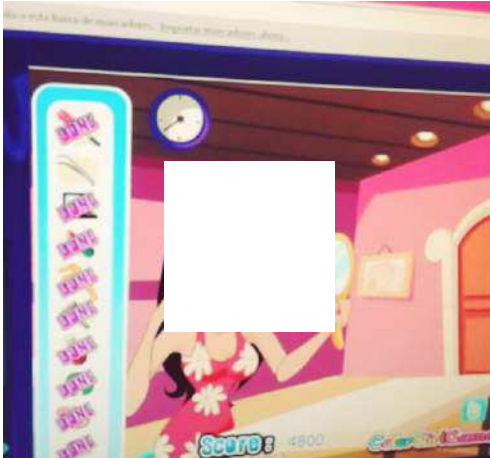
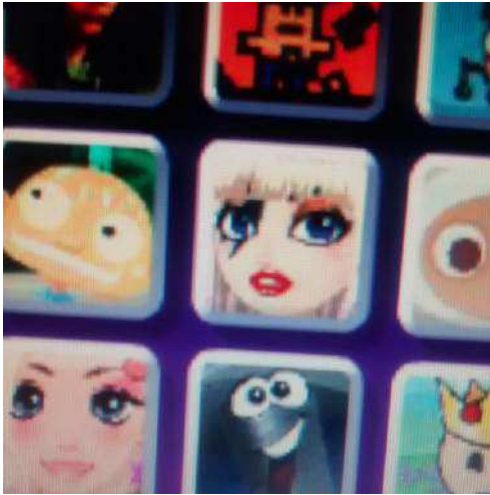
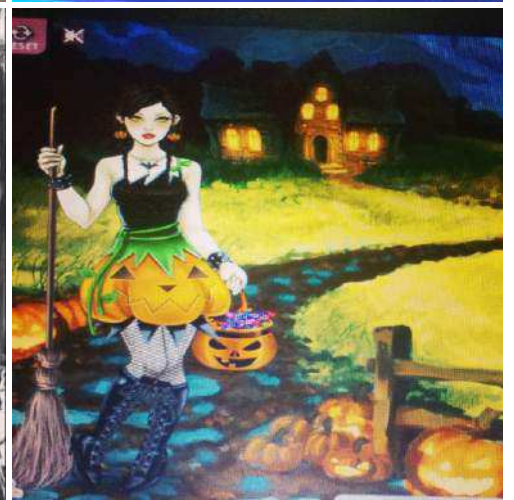


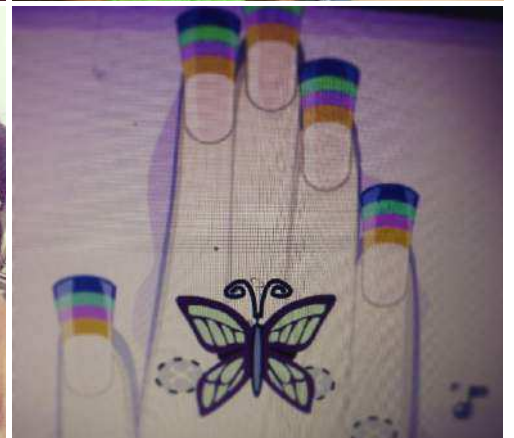
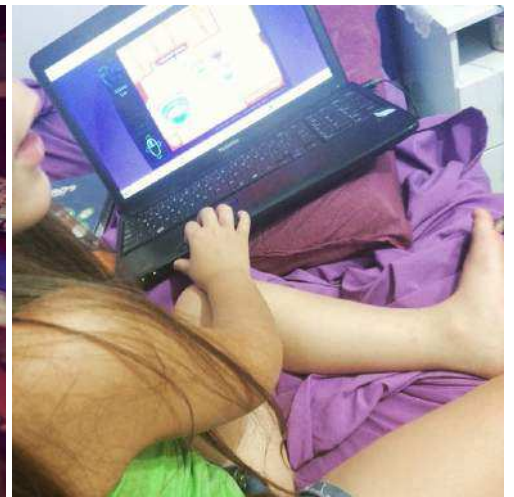
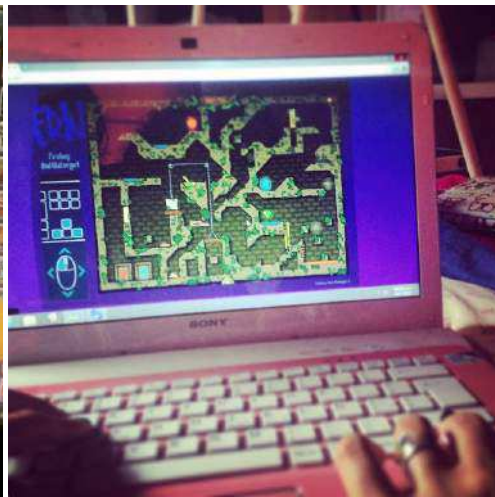


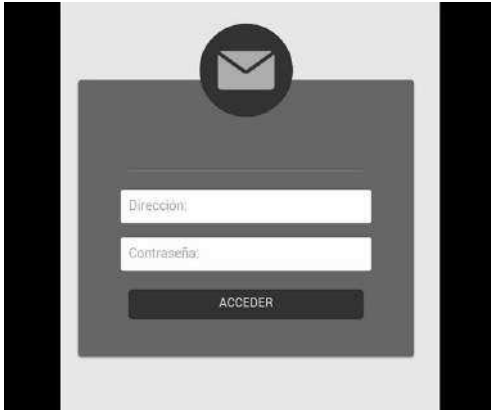
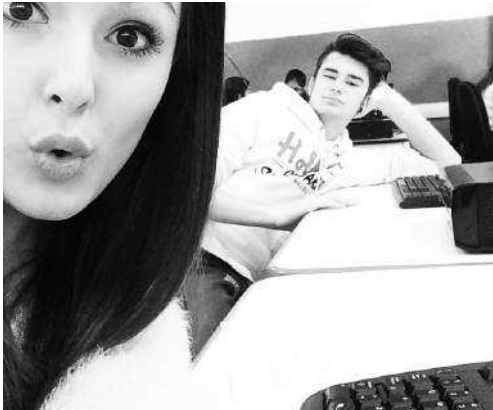
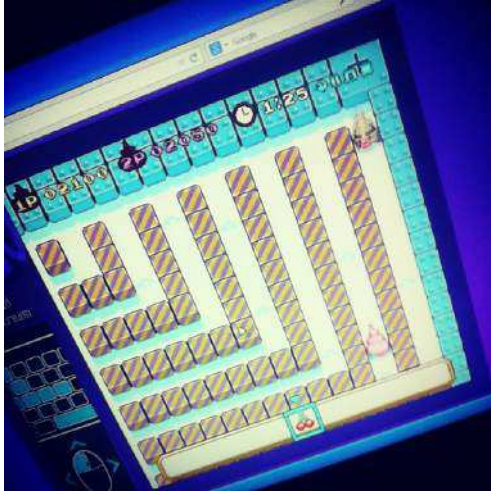
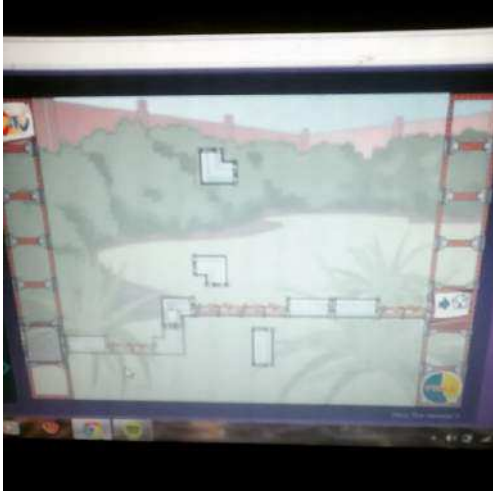
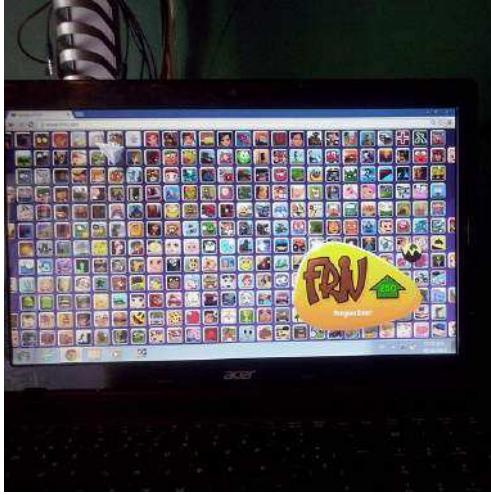
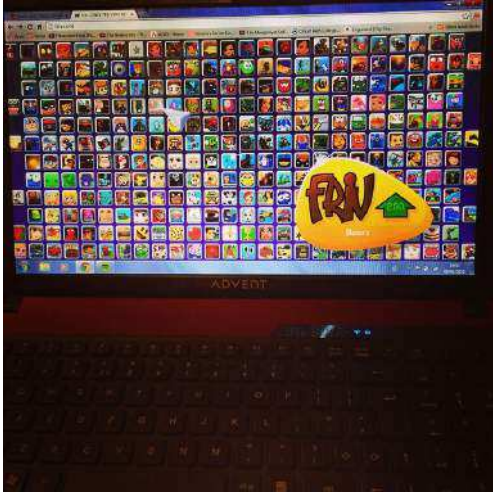


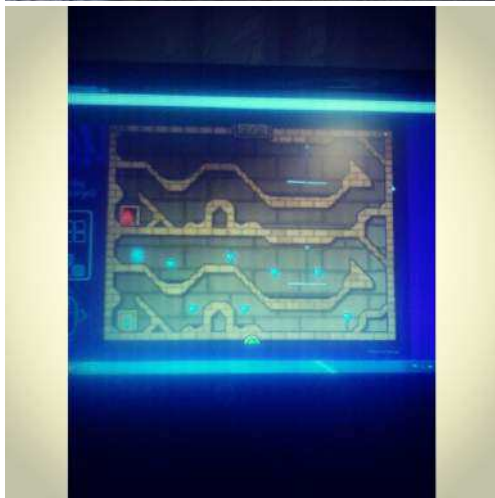
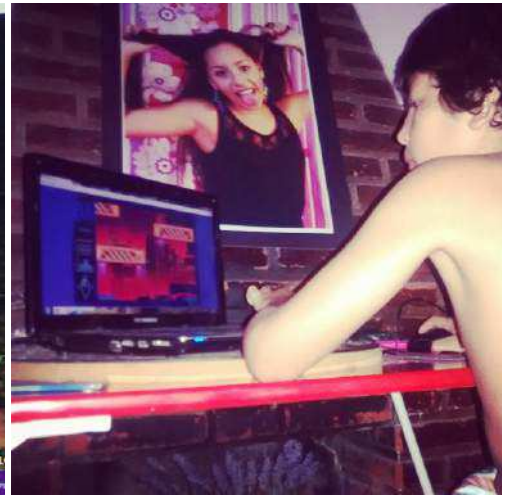




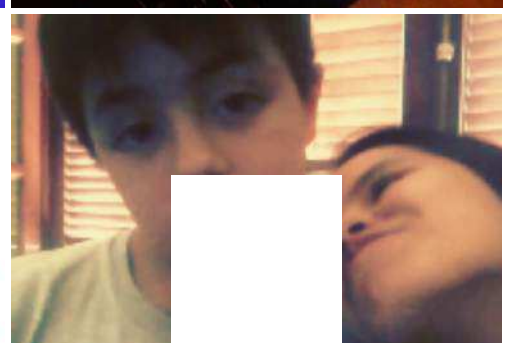
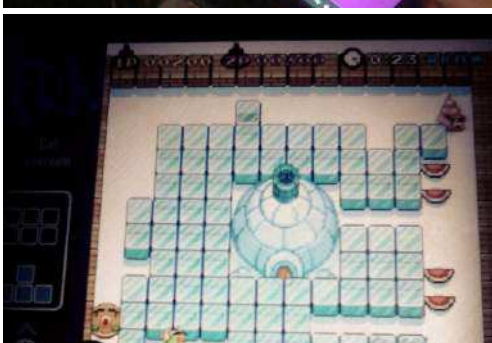
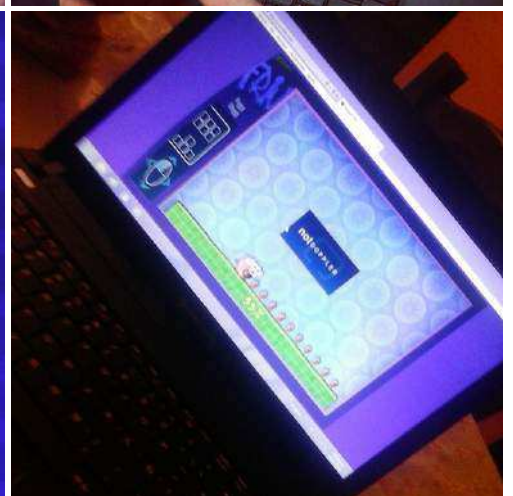
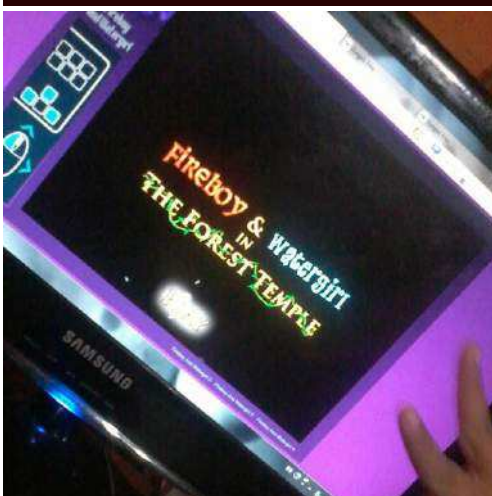
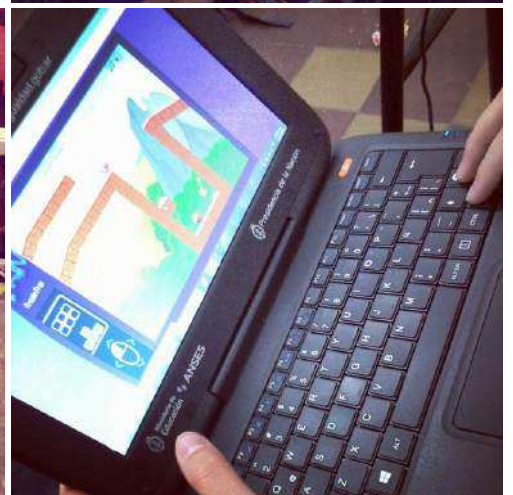
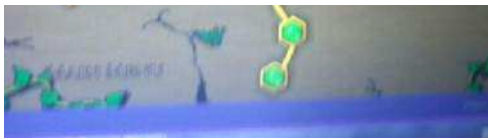


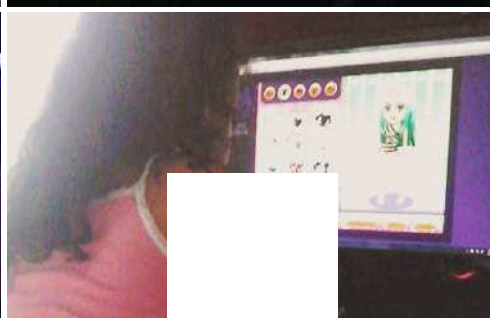
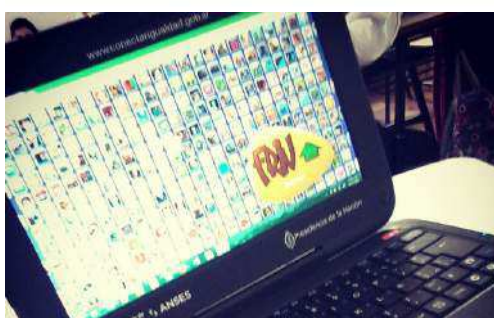
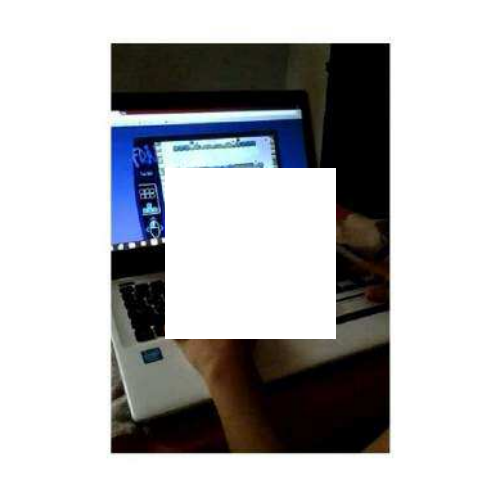
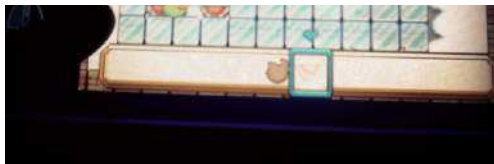


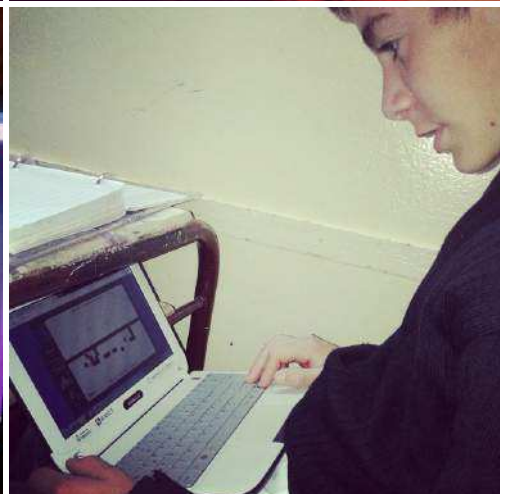
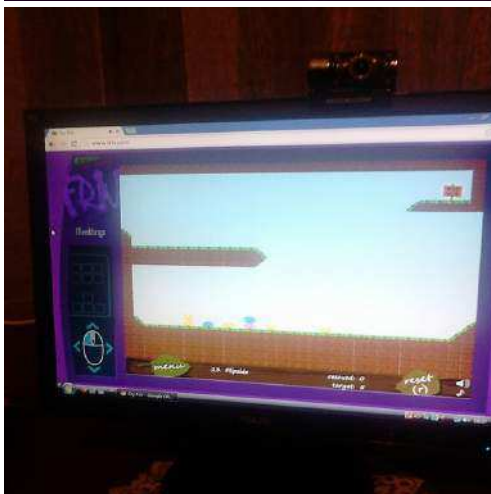
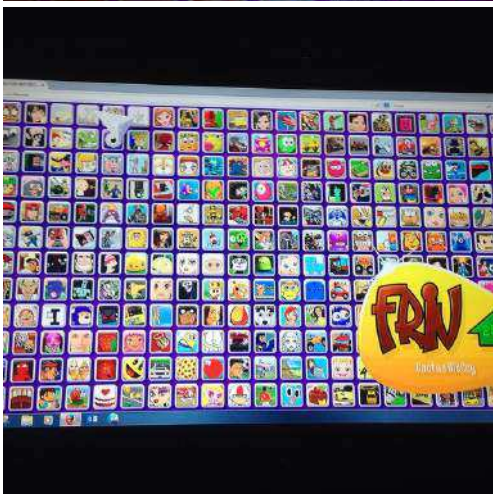
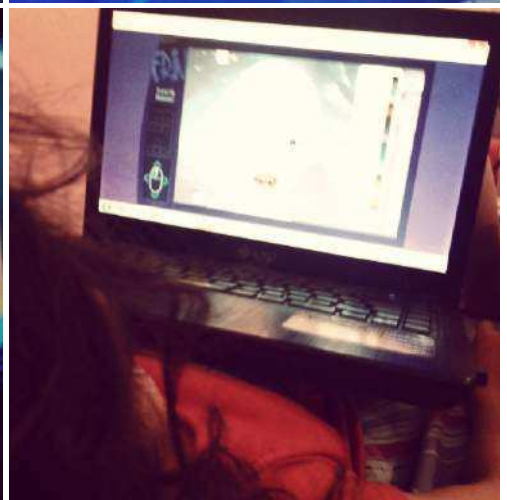
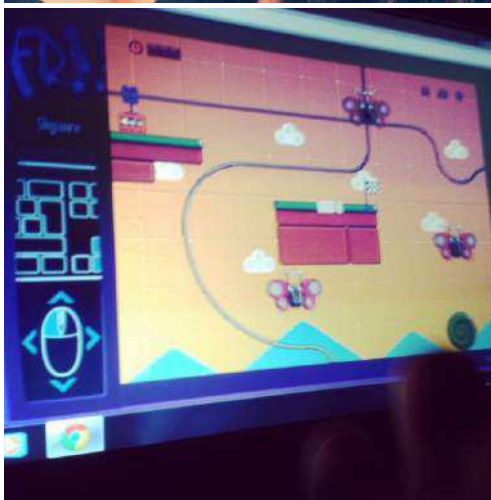
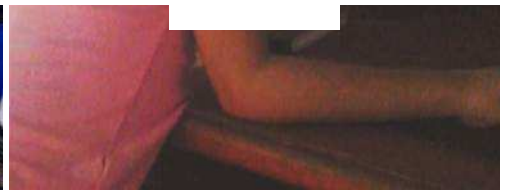


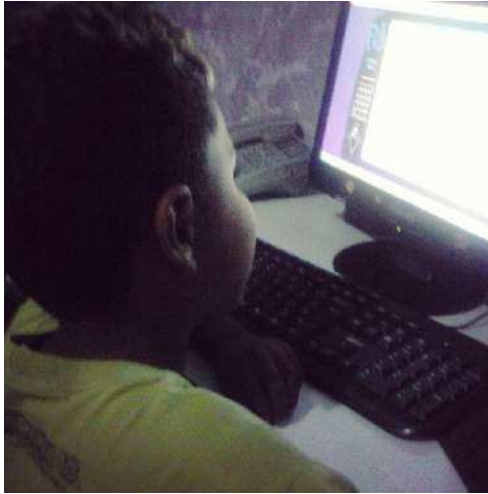
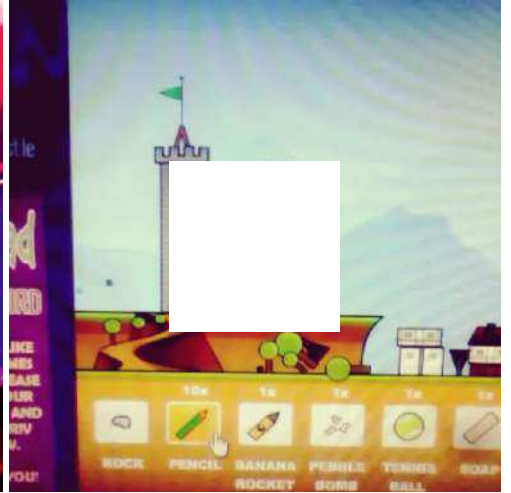
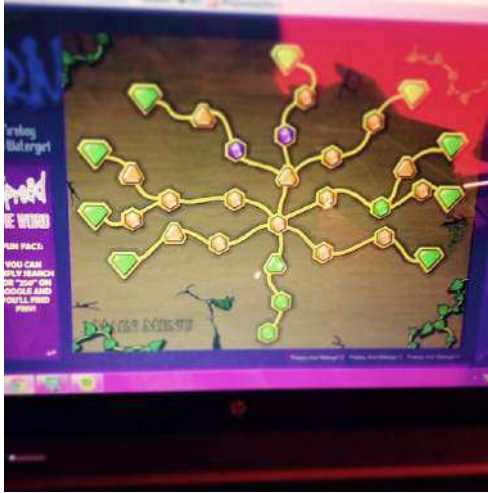
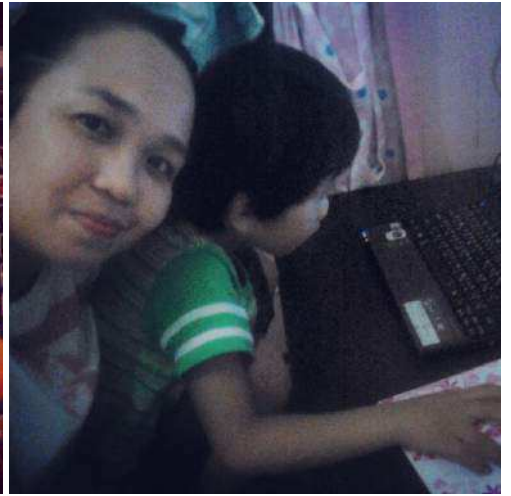


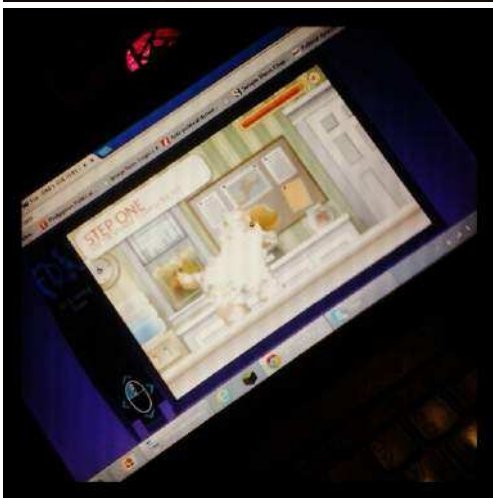
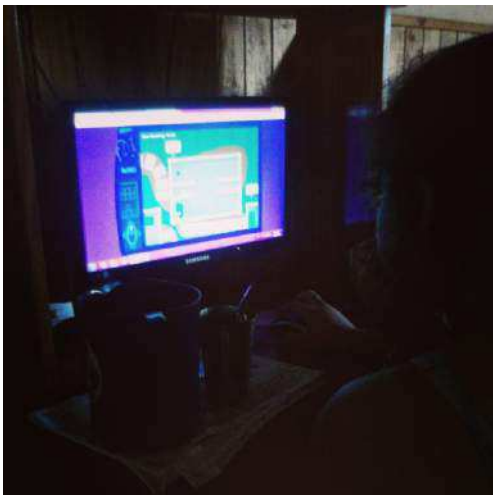
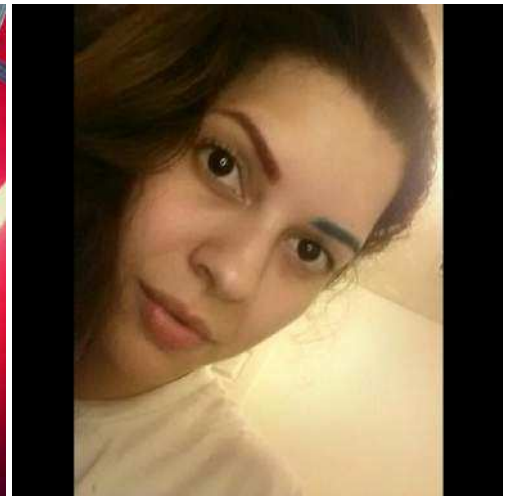
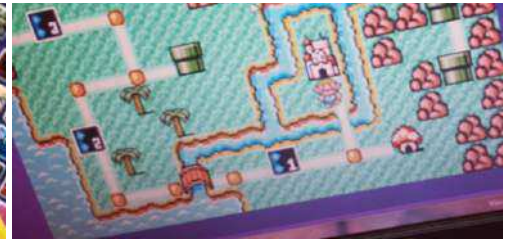


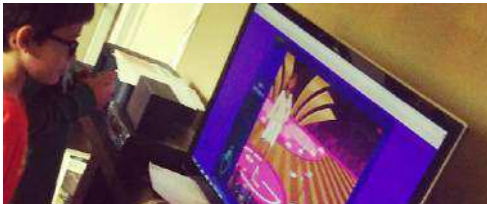
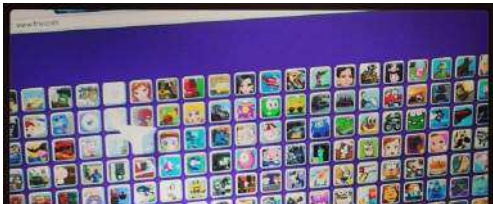
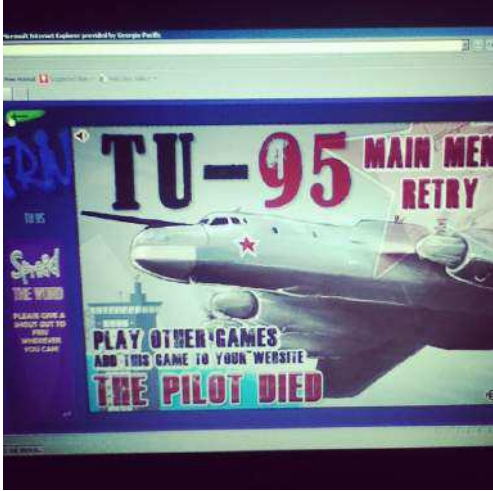


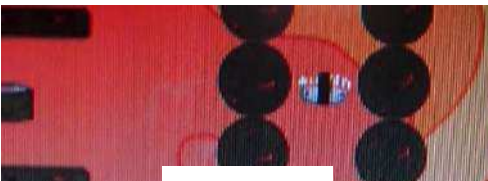
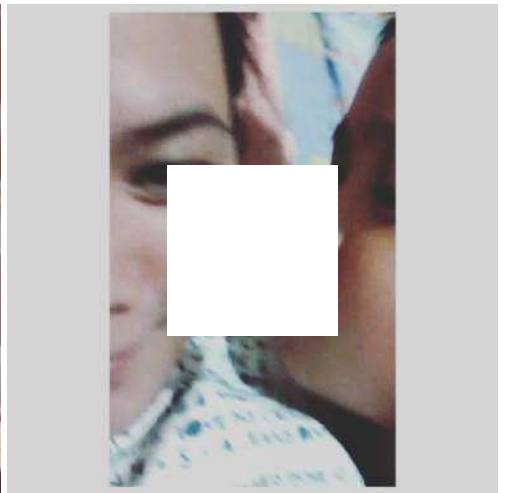
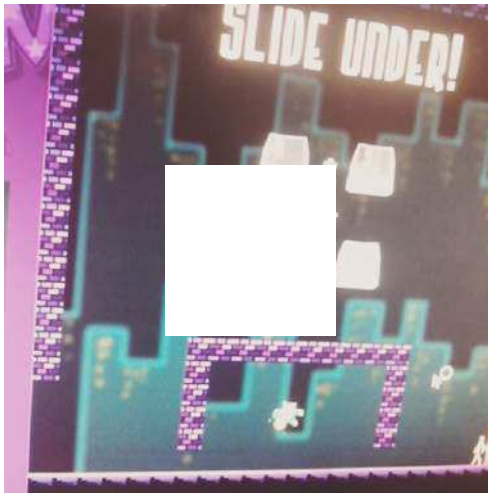
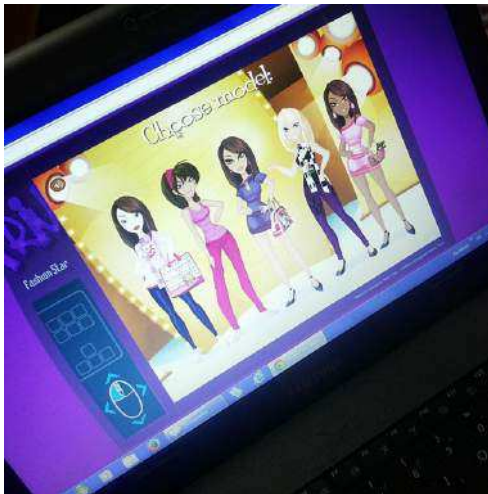
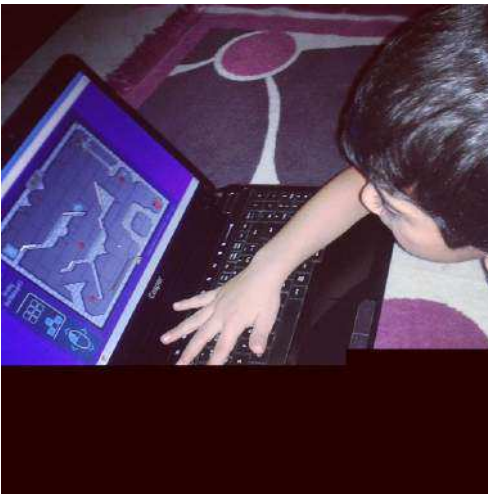
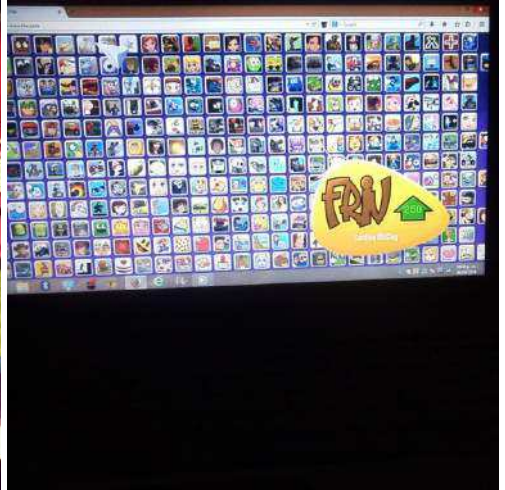


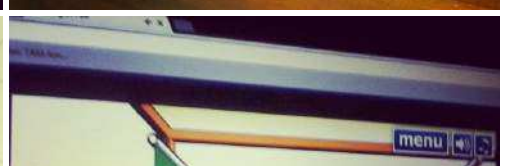
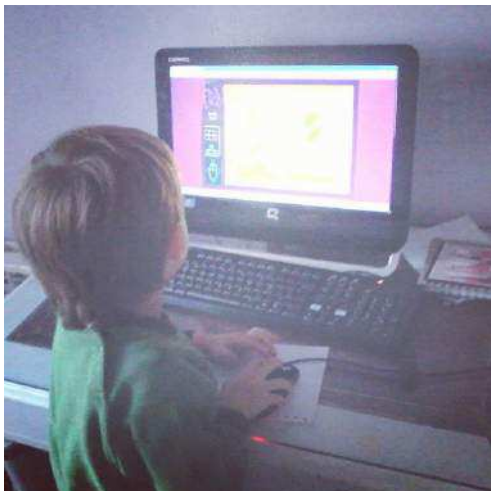
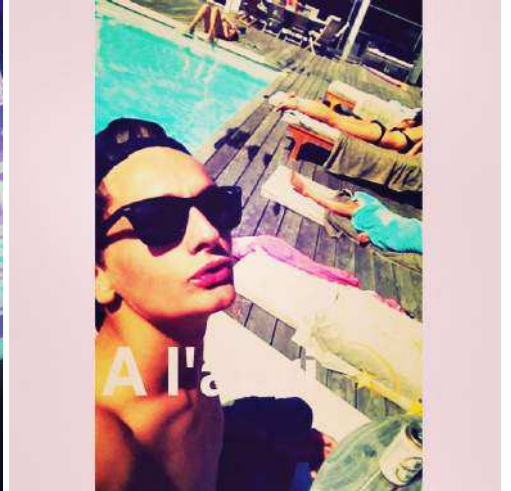
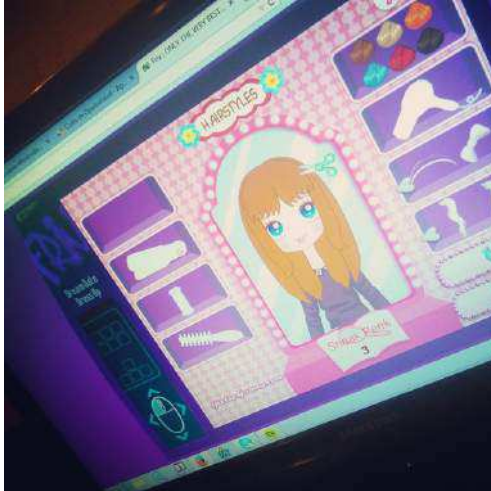
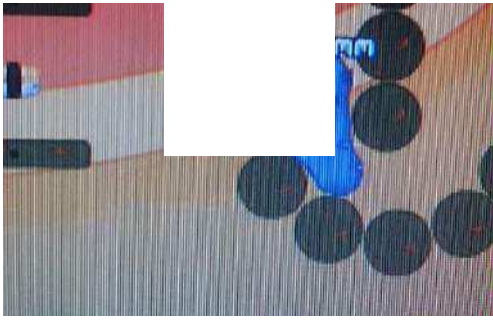


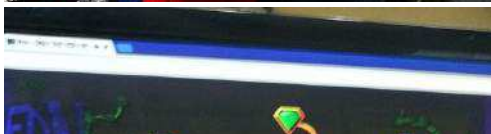
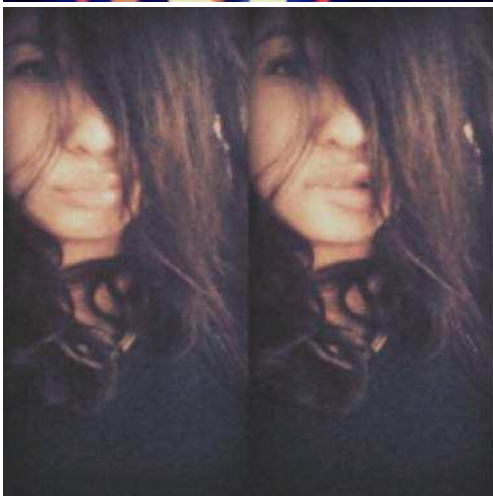


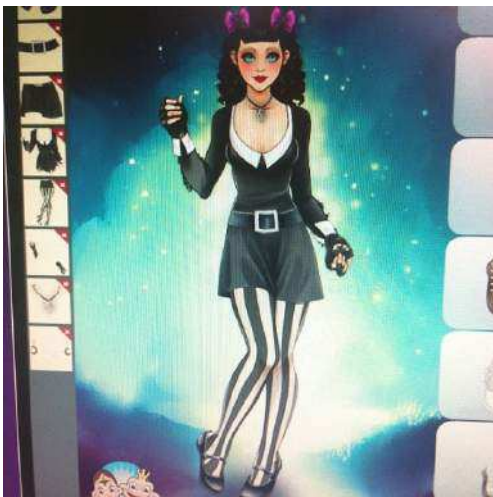
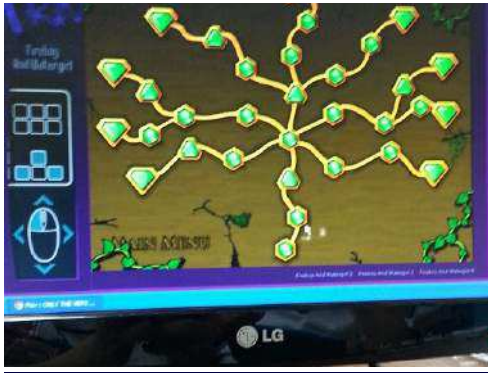


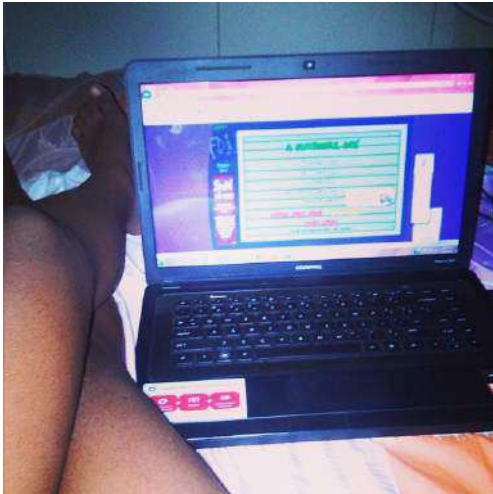
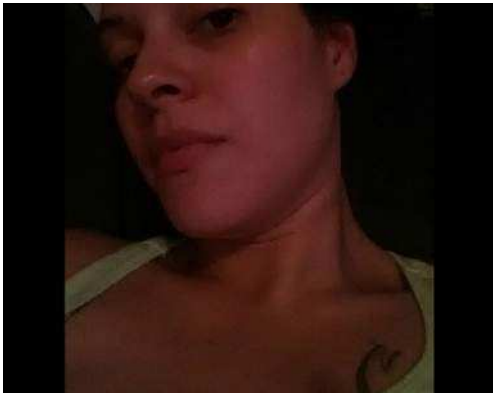












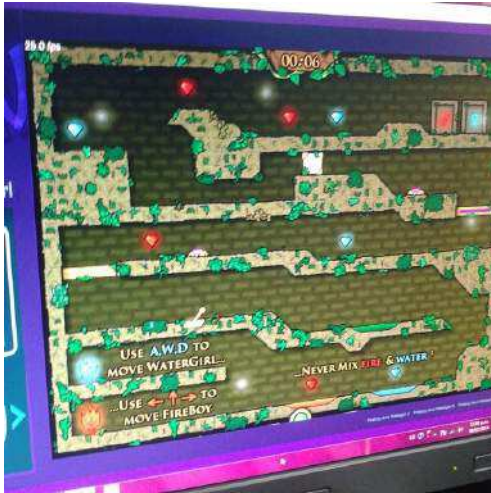
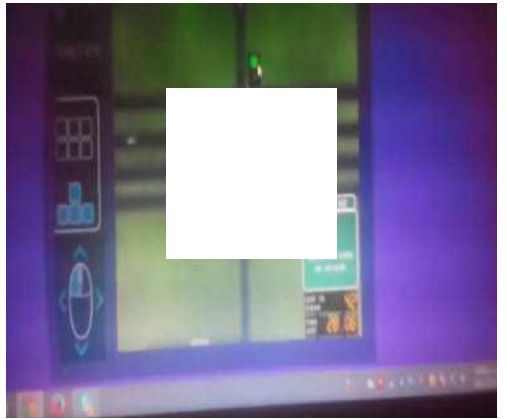


Exhibit L

FRIV

Drew Home

Drew Jurgensen

Edit Profile

FAVORITES

- News Feed
- Messages 20+
- Events
- Saved 1

PAGES

- Ricochet
- Pages Feed 20+
- Like Pages
- Create Ad
- Create Page

GROUPS

- MSU Law Class of ... 1
- MSU Law Pickup B... 6
- MSU Law Class of ... 5
- MSU Law Fantasy ...
- Prospective Law R...
- MSU COL Pick Up ... 17
- Irish-American Leg... 10
- MSU LAW IM BBALL 1
- MSU Law Class of ...
- The Golden Sting ...
- 2013 NCAA Tourne... 1
- New Groups 1
- Create Group

APPS

- Games 15
- On This Day
- Snake
- Games Feed 20+

FRIENDS

Sparty's

INTERESTS

Pages and Public ...

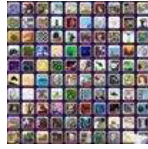
EVENTS

Create Event

Top People Photos Pages



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Victoria Convertino



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PEOPLE YOU MAY KNOW

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Bintang Kejora
Add Friend



Brian Schaeffer
7 mutual friends
Add Friend



Jeremy Orr
75 mutual friends
Add Friend



Mark Jensen
34 mutual friends
Add Friend



Matthew Sous
33 mutual friends
Add Friend



Shea Trisoliere
7 mutual friends
Add Friend



Frank Bednarski
1 mutual friend
Add Friend



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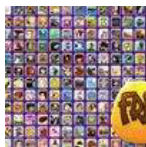


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109,614 like this

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Entertainment Website


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1,989 like this

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FRIV GAMES
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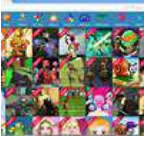
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3,523 like this

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Board Game

111,485 like this

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Board Game

111,485 like this

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Friv Games Play

Community


4,535 like this

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172 like this

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Friv Games
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1,579 like this

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398 like this

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Community
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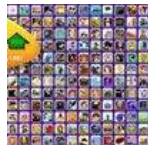


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131 like this



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Games/Toys

12,818 like this

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Friv

Community

181 like this

Like



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59 like this

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11,799 like this

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180 like this

Like



FRiV

Community

20 like this

Like



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11,799 like this

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FrivBest

App Page

180 like this

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FRiV

Community

20 like this

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144 like this

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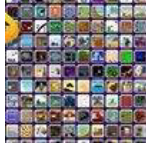
Juegos FRIV
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27,944 like this

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13 like this

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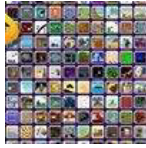
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13 like this

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45 like this

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1,143 like this

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367 like this Like


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4,857 like this Like

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2 like this

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1,958 like this

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162 like this

Like



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80 like this

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234 like this

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162 like this

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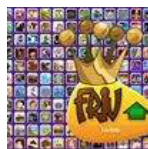
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63 like this

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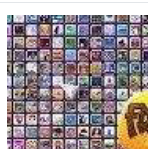
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3,116 like this

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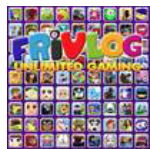


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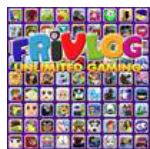


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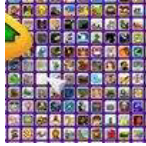


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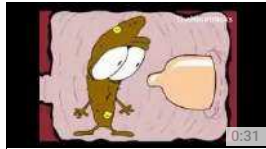
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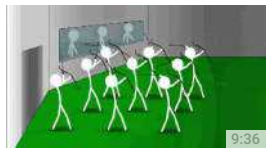
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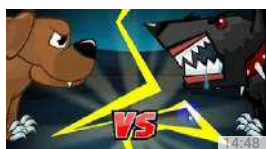


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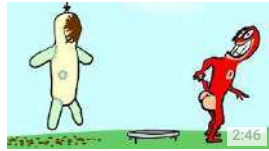
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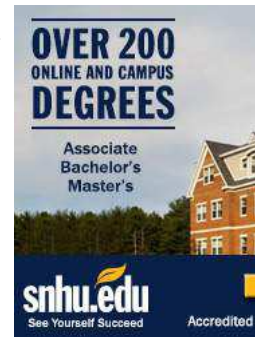
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Play friv super mario games and another mario games, more friv games at hotlinks : <http://www.frivgame.info>.

1:50

Friv 2015 Games - DoodieMan Voodoo & crazy woman ! Funny games

by Gazo Lotus

8 months ago • 327,977 views

Friv 2015 Games - DoodieMan Voodoo & crazy woman ! <http://friv-2015.kizifriv1.com> friv2015 - Full Playlist here ...

1:47

HD

Friv Games Spanthera - Friv - Friv 100

by friv games uk com

1 year ago • 4,027 views

Friv Spanthera Games Throw spears of justice to protect the Kingdom of Spanthera ! How to play : Use the MOUSE to aim and ...

6:05



3:01

Friv 1 friv 2 games - best friv games online - subways

by Tua3

2 months ago • 3,898 views

see more here: https://www.youtube.com/playlist?list=PLf17GA_4BmG0g7hE3V...

HD

**kamikaze blocks friv**

by Super Game

1 year ago • 400 views

desculpe por nao mostra a foto do jogo no proximo video mostro a foto do jogo karikaze blocks.

HD

**Friv 1 - Friv 2 - Friv 3 - Friv 4 - Friv 5 - Friv 6 - Friv 7 - Friv 8 - Friv 9 - Friv 10**

by Click Jogos

1 month ago • 1,637 views

Friv 1 - Friv 2 - Friv 3 - Friv 4 - Friv 5 - Friv 6 - Friv 7 - Friv 8 - Friv 9 - Friv 10 See more Here: <https://goo.gl/rIxTqy> ----- funny ...**Friv 100 Doodieman Full Games - The REAL revenge doodie man**

by Tua Entertainment

9 months ago • 83,860 views

Doodieman - The REAL revenge - doodie man Friv 100 Friv100 Please Subscribe for more videos > <http://goo.gl/k94wFH> => See**Juegos friv High Speed 3D Racing**

by juegosfriv

4 months ago • 8,122 views

<http://www.juegosfriv14.com/high-speed-3d-racing.html> Juegos friv de carreras tan espectaculares como este hay pocos.

HD



Friv 250 - funny videos Song Version 1

by Friv Review

11 months ago • 47,962 views

Friv 250 <http://friv-250.kizifriv1.com> - Team Song Version 1

<https://www.youtube.com/watch?v=HQFCHU9iseI> ----- See ...

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**We Bare Bears**

AD by cartoonnetwork
New Series on Cartoon Network
Premieres Tonight @ 6:30/5:30C!

✕

**Watch LEGO® Elves Trailer**

AD by LEGO
417,266 views
Help Emily Get Home and Join
the LEGO Elves Adventure!

✕

**kako igrati friv igre - Best free online games - Games for girls boys**

by adam crucky
5 months ago • 396 views

**BOB THE ROBBER games - friv 343 - friv343**

by Anova lynda
9 months ago • 1,680 views
See Full List Here ▶ <https://www.youtube.com/watch?v=1UDdELiuzKI&list=PLpH...>
Talking Tom ...

**mini dash en friv**

by Cristian Gomez
1 year ago • 554 views

**Friv.com : Water Sons [#1] Początek Gumbolla i Darwina**

by FenCia
8 months ago • 7,222 views
Cześć ! Jest to pierwszy odcinek z Friv.com. Na początek gra Water Sons. Zapraszam
do oglądania!

HD

**RANDOMOWE GRY FRIV : ROLERKOSTER CREATOR #1**

by AROW Gra
11 months ago • 1,674 views
Lajkujcie i komentujcie .KAŻDA ŁAPKA TO MOTYWACIA DZIĘKI ZA WSZYSKO!

HD

**Funny animation full - funny videos - friv 1 friv 2 friv 3 friv 4 friv 5**

by Kim JEnny
3 weeks ago • 175 views
Funny animation full - funny videos - friv 1 friv 2 friv 3 friv 4 friv 5.

HD

Tom and Angela Wedding Day games - friv 706 - friv706

by Anova lynda
9 months ago • 9,869 views
See Full List Here ▶ <https://www.youtube.com/watch?v=1UDdELiuzKI&list=PLpH...>
Talking Tom ...

5:11

Holly Plays Heist on Friv

by AsdfghjkIEXPLOSION
2 years ago • 2,768 views
www.friv.com/Heist.

HD

9:58

Solucion Anika's Odissey [WWW.FRIV.COM]

by MatuLautaro
2 years ago • 84,223 views
Hola! Aca la solucion del juego Anika's Odissey en la pagina <http://friv.com/>



Advertisement

11:29

Zombie Cats, Friv, Friv Games, Friv 2

by friv games uk com

1 year ago • 2,480 views

This is a very brave little dog, and now he lives in the city has been invaded by zombies, all the animals have become a terrible ...

6:30

Juegos Friv TOP 15

by JuegosFrivEu

2 years ago • 150,062 views

http://juegosfriv.eu - Juegos Friv TOP 15 Juegos Friv: Cactus McCoy, Formula Racer 2012, Gun Bot, Hot Bikes, Muay Thai, Nitro ...

2:53

HD

como pasar Anika's Odyssey juegos Friv -parte 1

by KeyFiery

5 months ago • 725 views

como pasar uno de los juegos friv es muy entretenido y te hace pensar pero para los q no le gusta pensar tienen el video resuelto ...

5:18

HD

Juegos friv de carros| Juegos friv

by juegosfriv

1 year ago • 485,249 views

http://www.juegosfriv14.com Te parece impresionante este juego, pues cuando pruebes los friv de nuestra página, no te ...

2:06

jocuri friv

by boss florin

1 year ago • 1,816 views

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FRIV

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Friv car - Cars 2 Gameplay

by Phuong Uyen

2 years ago • 66,115 views

Free friv car games racing at http://www.myfriv.net link: http://car.myfriv.net/

HD



juegos miniclip y8 friv kizi jeux oyunlar Pageant Queen YouTube

by agamea.net

2 years ago • 21,101 views

http://www.game-agame.com/cats/sports/sports.html AGame AGame com Sports Games Play the best free Sports Games.



Juegos Friv 1000 games play online walkthrough friv games - friv for school Friv online games

by Games Video Channel

1 year ago • 232,312 views

For More Video: http://www.youtube.com/subscription_center?add_user=games... Watch All Games Video ...



descarga juegos de friv para pc 100% seguro

by david/mincraft pe /happy wheels

1 year ago • 21,705 views

que tal amigos aqui los links suscribanse y comenten ADOBEFLASHPLAYER LINK:https://mega.co.nz/#!YcGBITD!

HD



Funny Friv 2015 juegos friv football kicks primer video Games Friv 200

by Entertainment 300

5 months ago • 1,263 views



Friv 50 Funny Cutu cando Ploft 2015 - fun video - friv 5000 - Click Jogos

by Click Jogos

6 months ago • 6,345 views

Friv 50 games Funny Cutu cando Ploft 2015 -- Please Subscribe for more videos ...

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 AD by adidas Soccer
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The Fat Burning Hormone
 AD by sixpackshortcuts
 Control your fat burning hormone.
 Burn your fat and get six pack abs!

×



Only ball Friv
 by hdog mox
 1 year ago • 1,425 views
 Hi today I am playing Only ball I get totally frustrated with this game but ... Hope you enjoy like subscribe favorite you know the ...

HD



COMO HACER ESCONDIDOS EN KOF FRIV.com
 by David Tutos
 2 years ago • 71,315 views
 espero que les sirva y comenten y puntuen y suscribete estrenando mi nueva intro :)
 www.friv.com.



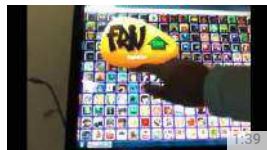
Friv 3 - Zombie Tsunami Super Giant Z - So Funnuy
 by QT3.org
 2 weeks ago • 28 views
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juegos ocultos de friv
 by brayan acosta perez
 3 years ago • 45,444 views
 aqui esta mi canal <http://www.youtube.com/channel/UCnKBJUxU5LnFzJklvTYfqzw?>
 f... y mi facebook ...



Friv,Kizi,Yepi - L A Rex
 by Friv.news
 1 year ago • 1,575 views
 L.A. Rex Who's idea was it anyway to put this dinosaur in the middle of a populated area? Play the role of the angry dinosaur and ...



3 Te muestro los juegos ocultos de friv
 by Julieta Antonella
 11 months ago • 20,845 views
 Like y suscribete esperó q te guste.

Funny Friv 2015 Friv 7 Friv7 Games Juegos de y8 com Games Friv 045
 by Entertainment 300
 5 months ago • 8,025 views

0:47

Juegos Friv de Frozen| Jogos friv de Frozen
 by juegosfriv
 9 months ago • 16,606 views
<http://www.juegosfrivolo.com/2014/10/anna-wedding-kiss.html>.

HD

3:27



Advertisement

4:26

Lets play friv (shatter bot)

by Elitesniper2100

2 years ago • 733 views

Every now and then i will be doing a lets play Friv episode also check out friv and tell me what other friv games i could do i will ...

Friv 75 friv75 y8 com game Stick Man gamestua.com - kymi june

by Friv Games

1 year ago • 9,646 views

<http://gamestua.com/tag/friv-75> Friv 75 friv75 y8 com game Stick Man ▶ See More Funny Video Here ▶ <http://goo.gl/sCLlYx> ...

10:01

Garfield in Scary Scavenger Hunt 2

by Quadsux

5 years ago • 986,970 views

IN ORDER TO GET THE CODE FOR THE DOOR, CLICK SEVERAL TIMES ON THE BINKY STATUE RIGHT BEFORE IT.

10:37

Como descargar juegos friv para pc Sin Internet 100%

by ANONIMS HACKER

1 year ago • 116,788 views

BUENO LES DEJO LOS LINK FLASH PLAYER.LINK:<https://mega.co.nz/#!IYcGBITD/>

HD

3:35

friv games The Light Temple and Coaster Racer 2

by Friv Games

8 months ago • 4,723 views

source : <http://www.youtube.com/user/FrivGames4Jeux> Friv Games is a great place to show the best free online friv games, juegos ...

5:29

jogo de futebol friv

by lipiex LoL

1 year ago • 7,167 views

joga com a cetinha e z chuta e x toca e x da carrinho e z bota o pé na frente.

10:30

BEN 10 OMITRIX UNLEASHED JUEGOS FRIV (FINAL)

by * JUAN PABLO GAMER *

7 months ago • 1,907 views

YA CASI LO RESCATO NO ES TAN FÁCIL SUSCRIBETE.

HD

19:04

Top 10: Juegos FRIV (Personal)

by D4RK LORD

11 months ago • 10,517 views

Que pedo banda ahora hice un pequeño top de los 10 mejores juegos de Friv, sugun yo. Osea que es un Top personal.

HD

26:01

My Best Games on Friv #4

by Innes Crawford

1 year ago • 1,732 views

My lets play of Cactus McCoy.

HD

7:29

Barbie And Unicorn games - friv 863 - friv863

by Anova lynda

8 months ago • 13,906 views

See Full List Here ▶ <https://www.youtube.com/watch?v=1UDdELiuzKI&list=PLpH...>
Talking Tom ...

2:04

9:55

[Friv 3 Games - Friv3 Chasm Walkthrough Games - Best free games online](#)

by Tim Salazar

4 months ago • 2,481 views

Friv 3 Games - Friv3 Chasm Walkthrough Games - Best free games online Please Subscribe for more videos ...

HD

[Friv 3 - Friv 4 - Friv games - Play 3 Panda 2](#)

by Free Friv Games

1 year ago • 4,450 views

Play 3 Panda 2 <http://www.friv2friv4.com>.

HD

2:26

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 24,303 views
 The ultimate guide to creating video content on YouTube

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Friv 3 - Friv 4 - Friv games - Play 3 Panda 2
 by Free Friv Games
 1 year ago • 4,450 views
 Play 3 Panda 2 <http://www.friv2friv4.com>.

HD



Jogos da Barbie de vestir a Barbie fashion friv site da Barbie
 by Jogos Friv Friv
 1 year ago • 75,622 views
 SITE DO JOGO FRIV DE VESTIR A BARBIE E O KEN:
<http://www.friv.dance/search/label/Barbie> MAIS JOGOS FRIV DE VESTIR A ...

HD



Jogos Friv fogo e agua
 by Jogos Friv Friv
 1 year ago • 34,150 views
 Jogar online jogo de fogo e agua em 250 jogos do friv de 2 jogadores frive.com
 Jogalo Fogo e Água Neste jogo online grátis ...



STICK FIGURE PENALTY - CHAMBER 2 - Friv 9 Games Friv9
 by Kizi Lyly
 10 months ago • 330 views
 STICK FIGURE PENALTY - CHAMBER 2 <http://gamestua.com/tag/friv-9> Please
 Subscribe for more videos ▶ <http://goo.gl/DlytsV> ...



Juegos de Futbol| Juegos de fútbol friv
 by juegosfriv
 10 months ago • 136,752 views
 Dos de los mejores juegos de futbol online que puedes jugar en
<http://www.juegosfriv14.com/>. Dentro del video te ponemos los ...



Friv 2 - Friv 2 Games. Play Juegos Cars 3d Racing
 by Kizi
 11 months ago • 25,278 views
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HD

Friv 2020 - Best Funny video 2015 - on top 10 funny online - Click Jogos
 by Click Jogos
 5 months ago • 8,927 views
 Friv 2020 - Best Funny video 2015 - on c funny online See more Here:
<https://goo.gl/rIxTqy> ----- funny animated movies ...

1:59

Juegos Friv " Plants vs zombies 2 "
 by Juegos 10
 1 year ago • 10,020 views
 Juegos Friv Plants vs Zombies 2 - Esta es una nueva entrega del juego Plants vs
 Zombies 2 para jugar en juegos friv ...

11:11



Advertisement

1:16

Friv Games Online Play School Walkthrough Video - Youtube

by Games TV Channel

1 year ago • 182,417 views

friv friv friv games friv.com games friv games 2014 friv 2 friv online games friv school games
friv games online friv 250 games free ...**Jogos Friv da Barbie vestir a Barbie e o Ken no site da barbie**

by Jogos Friv Friv

1 year ago • 1,556,358 views

SITE DOS JOGOS FRIV JOGOS DE VESTIR A BARBIE E O KEN:

[http://www.friv.dance/search/label/Barbie MAIS JOGOS FRIV DA ...](http://www.friv.dance/search/label/Barbie%20MAIS%20JOGOS%20FRIV%20DA%20BARBIE)

3:33

HD

Friv Barbie y los Helados Juegos de Vestir - FrivTua.com - FrivTua.com

by FrivTua.com

5 months ago • 188 views

Friv <http://frivtua.com> Free online Games Friv <http://frivtua.com> Free online Games.

3:17

kako igrati friv igre

by osmancatic

2 years ago • 39,049 views

<http://www.friv.com/>

HD

0:25

Friv 5

by GrajnikPL

1 year ago • 3,468 views

Darmowe gry z friv we wszystkich 1,2,3,4,5,6,7,8 częściach już na:

<http://grajnik.pl/gry/friv/> wybierz odpowiednią i graj do woli ...

16:25

Milk Quest Games cat - free games online - Friv3 Games - Friv 3

by FrivTua.com

4 months ago • 2,800 views

Milk Quest Games cat - free games online - Friv3 Games Friv 3 Please Subscribe for more videos =><http://goo.gl/khsq4l> ...

11:51

HD

Friv 80 - friv80 Games Dinner Frenzy Healthy Eating

by Kiz Entertainment

1 year ago • 1,359 views

Friv 80 - friv80 <http://tag/friv-80> Games Dinner Frenzy Healthy Eating <http://friv-80/dinner-frenzy-healthy-eating.html> ...

1:09

Friv 5 - Talking Angela Room Decor - Play Juegos Friv 5 Games Friv 2

by Live Show TV Online Streaming Games

10 months ago • 13,383 views

Play Talking Angela Room Decor Online Web Games Kinhy 2015 Talking Angela is moving in a new house and she will have a ...

1:50

Os 3 Melhores Jogos Do Friv!

by lucas almeida

11 months ago • 1,101 views

<http://friv.com>.

HD

8:52

Monsters Wheels - ► Juegos de Friv ◀

by Juegos de Friv

1 year ago • 12,015 views

Monsters Wheels es un nuevo Juegos Friv de Carros Monster donde compites en diferentes circuitos. Utiliza el nitro para sacar ...

13:11

9:54

chasm

by esneider vargas heredia
2 years ago • 50,096 views

en la parte donde la abro y la cierro fue por error esa parte permanece abierta para poder pasar y luego si se cierra ...

HD

ESCAPANDO DE UN TORO | Friv

by IceCan50
1 year ago • 3,641 views
suscribete y dale me gusta.

HD

2:54

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secreto juegos friv
 by Ignacio Bustamante
 4 years ago • 8,161,314 views
 juegos.



Friv.com : Water Sons [#3] Pan Bananeek [KONIEC]
 by FenCia
 8 months ago • 1,695 views
 Cześć! Jest to kolejny odcinek z Friv.com. I oczywiście Water Sons. Zapraszam do oglądania!



Friv #2 - Big Head Football - WHAT A SHOT!!
 by Xploding Pancake
 5 months ago • 192 views
 Hi guys Xploding Pancake here with another Friv.com lets play and today we well be playing big head football (soccer), can we ...



como hacer poderes en king of fighters wing
 by juan manuel hernandez
 1 year ago • 28,066 views
 les enseño como se debe de jugar king of fighters en los juegos friv.



Funny Friv 2015 Friv Igrice Red Ball EP 1 Games Friv 105
 by Entertainment 300
 5 months ago • 365 views



Friv Games Scooby Doo Mayan Mayhem Episode 2 Creepy Cave Cave In
 by Games TV Channel
 11 months ago • 35,595 views
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Friv 100 - Friv100 Games - Super Classic Racing
 by Friv Games
 1 year ago • 34,437 views



Let's Play Friv #3: Red Ball e Iron Turtle
 by Matson Key
 1 year ago • 1,358 views
 Para quem quiser jogar comigo: Skype: matsonplays Raidcall: (ainda sem) Hamachi: Minecrafftotot senha: 123.

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Chasm Walkthrough

by Project.R

8 years ago • 504,663 views

Doing a quick run on Chasm, a small flash based puzzle game that is featured on quite a few websites, including the ABC site: ...

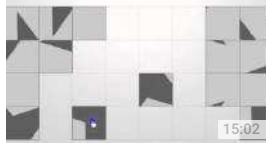


video Jack Smith :D (juegos friv) xd

by ElKillerTroll

1 year ago • 5,322 views

Esta Bueno El juego xd jaja les dejo el link en la descripcion Link: <http://www.juegos-friv.net/games/jacksmith/> Bueno espero que ...



FRIV STAR BASIC WALK THROUGH

by Peter Wolf

1 year ago • 1,250 views

if you play the game hoshi saga on friv then this is a basic walk through of some levels.



jogos do friv do carros

by Gabriel ferreira

6 months ago • 1,198 views



Friv Games #1 - FireBoy & WaterGirl

by ABB Colwell

2 years ago • 17,702 views

meh..... ENJOY!



Plants vs zombies 2 | Juegos friv Plants vs Zombies 2

by sonydei

1 year ago • 390,013 views

<http://www.juegosfrivolo.com/search/label/juegos-friv> Plants vs zombies 2 es uno de los mejores juegos friv, que puedes jugar, ...



SMT murders BEN 10 on friv

by SuperMr Toby

2 years ago • 2,976 views

plays this website @www.friv.com WE MUREDRED BEN 10 HOW FREAKIN AWESOME.



Tom and Jerry Steal Cheese Friv Games Juegos jogos online games

by funny videos

6 months ago • 15,078 views

Tom and Jerry Steal Cheese Friv Games Juegos jogos online games youtube Channel <http://www.youtube.com/user/13funnyclip>.



Friv 8 Games Doodieman Voodoo 2015 Funny - Best Friv8 Games online

by FrivTua.com

4 months ago • 4,322 views

Friv 8 Games Doodieman 2015 Funny - Best free Friv8 Games online Please Subscribe for more videos =><http://goo.gl/khsq4l> ...



Pamplona Smash [friv juegos

by juegosfriv

1 year ago • 30,263 views

<http://www.juegosfrivolo.com/2014/07/pamplona-smash.html> Ya empezó San Fermín y cada mañana en Pamplona se celebran ...

lets pay friv tu 95

by pro gamer team

10 months ago • 793 views





Elsa Frozen | Juegos friv de chicas | Games for girls

by juegosfriv

1 year ago • 119,322 views

<http://www.juegosfrivolo.com/2014/07/real-makeover-elsa-d...> Elsa Frozen es una princesa siempre ha de estar bella, ...

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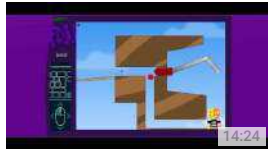
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Win Everything

AD by adidas Soccer
623,048 views
Play To Win With Messi15 #BeTheDifference



Red ball Estupida y Sensual bolita | Juegos friv Ep 2

by League of BikeseK
1 year ago • 3,313 views
Like subs compartir y cometar LIKE por mas RED BALL.

HD



Pou Bath And Care games - friv 822 - friv822

by Anova lynda
8 months ago • 325 views
See Full List Here > <https://www.youtube.com/watch?v=1UDdELiuzKI&list=PLpH...>
Talking Tom ...



Friv 4 kids - Doodieman funny Online vip - superhero shit 2015 - Click Jogos

by Click Jogos
6 months ago • 8,933 views
friv 4 kids - Doodieman funny Online vip - superhero shit 2015 See more Here: <https://goo.gl/rxTqy> ----- funny animated ...



Eco Ego Friv

by Chris Miner
1 year ago • 2,610 views
Eco Ego Friv.



Friv,Kizi,Yepi - Wheely

by Friv.news
1 year ago • 3,147 views
Wheely Help little red Wheely prove his abilities by solving various riddles!



Gry friv bad Icecream odc 2

by Kuba 10
5 months ago • 1,821 views

Ben 10 Tooth Problem games - friv 838 - friv838

by Anova lynda
8 months ago • 1,126 views
See Full List Here > <https://www.youtube.com/watch?v=1UDdELiuzKI&list=PLpH...>
Talking Tom ...

2:41

Friv 58 Games - Y8 Cooking games French bread pizza

by Firv Games
1 year ago • 154,217 views
<http://gamestua.com/tag/friv-58> > See More Funny Video Here > <http://goo.gl/sCLiYx> > Please Subscribe for more videos ...

3:55

Friv 10000 games DoodieMan 10 Love Doodie Man

by DoodieMan 2015
7 months ago • 21,652 views
Friv 10000 games DoodieMan 10 Love Doodie Man.



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2:02

Prosteala pe Friv cu xKiwi2013x #1

by xKiwi2013x

2 years ago • 2,864 views

Neatza Kiwinei si Kiwinitze eu sunt xKiwi2013x si jucam Jocuri pe friv da scz ca nu am mai pus videouri da is pe laptop si laptopu ...

12:29

HD

juegos, friv fuego y agua primera parte

by NicolasGF Gameplays

2 years ago • 89,181 views

mi segundo video espero lo disfruten jugador fuego:naldo muñoz agua:nicolas muñoz yo porfavor like suscribirse aqui mi ...

9:40

jogos escondidos do friv

by brenoplays gamer

2 months ago • 254 views

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HD

3:53

***alter* (walkthrough)Friv :)**

by kantupero tangekang mungoloyd

2 years ago • 26,736 views

part 1.

HD

14:31

Friv.com

by MacintoshMason

3 years ago • 981,940 views

This is a fast flash games.. online :P.

1:58

Jogos friv fogo e agua 3

by Jogos Friv Friv

1 year ago • 54,188 views

Jogar online jogo de fogo e agua 3 em 250 jogos do friv de 2 frive.com Jogalo Fogo e Água 3 Ajude a garotinha Água e o menino ...

2:32

Friv fireboy and water girl game answers to levels =)

by angelica jimian

9 months ago • 372 views

Description.

HD

10:01

Friv 9 - Friv9 games Fantastic 4 Get a Job doodie man - doodieman 7

by DoodieMan 2015

7 months ago • 2,915 views

Friv 9 - Friv9 games Fantastic 4 Get a Job doodie man - doodieman 7.

1:31

Friv 19 - Friv19 Games - Y88 games - Earn to Die - kymi june

by Firv Games

1 year ago • 9,292 views

Friv 19 - Friv19 Games - Y88 games - Earn to Die <http://gamestua.com/tag/friv19> > See More Funny Video Here ...

13:05

y77 shoot belle Games Friv Y8 Kizi 2

by laem kizy

7 months ago • 831 views

y77 shoot belle Games Friv Y8 Kizi 2.

1:27

4:39

SUPER MARIO JUEGOS FRIV

by * JUAN PABLO GAMER *

10 months ago • 12,498 views

Super Mario Bros. (スーパーマリオブラザーズ Sūpā Mario Burazāzu?, lit. Súper Hermanos Mario) es un videojuego de plataformas, ...

HD

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AD by LEGO
417,266 views
Help Emily Get Home and Join the LEGO Elves Adventure!

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Win Everything

AD by adidas Soccer
623,048 views
Play To Win With Messi15
#BeTheDifference

×



3D Racing Turbo 2015 Juegos Friv Walkthrough

by Juegos Friv 10
8 months ago · 1,207 views
Juegos Friv - 3D Racing Turbo 2015 Fuente de este juego: <http://www.juegos-friv-10.com/3d-racing-turbo-2015.html> Su objetivo ...



TOP Los Mejores Juegos De Friv loquendo juegos para niños divertidos

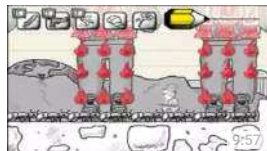
by Jhony vI Movie Games
1 year ago · 107,359 views
TOP Los Mejores Juegos De Friv (parte1) red ball fireboy and watergirl bad ice cream etc' suscribanse ...

HD



juegos friv,fuego y agua segunda parte

by NicolasGF Gameplays
2 years ago · 47,538 views
la segunda parte de fuego y agua espero lo disfruten jugador fuego:naldo muñoz agua:nicolas muñoz yo porfavor like suscribirse ...



friv games Sketch Quest plus Deep and Blue YouTube

by Friv Games
8 months ago · 237 views
source : <http://www.youtube.com/user/FrivGames4Jeux> Friv Games is a great place to show the best free online friv games, juegos ...



Compilation di Giochi - Geometry Dash , Rompighiaccio , Friv !!

by Genny Kekko
2 months ago · 157 views
3 giochi per voi , da mostrarvi e farvi conoscere !!



Friv - Ben 10 at friv-games.us

by kevin nguyen
4 years ago · 185,123 views
Play Ben 10 game free at friv-games.us.

Haunt the house Friv

by hdog mox
1 year ago · 2,045 views
Spooky.

HD

17:17

Algo raro en friv !

by Familiasecreta
2 years ago · 1,062,096 views
05/01/2013 Jugaba con mi hermana Belen a friv. ! creo que para que les aparezca para jugar los juegos escondidos tienen que ...

HD

2:17



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4:29

NIVEL 50 DE PACMAN /FRIV

by DORAITO GAMES
1 year ago • 368 views
ME LO di VUELTA AL TIRO.

HD

Friv 300 games Playing Moony Cat Games - Frivz.biz

by Anova lynda
8 months ago • 1,443 views
See Full List Here ▶ <https://www.youtube.com/watch?v=1UdELiuzKI&list=PLpH...>
Talking Tom ...

1:30

Y8.com Super Hero 2015, Superhero shit Funny y8com - juegos de friv

by Tua3.com
6 months ago • 57,587 views
Y8com Super Hero 2015, Superhero shit Funny 8 doodie man Please Subscribe for more videos ...

7:25

Friv 17 - friv17 Games Y8 com Street Sesh - kymi june

by Friv Games
1 year ago • 10,421 views
Friv 17 - friv17 Games Y8 com Street Sesh <http://gamestua.com/tag/friv-17> ▶ See More Funny Video Here ▶ <http://goo.gl/sCLiYx> ...

1:42

jogos friv do pou Jogos do pou gratis para pc

by Jogos Friv Friv
9 months ago • 16,851 views
Jogar jogos do pou nos 250 jogos friv:<http://www.friv.dance> Vamos ajudar o pou voltar pra casa, jogos friv gratis Jogo da casa do ...

3:34

como se jogar friv.....

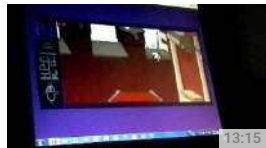
by lucas kohler
6 months ago • 130 views
escrevase no noso canal do youtube..... para você jogar friv so basta clica ensima dese site <http://friv.com/>

13:28

Power Pamplona (Gameplay de juegos Friv) - Leon CS

by León CS
7 months ago • 83 views

HD

**FRIV PIZZA MAKING**

by MrLazyrobot1
3 years ago • 47,584 views
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**Solución al juego friv Lisa Saw Game**

by sonydei
1 year ago • 29,289 views
Solución al juego friv de Lisa Saw Game, pero no te desvelamos todo el secreto para que lo juegues y de esta forma te diviertas ...

HD CC

**Friv com - #1 Infiltrating the Airship Games Funny**

by Gazo Lotus
4 months ago • 548 views
Friv com - #1 Infiltrating the Airship Games Funny Please Subscribe for more videos ▶ <http://goo.gl/UAPaf2> - See Full PlayList ...

**Juegos friv de carros**

by juegosfriv
9 months ago • 73,900 views
<http://juegosfriv14.com/juegos-de-coches-super-car-2.html> Juegos de carros con tantas posibilidades encontrarás pocos por...

posibilidades encontradas pocos, porque ...



10:26



1:17

jeux de friv

by yacine algeria

1 year ago • 6,962 views

jeux, de, friv, 2013 2012 , مزح , طبخ , ألعاب , ترفيه , تنزيل , وتصويب لعبة , تثبيت ,
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Friv 1 Friv1 - Relationship Revenge Review GamesTua.com - Free games online
 by William Patel
 11 months ago • 2,527 views
 Friv 1 Friv1 <http://gamestua.com/games/friv1 - Relationship Revenge Review GamesTua.com ...>



friv oyunlari oynayin 28
 by yasal20
 3 years ago • 294,686 views
 Friv oyunlari oynamayi seviyosunuz birde sitemize göz atin bu adresteki friv oyunlari tam size göre. Friv oyunlari Oyun Oteli flash ...



Doodieman 2015 EP 2 | Funny Video Doodie man | Top Friv 10 funny
 by Tua Entertainment
 5 months ago • 72,400 views
 Doodieman 2015 EP 2 | Funny Video Doodie man | Top 10 funny video - the hero - superhero shit 2015 Please Subscribe for ...



Tom And Jerry Refriger raiders Friv 1000 games online to play 2015
 by Games Videos
 6 months ago • 3,016 views
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Barbie And Ken Night Party games - friv 864 - friv864
 by Anova lynda
 8 months ago • 349 views
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 Talking Tom ...



Friv Friday #8 Papa's Pizzeria
 by purful simmer
 1 year ago • 577 views
 Thumbs up and subscribe :)

[Friv] The Champions 3D (Part 1 Of Skill Shots)
 by Abdullah Plays
 5 months ago • 265 views
 Recorded with ScreenCastify (<http://www.screencastify.com>), the screen video recorder for Chrome.

10:02

Friv 6 games - Friv6 zombie tsunami games for android - ios - pc
 by QT3.org
 1 week ago • 1,506 views
 Friv 6 games - Friv6 zombie tsunami games for android - ios - pc Subscribe and Join QT3! ▶ <https://goo.gl/hhzuGx> Awesome ...

20:08

HD

girl games to play at friv com
 by jasminerox
 1 year ago • 6,182 views
 D Hope you enjoy!!



Advertisement

15:02

Friv 36 - Friv36 Games - Dar's videos Y8 soccer game part 1 encoded - kymi june

by Friv Games

1 year ago • 2,259 views

Friv 36 - Friv36 Games <http://gamestua.com/tag/friv-36> - Dar's videos Y8 soccer game part 1 encoded see more ...

6:33

Friv Fridays - #4 - Heli Attack 3 - (USE EVERY GUN, JUST FIRE THEM ALL)

by Ye Olde Let's Play

11 months ago • 394 views

We pick a random game on friv and play it until a natural stopping point happens. I like doing this because it makes me play some ...

8:34

HD

Friv!

by peter,mitchell Rowan

8 months ago • 69 views

HD

16:13

Friv 7 - Pet Nail Salon - Play Friv Y8 Games Online

by Live Show TV Online Streaming Games

10 months ago • 7,878 views

Play Pet Nail Salon Online Web Games Kinhy 2015 Animal Games kids games girls games famous baby or the most played ...

3:19

Hack De Juegos Friv

by Daniel Cespedes

2 years ago • 5,891 views

Porfavor suscribance No Les Cuesta Nada Es De Gratis Link De Cheat Engine: <http://cheat-engine.softonic.com/>

6:57

HD

★ GTA: San Andreas - Dog ★

by Sh1ftK3y

4 years ago • 10,595,772 views

Make \$3500/month PLAYING games: <http://clikhere.co/cmhTeYfa> Dog modification I found whilst browsing GTA modding websites ...

1:29

Friv - Flappy Bird

by UnicornZ Films

1 year ago • 242 views

Yep, it's flappy bird, found on the computer. I was just basically on this online gaming website and I just saw flappy bird and I knew ...

6:52

Friv Part1 Electric MAN

by LewisPlays

2 years ago • 7,112 views

Friv.com.

HD

15:45

Friv 8 Games Flappy Mario And Luigi Racing - Free games online

by William Patel

7 months ago • 901 views

Friv 8 Games Flappy Mario And Luigi Racing Full Playlist: <http://goo.gl/9iF3Xy> Please Subscribe for more videos ...

0:39

Friv 7 oyununu oyn

by zeki serra

1 year ago • 1,155 views

<http://frivoyun.biz/friv-7.html>.

HD

0:08

12:56

FRIV PLAY THROUGH- Episode 1- Little Wheel

by AJProductions97

3 years ago • 4,801 views

Join Aaron as he plays every single game on friv xD Hope you all enjoy the first episode. These will be daily. Terraria will be up ...

HD

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Friv Racing(Frivgames.in).mp4
 by Nguyen Trung Phong
 4 years ago • 9,534 views
 Play Friv, Friv racing games, friv car games at <http://www.frivgames.in>.



friv-desruindo barcos!!!haaaaaaa
 by Gustavo Roque de Araujo
 3 years ago • 138,774 views
 meu face-<http://www.facebook.com/profile.php?id=100000992346562> site do jogo-www.friv.com/



Gamezer DoodieMan Friv 100000 - Friv100000 games
 by Tua3.com
 7 months ago • 3,376 views
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Journey Of The Mouse Friv
 by hdog mox
 1 year ago • 551 views
 Hope you enjoy Journey of the mouse!!!

HD



fashion designer new york FRIV com games 3 Game
 by Samuel Velez
 7 months ago • 995 views



jogo secreto do friv
 by jairo12360
 3 years ago • 12,875 views
 deixe comentarios.

HD

Techniamaster Reviews... Friv Games!
 by Techniamaster
 4 months ago • 329 views
 Hello once again! Episode 003 today! It is reviewing friv games! But this is only my opinion! So don't get mad if I feature your good ...

9:33

LOS 5 PEORES JUEGOS FRIV
 by * JUAN PABLO GAMER *
 9 months ago • 1,220 views
 ESTOS SON LOS MIOS DE RESTO ME GUSTAN ALGUNOS SEGÚN A YO SU MERCE ERA BROMA DIME SI TE GUSTARON O ...

5:03

HD



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1:40

Jogos friv fogo e agua 5

by Jogos Friv Friv

1 year ago • 42,368 views

Jogar online o jogo de fogo e agua 5 em 250 jogos do friv de 2 frive.com Twin Cat Warrior.

Link do jogo: ...

Friv Pc games. Electricman 2

by Racso923

1 year ago • 1,842 views

Friv es una página web con muchísimos juegos, algunos muy divertidos, mi favorito es electricman en el cual debes luchar contra ...

35:31

Funny Friv 2015 Friv 1000 Games to Play Shape Switcher Friv School Online Games Games Friv 017

by Entertainment 300

5 months ago • 277 views

18:07

top de los 5 mejores juegos de friv para MI

by supersonic oswaldo

2 years ago • 50,465 views

bueno si no les gusta la pagina solo no bean el video y ya y no me digan pendejadas y por que sea si loquendo XD.

3:15

HD

Juegos secretos en Friv | JulianxD

by JulianxD

1 year ago • 2,436 views

Hola-hola soy JulianxD y te muestro este video de juegos secretos en Friv. Si te gustó no dudes en darle Like y suscribirte, es a ...

3:16

HD

Friv 2 - Fantastic 4 Get a Job Games - Friv2 Games online Free

by FrivTua.com

4 months ago • 2,658 views

Friv 2 - Fantastic 4 Get a Job Games - Friv2 Games online Free Please Subscribe for more videos =>http://goo.gl/khsq4l ...

2:31

HD

FRIV - Mini Train

by Pavel Novotný

1 year ago • 1,382 views

Hovadinky - friv, mini train.

HD

7:22

Garfield Scary Scavenger Hunt 2. [Player: KrazyKurt45]

by Danpaul Dubluis

2 years ago • 165,168 views

This Is The Way Or The Answers To Finish Scary Scavenger 2. ! ~ :)

11:59

Mini Dash Friv

by op gaming

4 months ago • 110 views

Thanks for watching please like and subscribe for more videos and i will see you in the next video :) :) :) :) :) :) :)

4:59

Friv,Kizi,Yepi - Zombotron 2

by Friv.news

1 year ago • 1,127 views

Zombotron 2 Shoot off zombie heads, in this second version of Zombotron. New levels, weapons and opportunities are waiting for ...

1:25:17

Friv gry online

by GrajnikPL

1 year ago • 48,778 views

Jedna z najpopularniejszych gier z friv.com teraz na: http://grajnik.pl/gry/friv/. Zobacz ten filmik i stwórz takie same drinki, to nie ...

1:22

Hack De Juegos Friv (Primera Parte)

by Daniel Cespedes
2 years ago • 531 views
Cheat Engine.

HD

2:48

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 by Entertainment 300
 5 months ago • 218 views



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 by Zé Vento
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[HD] Friv1 - Stealing the Diamond 2 Game Friv 1 Games
 by Kiz Entertainment
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<http://goo.gl/7UwR4f> Full Playlist: Subway ...

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FRIV.COM - Only The Best Free Online Games!
 by friv
 1 year ago • 154,057 views
 friv.com from here <http://adf.ly/XjSh6>.

HD



los juegos ocultos de friv (2013)
 by jefferson martinez cardona
 2 years ago • 73,907 views
 que lo disfruten =)

HD



Friv,Kizi,Yepi - Primary
 by Friv.news
 1 year ago • 263 views
 Primary Play the role of a great soldier lost in a strange land. Climb to the top of the tower in order to achieve your goal: close the ...

friv igrice ep.7

by StefanSerbian2007
 6 months ago • 2,566 views

HD

14:39

Juegos friv para android facil

by jhonatan camilo rojas
 7 months ago • 6,443 views
 Dale megusta suscribance y nos vemos en un próximo video.

HD

3:00

Friv Igrice: Red Ball EP: 1

by Toni Games
 9 months ago • 3,473 views

HD



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Freezer Friv

by Freezer Friv

Active 2 weeks ago · 9 videos

hey guys its freezer frizz here. one day i want to become a succsesing youtuber!!!! with your help that will happen .thank you for ...

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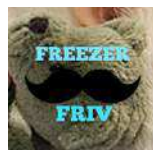
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 by TutoYT ProFull
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juegos friv 1000 mierda de súper héroe, mierda divertida Doodieman
 by Tua5.com
 6 months ago • 7,558 views
 Please Subscribe for more videos ><http://goo.gl/QiJj90> ----- games juegos ----- héroe de mierda, ...



nascar racing Games keren jogos friv 2015 games
 by frif loa
 7 months ago • 634 views
 nascar racing Games keren jogos friv 2015 games.



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 by Freezer Friv
 Active 2 weeks ago • 9 videos
 hey guys its freezer frizz here. one day i want to become a succsesing youtuber!!!! with your help that will happen .thank you for ...

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 by William Patel
 11 months ago • 8,785 views
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 by Entertainment 300
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by Friv Games

8 months ago • 1,753 views

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by josema j

2 years ago • 2,608 views

juegos friv.

HD

12:43

Usavich Rabbits Games For Girl Friv Kizi

by Tua Entertainment

9 months ago • 2,716 views

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1:38

Spiderman Puzzle Fun GamePlay - Friv Games For Kids

by Friv 13 Games

1 year ago • 17,137 views

Spiderman Puzzle Fun - Spiderman Puzzle Fun GamePlay - Spiderman Puzzle Fun Game Play game at: ...

3:57

FRIV Walkthroughs Ep 1 RedBall

by SauciestGnu Studios

1 year ago • 834 views

Episode 1 of FRIV Walkthroughs. Enjoy! Music: Fancy (Caked up Remix) Ooh Killeem (Caked up Remix) Play for yourself ...

HD

6:01

friv games Rainbow Princess Dress Up EpicGirlGames games friv 655 friv655 YouTube

by Friv Games

8 months ago • 415 views

source : <http://www.youtube.com/user/FrivGames4Jeux> Friv Games is a great place to show the best free online friv games, juegos ...

1:10

Friv - Friv Game - Baby Hazel New Year Party - Baby Games

by Friv 13 Games

1 year ago • 14,774 views

Baby Hazel New Year Party - Baby Hazel New Year Party Game - Baby Hazel New Year Party Baby Games Play game at: ...

4:57

AMIGO PANCHO 2 Games - Friv 10 Ganes - Juegos De Friv

by FrivTua.com

3 months ago • 1,318 views

Please Subscribe for more videos ▶ <http://goo.gl/khsq4l> Please Subscribe for more videos ▶ <http://goo.gl/khsq4l> ----- ✓ Official ...

12:58

Juegos De Friv - Play Dora's Great Roller Skate Adventure

by Friv Juegos

11 months ago • 1,022 views

Juegos De Friv friv 1, friv 2, friv 3, friv 4, friv 5, friv 6, friv 7, friv 8, friv 9, friv 10, Dora has got a new pair of roller skates,she and her ...

HD

9:03

Friv.co

by Friv.co

Active 1 year ago • 36 videos

CHANNEL

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Friv 4 - Friv4 games - Morality Wars Games Review by Gamesy0.com

by Kiz Entertainment

1 year ago • 773 views

friv4 <http://friv4.com>. Friv 4 games Morality Wars Games Friv 4 - Friv4 games https://www.youtube.com/watch?v=rdn_JduHbYQ ...

1:52

[jocuri friv ep1 in romana cu Angel](#)

by Angel szabados

10 months ago • 231 views

This video was uploaded from an Android phone.

5:09

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 by Click Jogos
 2 months ago • 698 views
 Funny Doodieman 2 - Friv today - Best animation movies youtube video See more Here: <https://goo.gl/rIxTqy> ----- funny ...



Friv - Friv games - Friv Jogos - Friv 2
 by Hoang Dinh
 3 years ago • 94,462 views
 Friv: Friv Games from Friv.com, including Friv for Kids, Friv for Girls, Friv 4 School, Friv Car games, Friv Killing games Friv,... and ...



Adam and Eve FREE ONLINE GAMES (Friv) PARTE 1
 by Hero
 2 years ago • 10,376 views
 Esta es la pagina de donde escojo los juegos: <http://www.friv.com/> Hay encontraran varios juegos de este tipo.

HD



Jogo escondido no Friv
 by Tobi Akatsuki
 2 years ago • 813,021 views
 link da musica de fundo do Naruto: <http://www.youtube.com/watch?v=mjjkHg5FOhk> (obs:eu fiz outro video parecido com esse ...

HD



Playing Friv Prt 1 (remake)
 by ZI Plays
 5 months ago • 18 views
 Like and Subscribe for more and if i reach 10 subscribers ill do the NAE NAE.

HD



My Best Games on Friv #3
 by Innes Crawford
 1 year ago • 1,120 views
 Next episode Sunday.

HD



[HQ] Doodieman Voodoo 2 - Doodie Man play at Friv 2014 - funny videos
 by Tua Entertainment
 9 months ago • 18,812 views
 Doodieman Voodoo 2 play this games at Friv 2014 Doodie Man Please Subscribe for more videos > <http://goo.gl/k94wFH> See ...



Funny Friv 2015 friv com 2 friv friv games friv com Games Friv 056
 by Entertainment 300
 5 months ago • 182 views

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friv

by خالد الحمدان
2 years ago • 1,268 views
الرجاء المشاهدة.

HD



Friv 3 - Friv3.org.in - Friv Games Online

by tuong nguyen van
2 years ago • 29,457 views
play friv3 games from www.friv3.org.in.

HD



Friv - Sim Taxi #1

by Giih Palavicini
3 weeks ago • 34 views

Neste jogo voce pode ser o taxista que quer ser!!!! Nele voce leva pessoas para locais desejados!!!! Gostou do jogo? Gostou do ...



Friv 4 - Friv4 Games - Play Drift Runners 3D Game [Juegos Friv | Jogos Friv]

by Friv Games
1 year ago • 70,659 views

Friv 4 - Friv4 Games : Play Drift Runners 3D Game
<http://friv4juegoss.blogspot.com/2014/01/drift-runners-3d...> Drift your way ...



SORRY!-FRIV-Gameplay 2

by Nixa Ristic
2 months ago • 88 views

HD



Talking Tom cooking class games - friv 711 - friv711

by Anova lynda
9 months ago • 480 views

See Full List Here ▶ <https://www.youtube.com/watch?v=1UDdELiuzKI&list=PLpH...>
Talking Tom ...



Funny Friv 2015 JUGOS RANDOMS TOXIC FRIV COM Games Friv 237

by Entertainment 300
5 months ago • 81 views



FRIV

by Wendy Olson
3 years ago • 40,067 views
<http://game.wesiam.com/category/23/Friv-Y8-Y3/> There are many different reasons for the popularity of the friv games. First, one ...



Juegos Friv - <http://JuegosFrv.eu>

by JuegosFrvEu
2 years ago • 101,926 views
<http://juegosfriv.eu> TOP Juegos Friv.



THE 4 BEST FRIV GAMES!!!

by Kantastic_02
2 years ago • 7,207 views
hey guys ! in this video i me and my sister are going to show you our Best 4 FRIV GAMES ! pleas enjoy and watch the video ! for ...

Friv Snail Bob 2

by AdoMen TheTho
2 years ago • 2,092 views

Play at: <http://www.fri-v.com> - Help this spirited snail make the journey to his sparkling new ahodal Play more at:

about: Play more at ...



DoodieMan 2015 Gamestop - Funny Video Friv 2020

by Kiz Entertainment

7 months ago • 145,428 views

DoodieMan 2015 Gamestop - Funny Video Friv 2020 games Please Subscribe for more videos > <http://goo.gl/7UwR4f> Full ...

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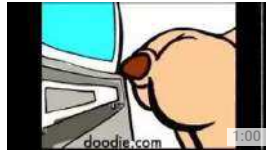
friv games | The Milk Quest plus Raft Wars YouTube
 by Friv Games
 8 months ago • 753 views
 source : <http://www.youtube.com/user/FrivGames4Jeux> Friv Games is a great place to show the best free online friv games, juegos ...



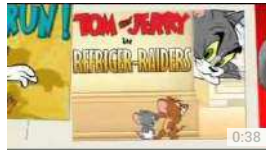
Friv love tester
 by shannon pelc
 3 years ago • 12,704 views
 haha :D.



Friv : love tester game (Part 1)
 by Asrim Gamer
 3 months ago • 3,384 views
 Hello guys hope you enjoyed my video thumbs up and enjoy this video with a milkshake and some cake and lets try to get this ...



Friv 12 superhéroe mierda, arma secreta, héroe de mierda Divertido El Doodieman héroe
 by Doodieman
 6 months ago • 642 views
 Friv Kizi hombre doodie héroe, mierda superhéroe, héroe secreto mierda arma, acuerdos héroe que ayudan a las personas con ...



friv 74 friv74 juegos miniclip y8 friv kizi jeux oyunlar Tom And Jerry Games encoded - kymi june
 by Friv Games
 1 year ago • 5,352 views
<http://gamestua.com/tag/friv-74> friv 74 friv74 juegos miniclip y8 friv kizi jeux oyunlar Tom And Jerry Games encoded see more ...



Friv 3 Doodieman Games The Hero's Loa - Friv3 - FrivTua.com
 by FrivTua.com
 4 months ago • 3,733 views
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HD

Παίζοντας TWEE στο Friv- part1
 by depi karabiti
 4 months ago • 94 views
 Paikste twee ! Einai teleio !

HD

12:59

Game di Friv
 by AK afiq
 2 years ago • 374 views
 harap seronok.<http://www.friv.com/>

HD

0:45



Advertisement

friv part 1

by ALIEN gamer
5 months ago • 29 views
cool :)))

HD

4:10

Prosteala pe Friv Ep3 Ce sa joc

by xKiwi2013x
2 years ago • 5,219 views
Neatza Kiwinei si Kiwinitze eu sunt xKiwi2013x si acum nu mai incep cu Hey Hey
Buna seara si mai departe pt ca e aiurea deci ...

38:48

HD

Infiltrating the Airship 2 friv oyunlari

by Tua Entertainment
8 months ago • 3,011 views
Infiltrating the Airship 2 friv oyunlari Please Subscribe for more videos ▶
<http://goo.gl/k94wFH> ▶▶ See Full Video Here ...

4:25

friv games- i love my computer - YouTube.flv

by angrybirdsgames
4 years ago • 101,555 views
ULR: <http://www.frivfollow.com/games/i-love-my-computer>
<http://www.frivplay.com/games/i-love-my-computer> No, you don't love ...

3:54

✓ Best animated movies full length english - short cartoon movie funny Friv

by Kiz Entertainment
2 months ago • 58,384 views
Best animated movies full length english - short cartoon movie funny animation full
friv Please Subscribe for more videos ...

18:51

HD

Jogando Friv #1(2 players)

by Wars Games
7 months ago • 529 views
Link do novo canal:
https://www.youtube.com/channel/UCOIYWngbKQuFQK2b1S_2yPA.

8:07

HD

Sister playing Help me on Friv

by Brothers Vs. Sister
1 year ago • 614 views
Hi Guys! I'm going to play Help me on friv and hope you enjoy the video! Link for
Friv:<http://www.friv.com>.

7:48

HD

Friv - Friv Games - Get My Pill Back Games

by friv games uk com
1 year ago • 250 views
Get My Pill Back Games Friv, Friv Games, Frivcom, Friv2. These are two monster born
without feet. To be able to have legs like ...

6:08

Mini jeu Zuma sur Friv

by TankCraft Gaming
1 month ago • 47 views
Salut tout le monde c'est Alexy160 et je vous presente le jeu Zuma.

12:21

super drift 3d un jeux sure friv

by KiGaming Gervais
4 months ago • 1,550 views

HD

3:28

Friv com DoodieMan - Funny Video - yy8

by Tua3.com
7 months ago • 47,687 views
Friv com DoodieMan - Funny Video - yy8 - frivcom Please Subscribe for more videos ...

0:54

[Juegos gratis friv](#)

by juegosfriv

1 year ago • 4,515 views

<http://www.juegosfriv14.com/friv5.html> tenemos los juegos gratis friv, más divertidos como este de Headless Zombies, donde ...

3:31

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 AD by PINKFONG (Kids Songs & Stories)
 2,856,122 views
 Sing and Learn About Dinosaurs
 Best Nursery Rhymes for Children

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Friv Games
 by Friv Games
 Active 2 days ago • 29 videos
 Video - Friv Games Friv - <http://frivchannel.com>.

CHANNEL 1,316



Friv gta
 by moli kool
 2 years ago • 35,373 views
 Friv Oyunları <http://www.oyunoteli.com/friv-oyunlari>.



Juegos Friv 200 - DoodieMan 3 - Funny Video Friv 100002
 by Tua3.com
 7 months ago • 17,514 views
 Juegos Friv 200 - DoodieMan 3 - Funny Video Friv 100002 Friv200 Please Subscribe for more videos ...



friv oyun blm 1 tu 95
 by Arda Diyar
 1 year ago • 191 views



Kizi Run - Friv Top Walkthrough
 by Juegos Friv 10
 8 months ago • 951 views
 Kizi Run Friv Top Walkthrough Source game: <http://www.friv-top.com/kizi-run.html>
 Help our hamster to run as fast as possible to ...



Friv 95 - Friv95 Games - Scrap Metal Heroes Games Review
 by Kiz Entertainment
 1 year ago • 758 views
 Friv 95 Friv95 Games Scrap Metal Heroes free games online.
https://www.youtube.com/watch?v=A0_eiqG4_po ...

Berry Cheesecake Sara's Cooking games - friv 300 - friv300
 by Anova lynda
 10 months ago • 2,441 views
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 Talking Tom ...

2:34

Angry birds Games - angrybirds seasons 2012 - frin 81 juegos friv
 by Tua Entertainment
 3 months ago • 5,575 views
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32:36

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2:46

First Aid To Anna And Elsa games - friv 768 - friv768

by Anova lynda

9 months ago • 795 views

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by DavidetMagalhaester2

1 year ago • 7,759 views

2:12

Disney Princess Room Decoration for little girls juegos miniclip y8 friv kizi jeux oyunlar Gamplay Disney Princess Room ...

cooking cake on friv

by Taco Power

2 years ago • 2,161 views

cooking.

HD

7:19

Friv.com Juegos De Friv only Best Free online games 2015 [Jogos | Juegos]

by Y789

4 months ago • 21,149 views

1:23

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Juegos de carros friv| Juegos friv

by sonydei

1 year ago • 34,387 views

<http://www.juegosfrivolo.com/p/friv-2.html> Juegos de carros friv, como este tenemos en nuestra página esperan a los mejores ...

2:15

Friv Fridays - #2 - Bakame (Jump You Rabbit Jump)

by Ye Olde Let's Play

1 year ago • 546 views

We pick a random game on friv and play it until a natural stopping point happens. I like doing this because it makes me play some ...

9:03

HD

Juegos friv The Milk Quest

by TutoYT ProFull

3 months ago • 132 views

Gatito en busqueda de su leche. Los mejores juegos gratis ... Un lugar seguro en el que jugar a los mejores juegos. <http://friv.com/>

18:00

HD

Transforfraise - Friv

by BincoReturn

4 months ago • 115 views

Yop les gens ! Friv a pgm.

HD

4:09

Ploft 3 Best Funny video 2015 Friv 900

by Gazo Lotus

6 months ago • 17,019 views

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3:35

Friv com 「Best Funny Anime Video 2015 Friv new !

by Verona Swett

6 months ago • 218 views

Friv com 「Best Funny Anime Video 2015 Friv new ! Friv.com Best Funny Anime Video 2015 Friv new ! friv com games Please ...

19:31

Cara mendownload Game friv

by Fajrinogami

2 years ago • 4,534 views

itulah tadi review dari saya semoga bermanfaat, Jika ingin mengetahui profilku bisa dilihat di bawah ini: My facebook ...

4:09

[Como apareser el terser simbolo oculto de friv](#)

by arturo barrera
1 year ago • 6,224 views
ya subi la parte 1 veanla.

HD

3:38

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 by Fajrinogami
 2 years ago • 4,534 views
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Como apareser el terser simbolo oculto de friv
 by arturo barrera
 1 year ago • 6,224 views
 ya subi la parte 1 veanla.

HD



Eco Ego Friv
 by hdog mox
 1 year ago • 14,835 views
 Hope you enjoy Like Comment and subscribe!!!!!!

HD



Let's Play Friv #6: Cowboy Quest e Bloxorz
 by Matson Key
 1 year ago • 1,542 views
 Para quem quiser jogar comigo: Skype: matsonplays Raidcall: (ainda sem) Hamachi: Minecrafftot senha: 123 Parceiros: ...

HD



friv games Play Vehicles 2, My Cute Pets 2
 by Friv Games
 8 months ago • 139 views
 source : <http://www.youtube.com/user/FrivGames4Jeux> Friv Games is a great place to show the best free online friv games, juegos ...



Juegos Friv Games Online Mario Racing car For Kids
 by funny videos
 1 year ago • 1,325 views
 Friv Games Online Mario Racing car For Kids youtube Channel
<http://www.youtube.com/user/13funnyclip> see other comedy ...

POWER PAMPLONA Friv

by MegaJmoy
 3 years ago • 17,682 views
 blahblahlah100x.

3:18

Friv #1

by Etan Boss Boy
 3 months ago • 67 views
 made with ezvid, free download at <http://ezvid.com> Hello and welcome to a vid on friv let me know what games you want me to ...

12:03

HD

Gameplay toxic| juegos friv | jere98

by FlavorySaucer 77
 8 months ago • 1,336 views
 toxic unos de los muchos juego que tiene la pagina friv.com :)

3:59

Juegos friv de futbol| Puppet Soccer Champions

by juegosfriv

7 months ago • 2,151 views

<http://www.juegosfriv14.com/puppet-soccer-champions.html> Un nuevo juego friv de futbol, donde las mascotas celebran un nuevo ...

5:01

HD

Monkey Go Happy Western game - Monkey Games - Friv Games

by Friv365

6 months ago • 313 views

Monkey Go Happy Western game : Solve unique puzzles in the Wild West to summon the Indian chief! Monkey Go Happy Western ...

4:37

HD

carro top, grande jogo monster truck JOGOS DO FRIV

by Adivan gameplay e brinquedos

8 months ago • 3,650 views

EM BREVE MAIS JOGOS ONLINE PARA CRIANÇAS PASSAR O TEMPO.

1:30

juegos de friv armor mayhem

by manuel weber

2 years ago • 9,333 views

primera parte de armor mayhem.

12:14

Friv Games 2015 To Play Wingo The Wizard For School

by Games Videos

6 months ago • 102 views

minning truck high power,fun videos,fun games,only fun time,very funny games,games2015 friv games to play friv games online ...

10:15

Friv #2 Кулачок м

by Террариум Паучка

1 year ago • 43,097 views

Играем на сайте Friv Если хотите продолжения ставьте лайки! Ссылка на сайт: <http://adf.ly/e87NW> Моя группа ВК ...

9:27

HD

Funny Friv 2015 Video multi jogos no friv Games Friv 330

by Entertainment 300

5 months ago • 552 views

22:26

Ethan- playing Friv today/armor mayhem

by EthanLittle1234 Art/gaming/stuff

9 months ago • 252 views

Recorded with ScreenCastify (<http://www.screencastify.com>), the screen video recorder for Chrome.

9:59

HD

GamesTua.com Funny Games for girls, boy friv 2 - Free games online

by William Patel

9 months ago • 115 views

GamesTua.com Funny Games for girls, boy friv 2 <http://gamestua.com>.

0:19

HD

Friv lets play/Goalkeeper premier

by RageMode18

8 months ago • 168 views

its my other spare computer so it might be slow-sorry if it is slow plz can i get over 1000 views and at least 10 likes :)))

5:40

HD

2:43

Friv 11 - Friv 11 Games - Friv Kizi PacXon

by Free Friv Games

11 months ago • 362 views

PacXon Arcade Conquer space turfs and avoid the space baddies in this pacman game variation.

HD

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Men Need To See This
 AD by sixpackshortcuts
 Men of all ages are getting ripped with 1 simple natural fitness cheat

✕



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 by Wendy Olson
 3 years ago • 40,067 views
<http://game.wesiam.com/category/23/Friv-Y8-Y3/> There are many different reasons for the popularity of the friv games. First, one ...

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friv Fireboy And Watergirl parte final
 by * JUAN PABLO GAMER *
 1 year ago • 917 views
 juego rescatado.

HD



juegos secretos de friv .
 by GamerStelik
 3 years ago • 346,477 views
 los juegos secretos de friv xD.

HD



como encontrar el juego escondido de friv
 by KA-MILO KARDONA
 3 years ago • 152,556 views



Friv 1000 Games For kids Mini Putt 3 Snooker play games
 by Games Videos
 7 months ago • 679 views
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Friv 2014
 by Nguyen Huu Hoc
 9 months ago • 363 views
 play games free,games friv 2014 ,friv 3 on <http://friv3.frivgazo.com>
<http://www.friv2014game.net>.

friv igre
 by Serbian Lukazikic
 5 months ago • 296 views

HD

12:45

bartender-friv.com
 by andrexton
 3 years ago • 48,751 views

HD

3:29

2:47

Infiltrating the Airship 1 - friv oyun games

by Tua Entertainment

8 months ago • 11,399 views

Infiltrating the Airship 1 - friv oyun Please Subscribe for more videos > <http://goo.gl/k94wFH>

>> See Full Video Here - \ (^ ▽ ^) ...

Friv

by The Planet Carvers

1 year ago • 204 views

dont forget to check it out at friv.com.

37:47

Friv 4 School Games 2014

by Phuong Dung Tran Thi

11 months ago • 1,189 views

Play more games: <http://friv4schoolonline.net> - Friv games for school.

3:42

Turma da Mônica Funny - Friv1 Games - Friv 1

by Kiz Entertainment

10 months ago • 629 views

Turma da Mônica Funny - Friv1 <http://games/friv1> Games - Friv 1 - Full Playlist: <http://goo.gl/9IF3Xy> Please Subscribe for more ...

0:35

Juego friv Papa's Burgueria

by juegosfriv

1 year ago • 4,260 views

<http://www.juegosfriv14.com/juegos-friv-papas-burgueria.html> Papa's Burgueria es uno de los mejores juegos friv de restaurantes.

11:08

Best Funny Videos Youtube - Doodie man 2015 - Friv 1 Friv 6 Friv 8 Friv 2 Friv 3

by Click Jogos

1 month ago • 92 views

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1:00

Apresentando 3 Jogos do Friv e mini GamePlay do Minecraft

by Maluco Blindado

8 months ago • 307 views

galera assistao o meu video anterior para conhecer um pouco mais sobre o servidor do mine.E joguem no FRIV TAMBEM.

10:59

HD

Hola Soy German Juega Give Up Robot (Juegos Friv) Juega German (Video resubido) Parte 1 .

by Dani Gamer

1 year ago • 52,052 views

6:18

Friv Papas freezeria | Friv

by juegosfriv

1 year ago • 12,850 views

<http://www.juegosfriv14.com/friv4.html> Tenemos los friv mas emocionantes y uno de ellos es este Papas Freezeria, un autentico ...

6:08

Funny Friv 2015 Nc za Cast Gaming Friv 2015 Friv 1 2 Games Friv 005

by Entertainment 300

5 months ago • 224 views

9:37

Funny Friv 2015 Puppet Soccer 2014 Juego friv Games Friv 292

by Entertainment 300

5 months ago • 330 views

11:42

משחקי friv פרק 1!!!!!!!!!!!!!!!!!!!!

by Alona Tsimkin

7 months ago • 65 views

בסרטון הזה אני משחק באתר המשחקים של friv במשחק שאני מאוד ממליץ עליו מאוד. למשחק קוראים Armor Mayhem.

14:09

HD

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 by TrillPhonk
 10 months ago • 2,952 views
 Prod. By Lxrd Gilgamesh & EndyEnds ...

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How to Download Games From Friv com
 by How to - Muneef Azwad
 5 months ago • 1,376 views

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PacMan Level 1 and 2 (FRIV)
 by Daniel Allis
 9 months ago • 101 views
<https://www.friv.com>.

HD



Girl Games EP01: Friv.com
 by DeviousVacuum
 1 year ago • 24,742 views
 For my first episode, Asterisk and I make the case for why "Games for Girls" deserve our attention, as based on this recent article ...

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Friv Friday Episode 2: The Next Straight Gok Wan
 by Mr2Morrow
 7 months ago • 72 views
 Hello and happy Friday! In this episode of "Friv Friday", Finlay becomes a professional stylist for some models because why the ...

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Doodieman Anime funny 4 Friv Frivcom - AnimeMovies2015
 by AnimeMovies2015
 6 months ago • 309 views
 Doodieman Anime funny 4 Friv Frivcom.

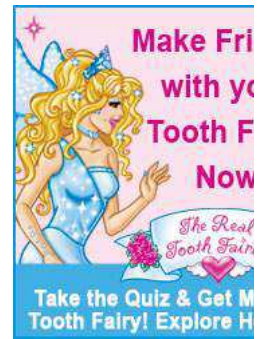


trucosa de friv
 by archipipe
 3 years ago • 258,322 views
 aqui les dejo un video de 2 truquillos de friv la pagina de los 250 juegos.



Friv Fridays - #13 - Barbie Burgers (Most Rage Filled Video I Have)
 by Ye Olde Let's Play
 9 months ago • 294 views
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HD



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ANGELA AND TOM AT THE DENTIST games - friv 705 - friv705

by Anova lynda

9 months ago • 602 views

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Funny Friv 2015 Friv Games Friv 148

by Entertainment 300

5 months ago • 758 views



Friv

by Miss Tiger

3 months ago • 19 views

Sorry guys i wasnt in a great mood today so sorry if the video is rubbish.



Friv Mario Bros Flash Trucos

by JuanLuYT PvP

10 months ago • 9,111 views

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Friv Games Scooby Doo Mayan Mayhem Episode 1 River Rapids Rampage

by Games TV Channel

11 months ago • 3,233 views

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Friv Clone Script The Best Adsense niches

by CREATIVE

8 months ago • 350 views

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2:35

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by Firv Games

1 year ago • 30,795 views

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by Adivan gameplay e brinquedos

7 months ago • 3,484 views

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Barbie Groom And Glam Pups Dress Up games - friv 843 - friv843

by Anova lynda

8 months ago • 385 views

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Kung Fu Panda for Android - Friv0 - friv 0

by Anova lynda

8 months ago • 4,222 views

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friv toxic

by MATT CRAFT

1 year ago • 73 views

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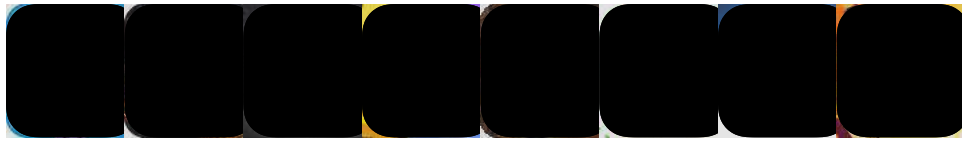
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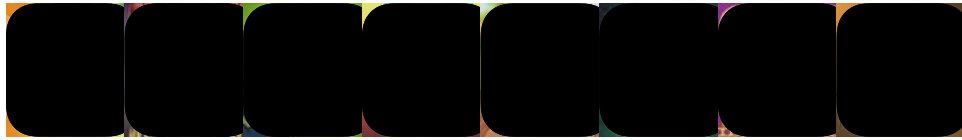
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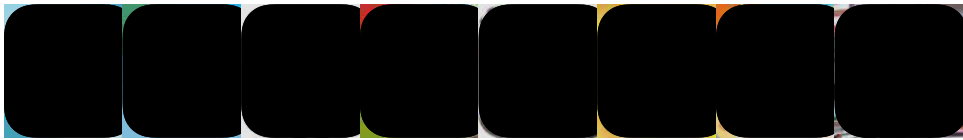
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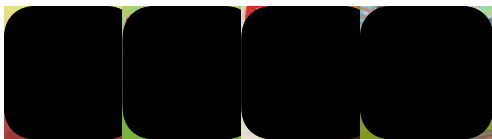
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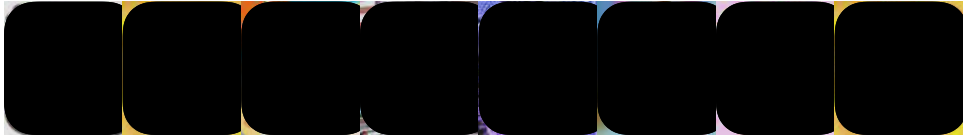
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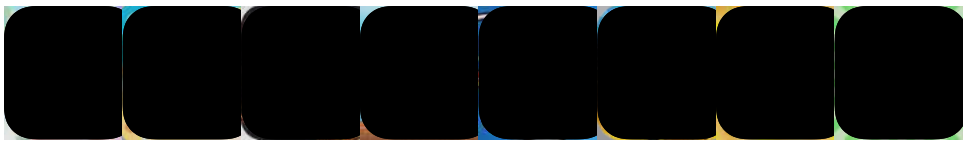
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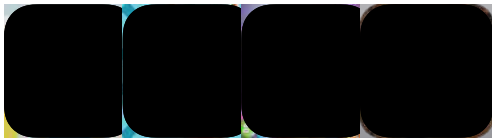
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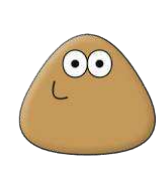
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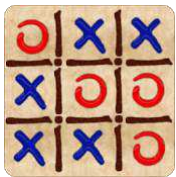



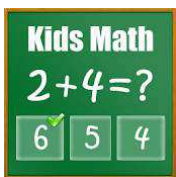











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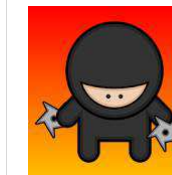

























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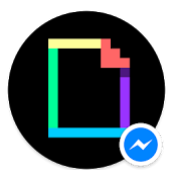
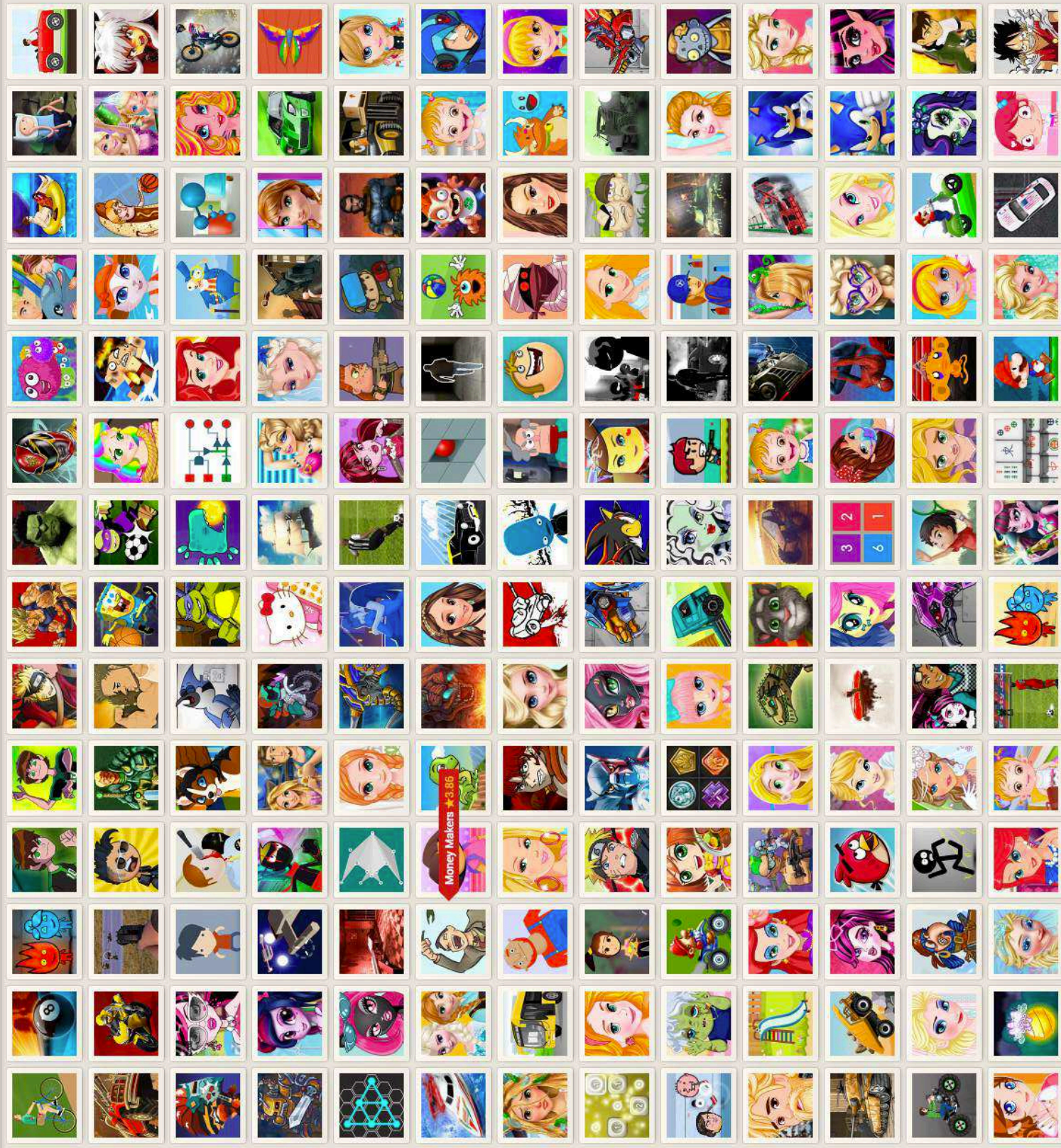
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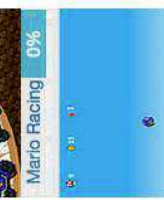


























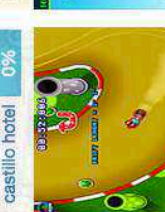

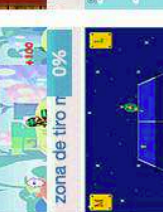

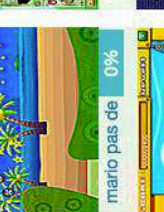
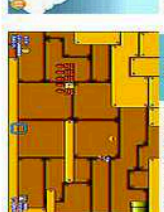
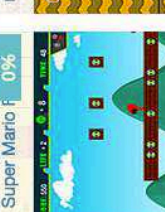
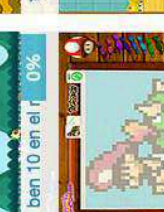
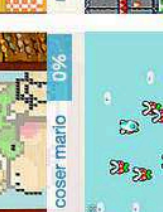


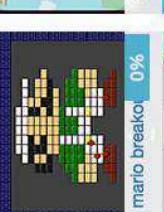






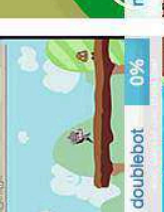


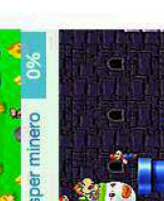




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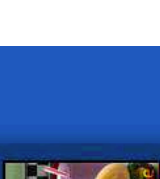

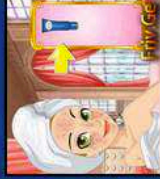







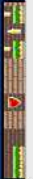








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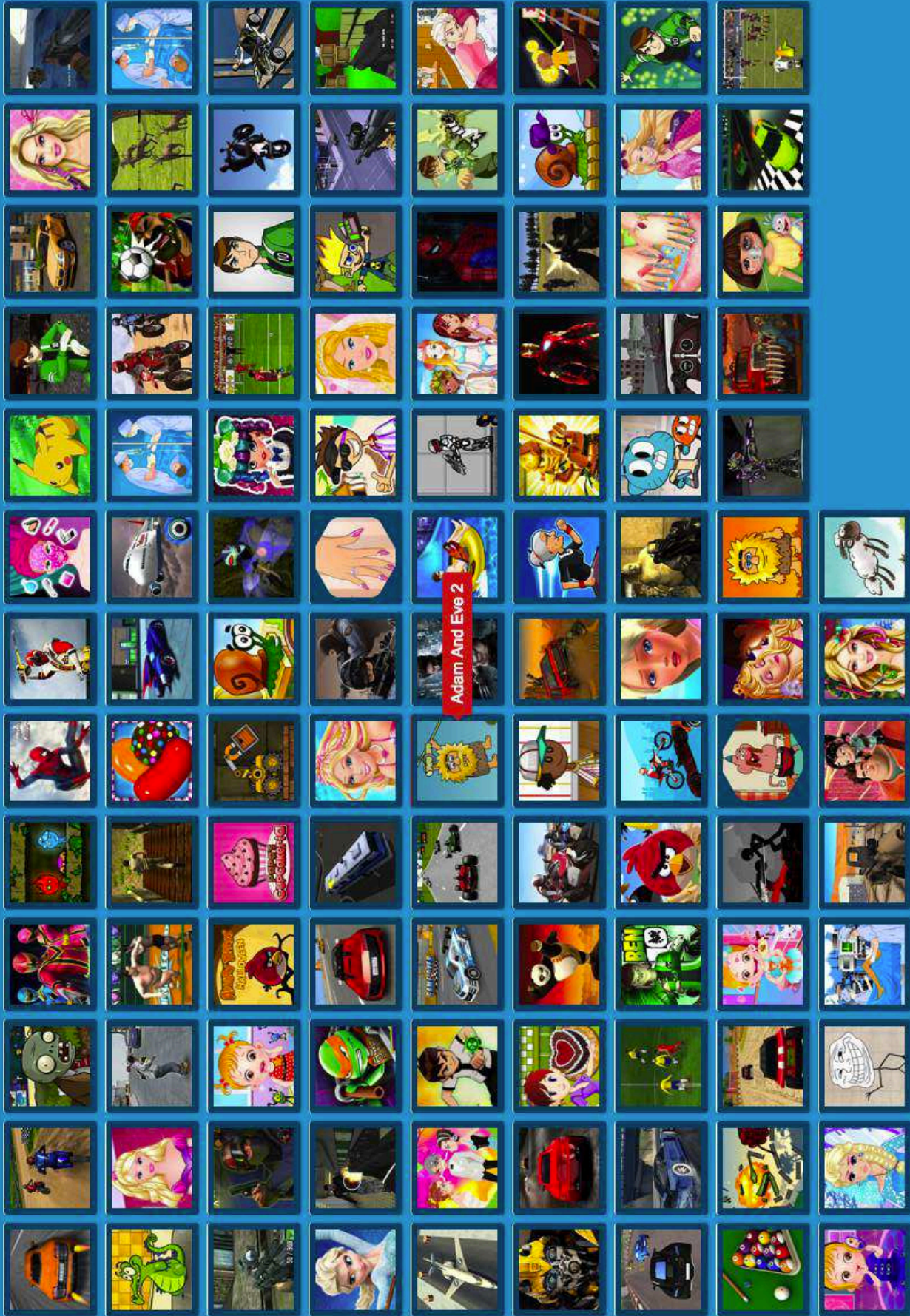
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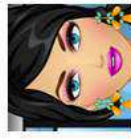
Browse the wide selection of glamorous gowns, jewel encrusted tiaras, fancy shoes and more, to complete Crystal's look.

Cinderella Glamorous Makeup




The party is at a really fancy location and cinderella wants to look glamorous.

Makeup Studio: Smokey Eyes




Follow the in-game instructions and use your mouse to give the girl a makeover!

Barbie Haircuts Creator




Follow the instructions to give the butterfly fairy a relaxing makeover.

Toilet Princess



Browse the wide selection of cute clothes and accessories to get ready for the party.

mermaid princesses



Ariel used to be a mermaid princess, but gave up on her tail to make her crush fall in love with her.

Shopaholic Hollywood



Do you want to play game with you as star in Hollywood? The Hollywood star will perfectly suits you! Firstly choose which model you will be...

Shopaholic Hawaii



Shopaholic Hawaii is a game that is similar to the difference between those two games is in climate and clothing that is appropriate for that temperature.

Frizzie Fraz 3



Frizzie Fraz game is a little jumping pink ball that is on the mission to rescue all the frozzies from enemy troops. This happy little fur is harmless so be careful when you are...

Hair expert




Hair Expert is a game that can teach you about professional hair care. When your customer arrived, first you need to offer her a seat. When she sat on the...

Betsy's Crafts: Sand Painting




Playing Betsy Sand Painting you will learn how to make a picture from the scratch and paint it so your pic can be the best ever. Paint it for your pic can be the best ever. ...

Terrible triplets




Terrible triplets is your worst nightmare. These infants that needs to be taken care of. Do your best and give them all the things that they imagine or need. Do your best and...

Woobies




Do you know who are Woobies? Woobies are a little animated balls of fur that have eyes but have no mouth or nose. You have to rescues Woobies before...

TV Anchor makeover




In TV Anchor Makeover game your goal is to prepare TV director for public appearance. Do the make up, fix the hair, wash the face and everything else so...

Top Nails with Kristen Stewart




Twilight manicure refers to Kristen Stewart, main actor from The Twilight Saga movies, wants to get her nails done. First you need to clean her hand with...

Twin shot 2



Twin Shot 2 is second edition of great game for kids. Twin Hence are here to defend his kingdom one more time from bad forces. Use your bow, aim the bad troops...

Shakira make up



Are you fan of Shakira? If you are then you will adore this game! Try to do the best make up for your idol so she can be pleased with you. Choose the hairstyle...

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Shopaholic Paris



Do you like cooking? If you do, then you must like Simsbett. Boponese name!

Shopaholic: New York



New York, like Paris, London and any big city is heaven on earth. For girls like you that

Shopaholic Models



Models are pretty gorgeous girls that promote the best clothes around the world.

Cherry cup cake



Bake up some delicious cherry topped treats in this fun dessert cooking

Sara's Cooking Class: Key Lime Pie



In this part of cooking Sara series, you will learn how to make a Lemli Soup. Listen

Sam's Pet Care



Sims pet care is a game about pets. Do you love your pets? If you do take care of



Wobbies are little bal of fur. Find the one with same color and shoot at it.



Do you want to have manicure like girl from Twilight? This is you chance!



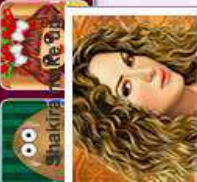
Girl needs a makeover for her first even TV news audition.



Can you handle a babysitting of a three terrible children? Lets give a try!



Super baby sitter can handle everything and everyone. Can you prove it?



Shakira needs a makeup. Give your best to get her ready for appearance.



Sasha runs a healthy spa. Help her to make money from their loyal customers.



Uncle George has left you his farm, but unfortunately it's in pretty bad shape. Using business skills and the help of your neighbors, family and friends you can turn the overgrown farmyard into a beautiful and prosperous farm

Samis pet care



Samis runs a pet care saloon. In this game you'll need to nurture animals the best as possible.

Romantic valentines dinner



Set a table for romantic valentine's dinner.

Pop star girl facial



Make a facial makeup for pop star girl. Do the best and she will be thrilled.

Pinup facial beauty



To pine up facial you'll need to do some special tricks. Try and do it!

Paws to beauty



Make your pet clean. Take care of him.

Nail color studio



Make the best nails for women. Bring up new technology and do it in a second.

My new town



Your task in this creative game is to make new village for yourself.

My new room



Do some housework and redecorate your room. Make this room the happiest room ever.

Lovely valentines girl



Dress up this lovely girl for her valentines date with her dearest boy.

Love percentage



Type your name and the name of your love and see the results for you as a couple.

Lelia and the magic ball



Lelia has the magic ball that follows her. She can also crack things with it.

Tom and Jerry Rig a Bridge



Tom and Jerry are popular cartoon characters. Try to catch Jerry!

Dream date dressup



You dream date is coming! Dress up the best clothes you have to impress your boy.

Cupid forever



Cupid needs to shoot couple. Each shot will have different results. Enjoy!

Cake master



Cake master is here to bake the most delicious cake ever. Can you handle this quest?

Big mamas salon



Big mama owns hairdressing saloon. She hire to impress her with your skills.

Avie Halloween



Help Avie to make a bath and to dress up for Halloween night.

Animal shelter



Animal shelter is a place where all left animals live. Make them happy!

Hair expert



You are in position of hair expert. Make customers happy with their hairstyle.

Besty Sand Painting



Sand painting is a new cool art. Learn how to paint your favorite painting.

Ayia Cook Birthday Menu



Birthday is coming. Make great cook menu with your skills for your dearest one.

Avie



Avie is ready for new adventure. Help her to be the best!

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Barbie School Bike



Barbie cake



Princess Barbie more



Barbie mimi dressup



Princess Barbie dressup



Puzzle princess Barbie



Dressing up a Barbie



Dress the Barbie



Play with Barbies room



Christmas models



Doll factory



Claudia selection



Winter clothes



Good looking



Joju doll



Help mimi



Change her look



Doll puzzle



Play with Barbie

> A10 Games

> Action Games

> Adventure Games

> Angry Birds Games

> Armor Games

> Barbershop Games

> Barbie Games

> Baseball Games

> Basketball Games

> Batman Games

> Ben 10 Games

> Bowling Games

> Box10 Games

> Bratz Games

> Cake Games

> Car Games

> CarToon Games

> Cat Games

> Chota Bheem Games

> Classic Games

> Cooking Games

> Cricket Games

> Dancing Games

> Decor Games

> Dinosaur Games

> Dora Games

> Doraemon Games

> Dress Up Games

> Fairy Games

> Food Games

> Golf Games

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> Gun Games

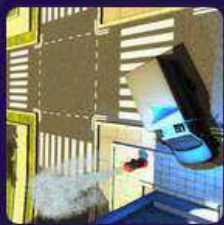
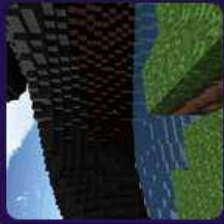
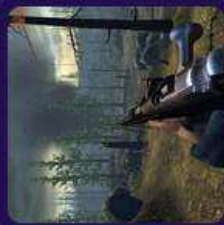
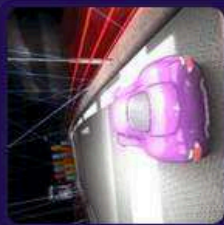
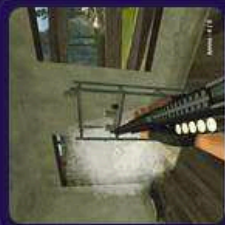
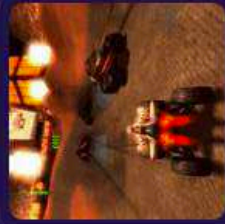
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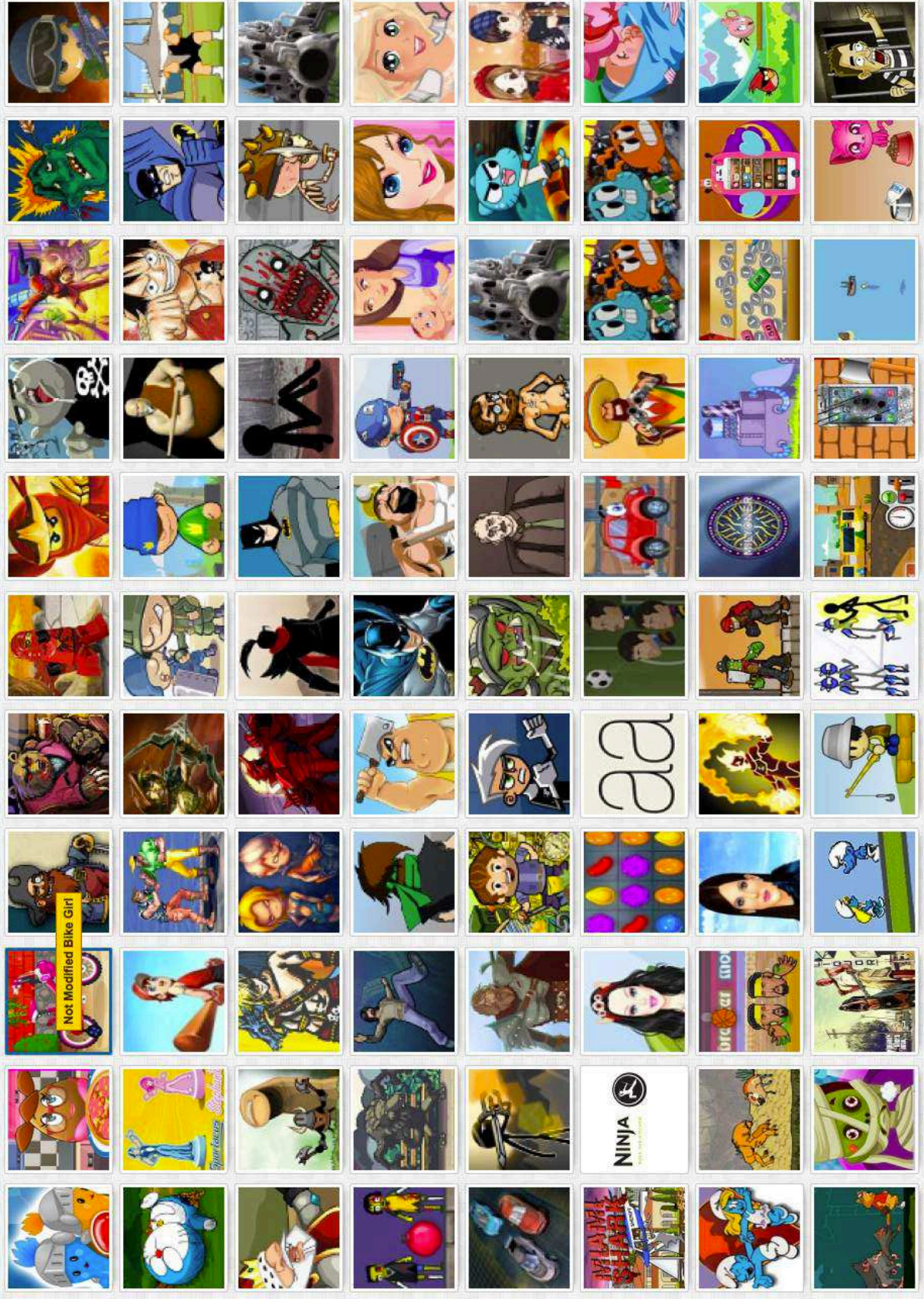


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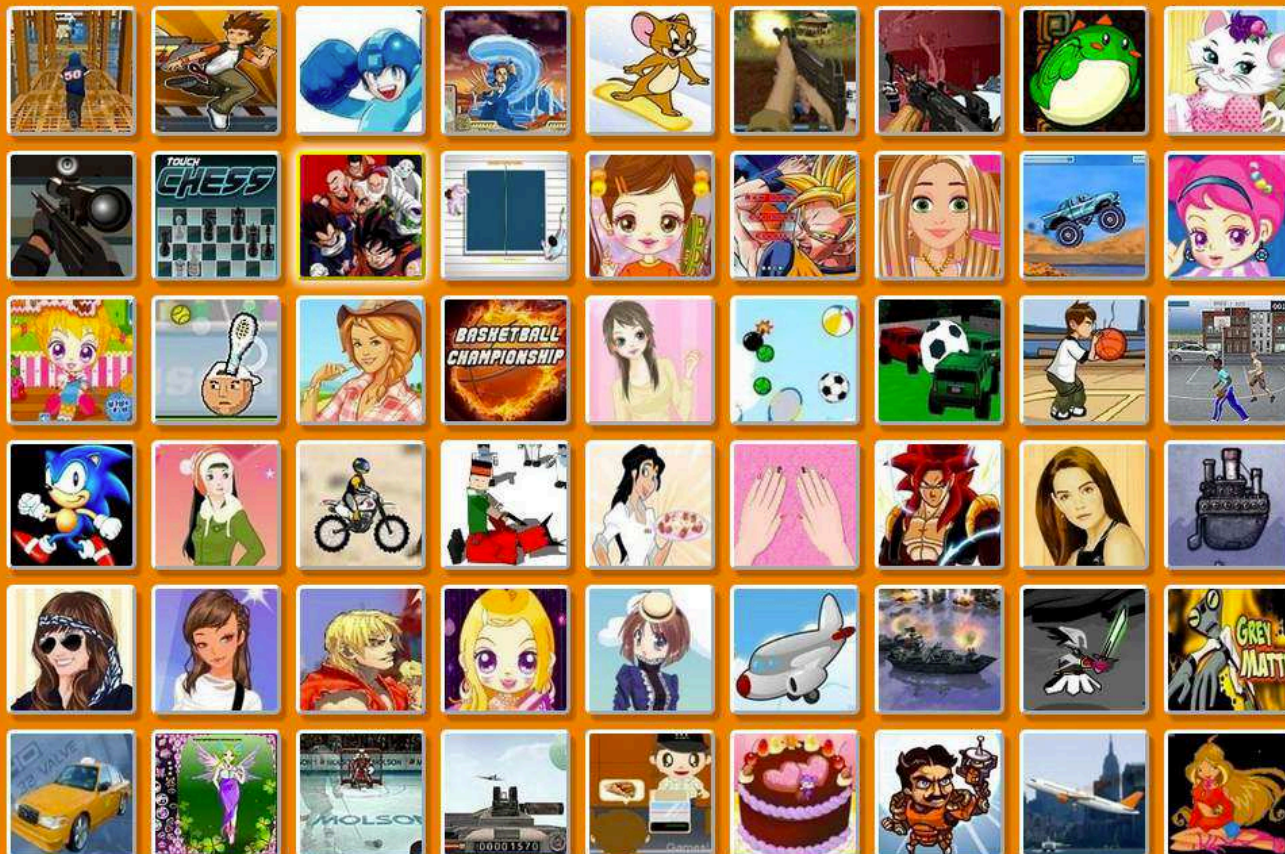
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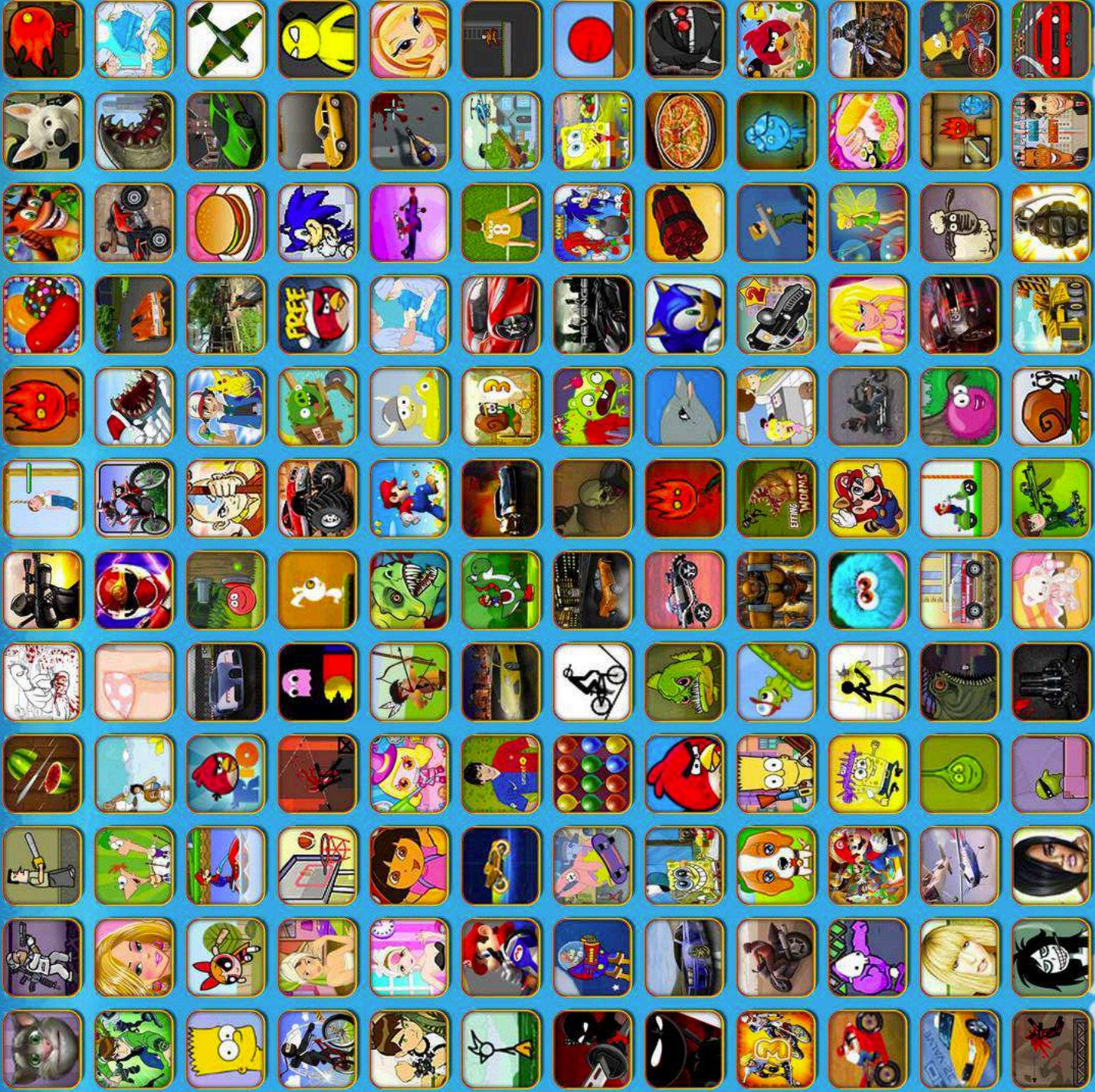
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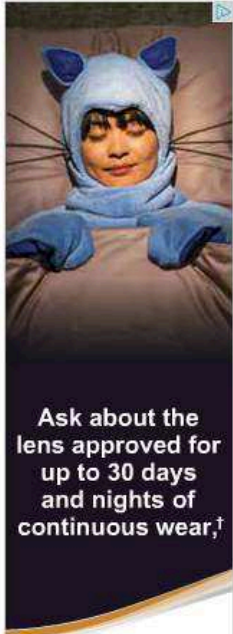
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1 Player	255
2 Players	38
3D	8
Action	255
Adventure	220
Advergams	80
Aircraft	51
Alien	30
Animal	207
Arcade	151
Arkanoid	9
Army	15
Balancing	23
Ball	142
Balloons	15
Basketball	18
Bear	6
Beat	68
Bee	14
Birds	22
Blood	41
Board Game	11
Boat	15
Bomb	27
Bounce	14
Bow	12
Boxing	11
Boy	29
Bubbles	21
Bunny	8
Canon	12
Car	100
Cards	6
Castle	13
Cat	39
Chasing Game	12
Chicken	8
Christmas	15
Collecting Games	220
Cooking	37
Dancing	12
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Detective Game	8
Dog	33
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Drawing	10
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Driving	91
Education	17
Escape	35
Evade	70
Faerie	7



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Games categories

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Adventure	959
Advergames	324
Aircraft	213
Animal	830
Arcade	756
Arkanoid	50
Army	71
Balancing	84
Ball	549
Balloons	65
Basketball	59
Bear	34
Beat	265
Bee	60
Birds	75
Blood	195
Board Game	41
Boat	85
Bomb	135
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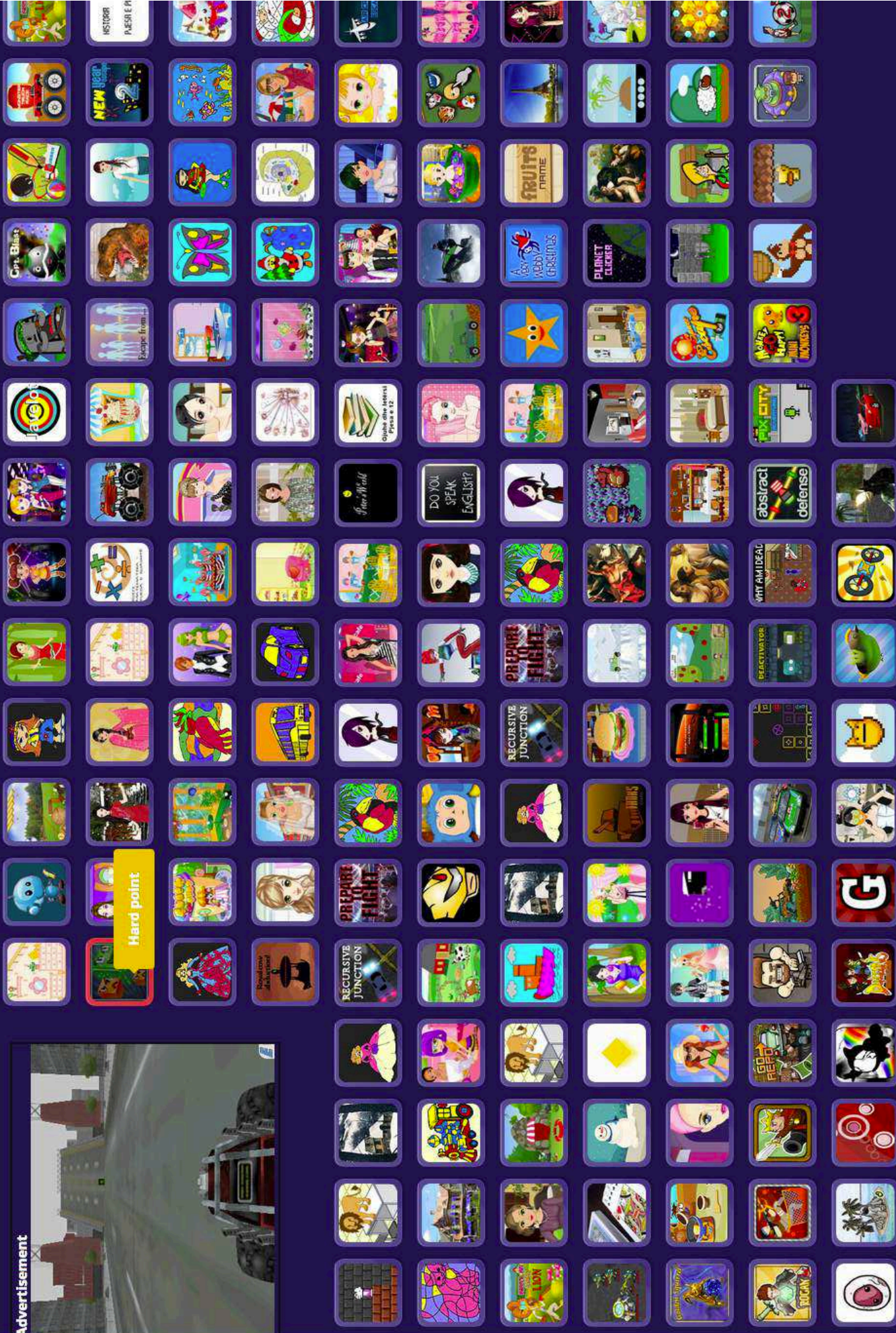
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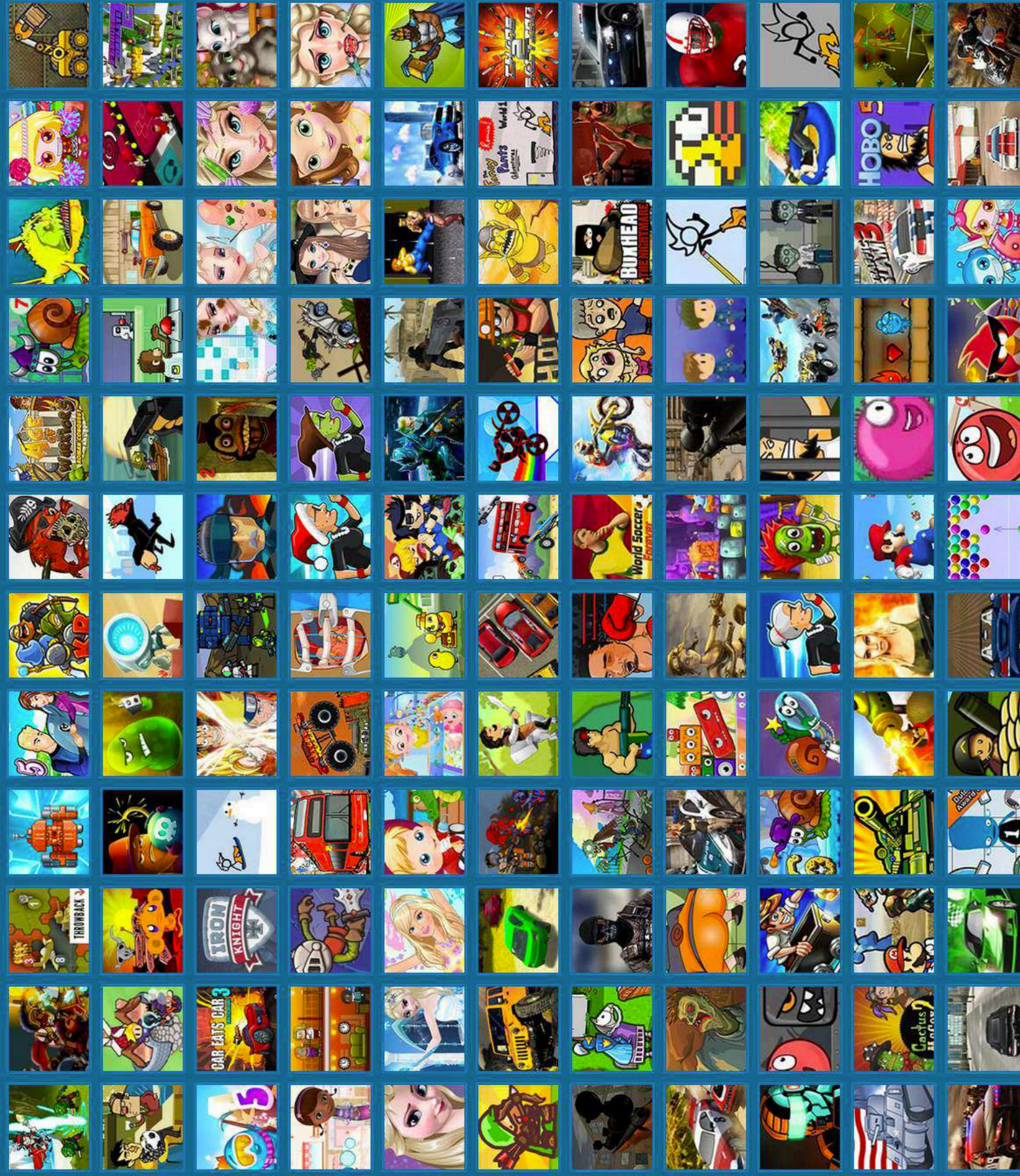
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<p>Parking Lot 2</p>	<p>Parking Lot</p>	<p>Hotel Parking</p>
<p>Mafia Driver</p>	<p>Park your Ride 2 - Shanghai</p>	<p>Pack the House - Parking Packs</p>
<p>Dock the Boat</p>	<p>Car-Line</p>	<p>Parking Perfection 2</p>

Games categories

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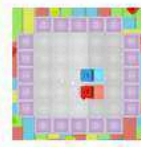
Dress up games

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Cooking games



Play Angry Gifts Game



Play Push Da Blocks Game



Play Welcoming New Year Game



Play Headless Zombie 2 Game



Play First Snow Game



Play Style Adventures Eyeliner-Style Game



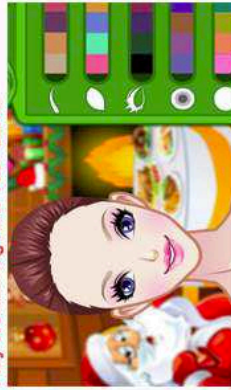
Play Santa Journey 1 Game

Today's New Games

Play Mom Give Birth Newborn Baby ..



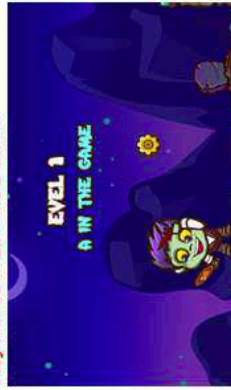
Play Welcoming New Year Game



Play Angry Gifts Game



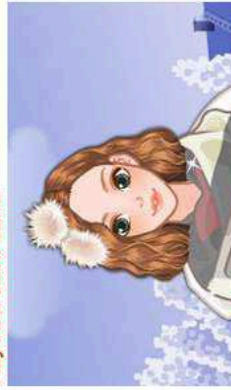
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EXHIBIT R

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Mailed: October 30, 2015

Opposition No. 91216208

Javier Rodriguez, LLC

v.

Zyis Ltd.

**M. Catherine Faint,
Interlocutory Attorney:**

This case now comes up on Applicant's motion for reconsideration of the Board's May 29, 2015 order. The motion is fully-briefed.

Background

As background, the Board notes that Applicant, Zyis, Ltd. seeks to register the mark FRIV in standard character form for "computer game programs; video game programs; downloadable software for playing on-line games; interactive computer game programs; computer game software for use on mobile and cellular phones, handheld computers, computers, video game consoles and wireless devices" in Class 9. Opposer opposes registration of the mark on the ground that the term FRIV when used with "frivolous computer games" is generic. The Board's May 5, 2014 institution and trial order set discovery to close January 10, 2015.

On August 7, 2014, Opposer served discovery requests upon Applicant, including interrogatories, document requests, and requests for admission. On October 8, 2014, having received no responses, Opposer filed a motion to deem its request for admissions admitted. On November 18, 2014, the Board advised the parties that Opposer's motion was unnecessary since, pursuant to Fed. R. Civ. P. 36(a), Applicant's failure to respond resulted in the requests for admission being deemed admitted and conclusively established by operation of law, and also noted Applicant's failure to respond to the motion. On January 9, 2015, Applicant moved to extend discovery by three months. On January 13, 2015, four months after its admissions were deemed admitted, Applicant moved to withdraw or amend its admissions, and to reopen discovery for the purpose of allowing Applicant to respond to the interrogatories and document requests. Both motions were contested. On January 30, 2015, the Board suspended proceedings pending disposition of the motion.¹

On May 29, 2015, the Board denied Applicant's motions. With respect to the requested three month extension of discovery, the Board applied the good cause

¹ The Board's January 30, 2015 suspension order stated that suspension did not toll the time for either party to serve expert or pretrial disclosures. This part of the order was in error, as the decision on the pending motion to amend or withdraw admissions would have affected what needed to be proven at trial.

The Board's May 29, 2015 order reset the time for serving pretrial disclosures, making plaintiff's pretrial disclosures due July 19, 2015. On August 31, 2015, following nine filings by the parties, the Board suspended proceedings retroactive to the June 29, 2015 filing date of Applicant's request for reconsideration. Opposer's deadline for serving pretrial disclosures is reset at the end of this order. See *Carl Karcher, Enters., Inc. v. Carl's Bar & Delicatessen, Inc.*, 98 USPQ2d 1370, 1372 (TTAB 2011). Applicant's argument that Opposer's pretrial disclosures were untimely will be given no consideration.

standard set out in *National Football League v. DNH Management LLC*, 85 USPQ2d 1852 (TTAB 2008), and found (Order, p. 1-5) that the declaration of counsel, averring that he changed law firms, was unavailable during a month of previously-arranged travel, and had a heavy case load, provided a minimal showing of good cause for the period from the July 7, 2014 discovery conference to early September 2014, but did not show good cause for the failure to serve or respond to discovery from early September 2014 to the penultimate day of discovery, January 9, 2015.

With respect to Applicant's motion to amend its admissions, the Board applied the excusable neglect standard set out in *Pumpkin Ltd. v. The Seed Corps*, 43 USPQ2d 1582 (TTAB 1997), and found (Order, p. 6-7) that Applicant presented the same arguments in support of its showing of excusable neglect that it made in support of its showing of good cause, and that, after applying the relevant factors, the failure of Applicant to respond to the motion to deem requests for admissions admitted, as well as Applicant's continued delay in serving discovery responses, was entirely within Applicant's control and did not amount to excusable neglect.

With respect to Applicant's motion to withdraw its admissions, the Board applied the withdrawal standard set out in *Giersch v. Scripps Networks Inc.*, 85 USPQ2d 1306 (TTAB 2007), and found (Order, p. 7-8) that withdrawal would be clearly prejudicial to Opposer. Because Applicant failed to timely respond to requests for admission served August 7, 2014, failed to timely respond to Opposer's October 8, 2015 motion to deem the admissions admitted, and waited yet another two months, and on the eve of the close of discovery, to seek withdrawal of its admissions, the Board found that withdrawal "would present a special difficulty

to Opposer in proving its case, and reward Applicant for not timely responding both to discovery requests and to the prior motion.”

Applicant’s Discovery Responses

With respect to Applicant’s motion to reopen discovery for the purpose of allowing Applicant to respond to the interrogatories and document requests, the Board found that, inasmuch as responses to interrogatories and document requests were attached to Applicant’s motion, no further response was required.²

Upon review, this part of the Board’s order was incorrect. Applicant attached only Opposer’s discovery requests to its motion, and did not include its discovery responses. However, there is no need to take up Applicant’s motion to reopen discovery for the purpose of allowing Applicant to respond to the interrogatories and document requests because the motion is unnecessary. Pursuant to Trademark Rule 2.120(a)(3), interrogatories and requests for production may be served until the closing date of discovery, and responses to interrogatories and requests for production must be served within thirty days from the date of service of such discovery requests. Whether discovery is open is irrelevant to Applicant’s time to respond to discovery requests.

Applicant is ordered to respond to the outstanding discovery requests within **THIRTY DAYS** from the mailing date of this order.³

² The Board’s order did not accept the attached proposed amended responses to requests for admission.

³ Inasmuch as proceedings were suspended before trial, the time for filing a motion to compel responses without objection on the merits has not expired. *See* Trademark Rule 2.120 (e) (1); *No Fear, Inc. v. Rule*, 54 USPQ2d 1551, 1554 (TTAB 2000). In instances where

Discussion

A motion for reconsideration of a decision on a prior motion under Trademark Rule 2.127(b) is limited to a demonstration that based on the facts before it and applicable law, the Board's ruling was in error and requires appropriate change. *See Vignette Corp. v. Marino*, 77 USPQ2d 1408, 1411 (TTAB 2005) (reconsideration denied because Board did not err in considering disputed evidence). It is not to be a reargument of the points presented in the original motion. *Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 518* (July 2015).

Because the request for reconsideration is limited to a demonstration of Board error, the Board finds that a telephone conference with the parties would not be useful. *See TBMP §502.06(a)* (“Board judges and attorneys retain discretion to decide whether a particular matter can and should be heard or disposed of by telephone ... telephone conferences may not be used as a means to supplement a motion or a related brief, and are not an opportunity to present oral arguments in support of fully briefed written motions unless requested by the Board.”). Applicant's motion requesting a telephone conference “to fully discuss the dispositive character and issues inherent in the Motions to Amend and to Extend” is **denied**.

By its motion for reconsideration, Applicant requests that the Board reconsider its order of May 29, 2015 to allow Applicant to withdraw and amend its

a party does not “unequivocally refuse” to provide information in response to discovery requests, the preclusion sanction under Fed. R. Civ. P. 37(c)(1) may not apply. *See Midwest Pet Foods Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 103 USPQ2d 1435, 1439 (Fed. Cir. 2012); *Vignette Corp. v. Marino*, 77 USPQ2d 1408, 1411 (TTAB 2005); and TBMP §527.01 (e) (July 2015).

admissions which were deemed admitted by the Board's order of November 18, 2014, and to reset a limited period during which Applicant may seek discovery. In support of its motion Applicant alleges procedural and substantive error by the Board. As to procedural error, Applicant contends that the Board's May 29, 2015 order must be reconsidered because the Board erred in failing to grant a limited extension of discovery after finding limited good cause for such an extension; the Board erred in not granting Applicant's motion to reopen as conceded; and because, inasmuch as the effect of the denial of the motion is to effectively dispose of this proceeding, the Board erred in issuing its decision without a panel of judges. None of the arguments demonstrate procedural error by the Board.

The Board's finding that "Applicant's counsel has made a minimum showing for some of the time" is quoted by Applicant without context, and is not inconsistent with denying the extension of discovery. As set forth in the original order, the standard for extending discovery is "good cause." The Board recounted the relevant facts in detail, and noted that Applicant's showing of good cause covered, at best, less than half of the scheduled discovery period, and did not make any showing of good cause for the period from early September 2014 to the filing of the motion four months later, in early January 2015. The Board's order indicates, at most, that because Applicant made a minimal showing of good cause for its failure to act early in the discovery period, Applicant may have successfully moved for an extension in early September 2014. However, as also detailed in the order, the longer period which followed before the motion to extend was filed was the subject of neither

Applicant's participation in discovery nor Applicant's communication to Opposer, was not explained in the motion, and resulted in a finding of no good cause for extension. The Board finds no inconsistency in the order, and thus no error.

Trademark Rule 2.127(a) states, in part, that "When a party fails to file a brief in response to a motion, the Board *may* treat the motion as conceded." (*emphasis* added). There is no requirement for the Board to deny a motion in the absence of an opposition. *See Int'l Fin. Corp. v. Bravo Co.*, 64 USPQ2d 1597, 1599 (TTAB 2002) ("the Board, pursuant to our discretion under Trademark Rule 2.127(a), will not treat opposer's motion as conceded, but rather will decide the motion on the merits."). *Accord* 3 J. Thomas McCarthy, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION, 20:129 (4th ed. 2015) ("even if no response to a motion is filed, the Board has discretion to treat it as not conceded and to decide the motion on the merits.").

Here, as the Board noted in its order, Applicant made the same arguments in support of reopening its time to serve responses to the requests for admission that Applicant made in support of extending its time to serve discovery. Opposer opposed extension, and detailed why Applicant's arguments were unpersuasive. Inasmuch as the first motion remained pending when the second was filed, and both argued the same reasons in support of the respective motions, it was reasonable for Opposer to assume that its arguments would be considered in connection with both motions. The Board finds no requirement to grant motions as conceded if no opposition thereto is filed, the Board does not believe in the circumstances of this

case that Opposer conceded that Applicant's motion should be granted, and the Board's consideration of the motion on the merits was not an error.

An interlocutory motion, request, or other matter which is not actually or potentially dispositive of a proceeding, may be acted upon by a single Board judge, or by a Board attorney to whom authority so to act has been delegated. *See* Trademark Rule 2.127(c); *see also* TBMP § 502.04. An order denying a motion to amend or withdraw admissions, no matter what effect the order may have on a party's ability to prosecute or defend its case, is an interlocutory order which does not put an end to the litigation before the Board. A request that the action of the single Board judge, or single attorney, be reviewed by one or more (other) judges of the Board is improper and will be denied. *See* TBMP § 518. However, at final hearing, the Board panel to which the case is assigned for decision may review an interlocutory ruling and reverse it, if appropriate. Thus, if either party files a motion for summary judgment based on the admissions left in place by the May 29, 2015 interlocutory order, and the motion is contested, it will be decided by a panel of at least three Board judges. The Board's interlocutory order properly issued by an interlocutory attorney, and did not issue in error.

The Board turns to Applicant's contention of substantive error in the Board's order, namely its application of the two prong test for withdrawal and amendment of Applicant's admissions as set forth in *Giersch v. Scripps*, 85 USPQ2d 1306, 1308 (TTAB 2007). In this case, Opposer served its admission requests on Applicant on August 7, 2014 and Applicant's responses were due September 7, 2014. As the

Board noted in its May 29, 2015 order, Applicant's failure to respond to the discovery requests after early September, or to respond to the October 8, 2014 motion to deem the requests for admission admitted, is essentially unexplained, and Applicant has shown neither good cause nor excusable neglect for extension or reopening of the discovery period or its period to respond to discovery requests.⁴ Opposer essentially spent the entirety of the six month discovery period attempting to obtain discovery responses to which it was entitled, and has had to file or respond to multiple motions addressing Applicant's prolonged failure to carry out its discovery obligations.

Even if the two prongs⁵ of the *Giersch* test were found to be in Applicant's favor, the Board has the discretion to deny a motion for withdrawal and amendment of the admissions, particularly where, as here, Applicant has shown a lack of diligence in seeking to timely withdraw its deemed admissions. *Giersch*, 85 USPQ2d at 1308 (withdrawal of admissions is at Board's discretion); *see, e.g., F.D.I.C. v. Denson*, 908 F. Supp. 2d 792, 809 (S.D. Miss. 2012) (language of Fed. R. Civ. P. 36(b) is permissive and withdrawal of admissions denied where no good cause for inaction provided); *In re Heritage Bond Litig.*, 220 F.R.D. 624, 626 (C.D. Cal. 2004) (discretion to withdraw deemed admissions should be exercised only under compelling circumstances and would not be exercised where party responded twelve

⁴ 19 TTABVUE 4-7 (May 29, 2015).

⁵ "The first prong of the test is satisfied when upholding the admissions would practically eliminate any presentation of the merits of the case. Under the second prong, the court must examine whether withdrawal or amendment will prejudice the party that has obtained the admissions." *Giersch v. Scripps*, 85 USPQ2d at 1308.

days late after two extensions of time to respond to admissions had been granted); *C.F.T.C. v. Int'l Fin. Servs., Inc.*, 323 F. Supp. 2d 482, 510 (S.D.N.Y. 2004) (withdrawal and amendment denied where attorney's failure to respond was not an anomalous oversight). *See also* 8B Wright and Miller, *Fed. Prac. & Proc. Civ. 3d* § 2264 (Westlaw 2015).

In sum, because the Board has carefully reviewed its order of May 29, 2015 and finds no error, Applicant's request for reconsideration is **denied**. To the extent Applicant seeks to otherwise extend or reopen the discovery period, the motion is likewise **denied**.

As set forth above, Applicant is ordered to respond to the outstanding discovery requests within **THIRTY DAYS** from the mailing date of this order.

Schedule

Proceedings are resumed. Dates are reset as set out below.

Discovery Closes	CLOSED
Plaintiff's Pretrial Disclosures Due	12/8/2015
Plaintiff's 30-day Trial Period Ends	1/22/2016
Defendant's Pretrial Disclosures Due	2/6/2016
Defendant's 30-day Trial Period Ends	3/22/2016
Plaintiff's Rebuttal Disclosures Due	4/6/2016
Plaintiff's 15-day Rebuttal Period Ends	5/6/2016

In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

EXHIBIT S

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Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

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Mailed: November 10, 2015

Opposition No. 91216208

Javier Rodriguez, LLC

v.

Zyis Ltd.

By the Trademark Trial and Appeal Board:

On November 6, 2015, Applicant filed an abandonment of its application Serial No. 86101423.¹

Trademark Rule 2.135 provides that if, in an inter partes proceeding, the applicant files an abandonment without the written consent of every adverse party to the proceeding, judgment shall be entered against applicant.

In view thereof, and because Opposer's written consent to the abandonment is not of record, judgment is entered against Applicant, the opposition is sustained and registration to Applicant is refused.

As a courtesy, a copy of this order will be sent to the following address.²

¹ The Board acknowledges that Applicant included proof that it forwarded a service copy of its abandonment to Opposer. However, the proof of service indicates that the service copy was not sent to Opposer's address of record. A copy of the abandonment may be viewed using TTABVUE at <http://ttabvue.uspto.gov>.

² The Board notes that the address in the signature block of Applicant's abandonment is not Applicant's current address of record.

Opposition No. 91216208

cc:

**Nicholas D. Wells
Kirton McConkie
60 E. South Temple
Suite 1800
Salt Lake City, UT 84111**

EXHIBIT T

ESTTA Tracking number: **ESTTA680822**

Filing date: **06/29/2015**

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

Proceeding	91216208
Party	Defendant Zyis Ltd.
Correspondence Address	NICHOLAS D WELLS WELLS IP LAW LLC 299 S MAIN ST, STE 1300 SALT LAKE CITY, UT 84111-2241 UNITED STATES nwells@wellsiplaw.com
Submission	Other Motions/Papers
Filer's Name	Nicholas D. Wells
Filer's e-mail	nwells@kmclaw.com
Signature	/s/ Nicholas D. Wells
Date	06/29/2015
Attachments	Motion.pdf(200337 bytes) Exhibit A.pdf(95337 bytes) Exhibit B.pdf(520796 bytes) Exhibit C.pdf(109139 bytes) Exhibit D.pdf(89227 bytes)

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

JAVIER RODRIGUEZ, LLC

OPPOSER,

v.

ZYIS LTD.,

APPLICANT.

OPPOSITION NO. 91216208

**APPLICANT ZYIS LTD.'S MOTION FOR
RECONSIDERATION, MODIFICATION AND / OR CLARIFICATION**

Pursuant to Federal Rule of Civil Procedure 7(b) and Trademark Rules 2.116, 2.120, 2.126 and 2.127, Applicant Zyis Ltd. (“Applicant” or “Zyis”), by and through undersigned counsel, hereby respectfully moves the Trademark Trial and Appeal Board (the “Board”) to reconsider, modify and / or clarify its Order dated May 29, 2015¹ (hereinafter, the “Order”). By the Order, the Board granted, in part, Applicant’s Motion to Extend the Discovery Period (the “Motion to Extend”)² and denied Applicant’s Combined Motion to Withdraw and Amend Admissions and Reopen the Time to Respond to Discovery Requests (the “Motion to Amend”)³. Through the instant motion to reconsider, modify and / or clarify (hereinafter, the “Motion”), Applicant seeks a modification or clarification of the Order. Pursuant to 37 CFR § 2.127(a), the

¹ 19 TTABVUE *passim*.

² 10 TTABVUE *passim*.

³ 13 TTABVUE *passim*.

foregoing Motion is accompanied by, or otherwise embodies, the following brief of Applicant in support thereof.

STATEMENT OF RELEVANT FACTS

1. Applicant filed the Motion to Extend on January 9, 2015 seeking a three (3) month extension of the discovery period, which was set to close on January 10, 2015.⁴

2. Three (3) days later, on January 12, 2015, Opposer Javier Rodriguez, LLC (“Opposer”) filed Opposer’s Response to Registrant’s Request to Extend the Discovery Period (the “Opposition to the Motion to Extend”) in which Opposer opposed any extension of the discovery period.⁵

3. On January 13, 2015, Applicant subsequently filed the Motion to Amend seeking, *inter alia*, permission to withdraw and amend Applicant’s admissions deemed admitted by operation of law.⁶

4. Opposer never opposed or otherwise responded to Applicant’s Motion to Amend.⁷

5. Indeed, Applicant even notified Opposer of the absence of a response to the Motion to Amend on February 19, 2015 (after Opposer’s deadline to oppose the Motion to

⁴ 10 TTABVUE *passim*; *see also* 7 TTABVUE 5 (setting 1/10/2015 as the close of discovery).

⁵ 11 & 12 TTABVUE *passim*. Opposer’s Opposition to the Motion to Extend was later amended solely to withdraw Opposer’s arguments premised on email service, which had previously been agreed to by the parties. *Compare, e.g.*, 11 TTABVUE 5, *with* 16 TTABVUE 5 (omitting the statement that “the parties have never agreed to electronic service,” which was inaccurate); *see also* 19 TTABVUE 4 (“The Board finds that the parties agreed to service via email”).

⁶ 13 TTABVUE *passim*.

⁷ *See* TTABVUE.

Amend had passed);⁸ nevertheless, Opposer still elected neither to oppose nor respond to Applicant's Motion to Amend.⁹

6. Attached as Exhibit No. 9 to Applicant's Motion to Amend was Applicant's [Proposed] Amended Responses to Opposer's First Requests for Admission Nos. 1-6 (the "Amended RFA Responses").¹⁰ Notwithstanding Applicant's Amended RFA Responses, prepared out of an abundance of caution, and not knowing how the Board would rule on Applicant's Motion to Extend and Motion to Amend, Applicant has never prepared written or other responses to Opposer's interrogatories and/or requests for the production of documents.

7. In view of Applicant's Motion to Extend and Motion to Amend, the Board suspended the above-captioned proceedings on January 30, 2015 (the "Suspension Order").¹¹ Nevertheless, the Board's Suspension Order explicitly states that it "does not toll the time for either party to ... serve ... pretrial disclosures."¹²

8. Opposer's pretrial disclosures were due on February 24, 2015.¹³

9. Opposer's deadline came and went without service of Opposer's pretrial disclosures; instead, without seeking an extension of time from the Board, Opposer unilaterally attempted to belatedly serve its pretrial disclosures on April 28, 2015 – over two months late.¹⁴

⁸ See email correspondence between J. Rupp and J. DiGiacomo et al., dated February 19, 2015, attached hereto as **Exhibit "A"**.

⁹ See TTABVUE.

¹⁰ See 13 TTABVUE at Ex. 9, reattached hereto as **Exhibit "B"** for convenience.

¹¹ 15 TTABVUE 1.

¹² *Id.*

¹³ 7 TTABVUE 5.

¹⁴ See email correspondence between J. Rupp and J. DiGiacomo et al., dated April 28, 2015, attached hereto as **Exhibit "C"** (counsel for Opposer admitting that Opposer's pretrial disclosures were "late").

10. Among other things, Opposer's First Requests for Admission Nos. 1-6 ("RFA") seek admission regarding websites and apps that allegedly provide "substantially similar goods and/or services as Applicant," that the mark FRIV is allegedly "a shortened version" of the word frivolous, and that the word "friv" is allegedly "understood by the relevant public primarily to refer to computer games."¹⁵

11. Applicant has been attributed with admitting each and every one of Opposer's RFAs by operation of law;¹⁶ according to Opposer, such attribution is tantamount to an admission of "all of the relevant elements of a claim of genericness, and Opposer need only now file a Motion for Summary Judgment to successfully oppose Applicant's mark."¹⁷

ARGUMENT

TBMP Sections 502.04, 518, and 905 and Trademark Rules 2.127(a) – (b) and 2.146(e)(2) permit any party that is dissatisfied with a decision on a motion (1) to seek review thereof by the same interlocutory attorney and/or (2) by filing a petition to the Director for review of the decision. Pursuant to the foregoing, Applicant hereby respectfully requests reconsideration, modification and / or clarification of the Order.

I. THE MOTION TO AMEND IS UNOPPOSED; APPLICANT RESPECTFULLY REQUESTS RECONSIDERATION – THE MOTION TO AMEND SHOULD BE GRANTED AS CONCEDED

Pursuant to TBMP Section 502.02 and Trademark Rule 2.127(a)

a brief in response to a motion shall be filed within fifteen days from the date of service of the motion unless another time is specified by the ... Board, or the time is extended by stipulation of the parties approved by the Board, or upon motion

¹⁵ See, e.g., Ex. B at Requests for Admission Nos. 1, 2, 4, and 6.

¹⁶ 9 TTABVUE 1.

¹⁷ See 13 TTABVUE at Ex. 7, reattached hereto as **Exhibit "D"** for convenience.

granted by the Board, or upon order of the Board. **When a party fails to file a brief in response to a motion, the Board may treat the motion as conceded.**”¹⁸

While the Board continues to have discretion, “[i]f the nonmoving party has not given its consent to a motion, but does not file a brief in opposition thereto during the time allowed therefor, the Board ... may grant the motion as conceded.”¹⁹ In addition, it should be noted that, “[w]hen a party upon which a motion has been served fails to file a brief in response, ... the non-responding party cannot use a request for reconsideration as a second opportunity to file a brief in opposition to the motion.”²⁰

In this case, the Motion to Amend was filed on January 13, 2015²¹ and Opposer has never filed a response to the Motion to Amend.²² Indeed, even after Opposer’s failure to respond to the Motion to Amend was explicitly brought to Opposer’s attention, Opposer still elected not to oppose the Motion to Amend.²³ To this end, the Motion to Amend is wholly unopposed and Applicant respectfully requests that the Motion to Amend be granted as unopposed and conceded.

¹⁸ 37 C.F.R. § 2.127(a) (emphasis added); TBMP §§ 502.02, 502.02(b), 502.04.

¹⁹ TBMP § 502.04 (collecting cases).

²⁰ TBMP § 518.

²¹ 13 TTABVUE *passim*.

²² *See* TTABVUE.

²³ *See id.*; *see also* Ex. A. Notably, Opposer’s Opposition to the earlier-filed Motion to Extend was filed on January 12, 2015 – a day *before* the Motion to Amend was even filed. 11 & 12 TTABVUE *passim*. As such, Opposer’s Opposition to the Motion to Extend *cannot* be treated as a response to the later-filed Motion to Amend where Opposer has never substantively responded to the legal authorities and arguments set forth in the Motion to Amend. Indeed, having never even seen the Motion to Amend at the time the Opposition to the Motion to Extend was filed, Opposer cannot be attributed as having responded to the Motion to Amend.

A. Even if the Merits of the Motion to Amend are Evaluated in the Absence of an Opposition, the Board’s Discretion Should be Exercised to Grant the Motion to Amend on the Merits Where Opposer Will Suffer No Prejudice

Even if the Motion to Amend is not merely granted as conceded in the absence of a response from Opposer, Applicant respectfully requests reconsideration – the Motion to Amend should be evaluated and granted on the merits. As the Board’s Order recognizes,²⁴

A matter admitted under [Federal Rule of Civil Procedure 36] is conclusively established unless the [Board], on motion, permits the admission to be withdrawn or amended. Subject to Rule 16(e), **the court may permit withdrawal or amendment if it would promote the presentation of the merits of the action and if the court is not persuaded that it would prejudice the requesting party in maintaining or defending the action on the merits.**²⁵

Ultimately, “the test for withdrawal is based on two prongs”: (1) “[t]he first prong is satisfied when upholding the admissions would practically eliminate any presentation of the merits of the case[,]” i.e., the withdrawal and amendment “must facilitate the development of the case in reaching the truth”; and (2) the Board “must examine whether withdrawal or amendment will prejudice the party that has obtained the admissions.”²⁶ Further to the second prong, “‘prejudice’ is not simply that the party who initially obtained the admission will now have to convince the fact finder of its truth, but rather, relates to the special difficulties a party may face caused by the sudden need to obtain evidence upon withdrawal or amendment of admission.”²⁷ Such “special

²⁴ 19 TTABVUE 7-8.

²⁵ FED. R. CIV. P. 36(b) (emphasis added); *see also* TBMP § 525 (2014) (quoting FED. R. CIV. P. 36(b)); TBMP § 407.04 (2014).

²⁶ *Giersch v. Scripps*, 85 U.S.P.Q. 2d 1306, at *3 (TTAB 2007) (internal quotation marks, citations and alterations omitted)

²⁷ *Id.* (internal quotation marks omitted).

difficulties” include the unavailability of witnesses or evidence that would otherwise have been available but for the delay at issue.²⁸ Put differently, mere inconvenience is not prejudicial.²⁹

In pertinent part, the Board’s Order denies the Motion to Amend on the basis that “the motion is ... clearly prejudicial to Opposer.”³⁰ In other words, the Board’s Order concludes that the Motion to Amend “would present a ‘special difficulty’ to Opposer in proving its case.”³¹ However, as Opposer failed to even respond to the Motion to Amend, there is no evidence before the Board of any prejudice or special difficulty to Opposer whatsoever. Indeed, the Board’s Order is simply conclusory; the Order does not explicitly identify any prejudice, even prejudice of the Board’s own determination in the absence of a response brief. Moreover, even if some “prejudice” inured to Opposer in connection with the Motion to Amend (although none has ever been identified), any such prejudice fails to transcend a mere inconvenience to Opposer. Indeed, there is no evidence of the type of prejudice sufficient to warrant a denial of the Motion to Amend on the merits, such as unavailable witnesses or evidence. Simply put, there is no prejudice to Opposer and, even if there were, it would be mere inconvenience, which is insufficient to deny the Motion to Amend. In view of the foregoing, Applicant respectfully requests reconsideration – the Motion to Amend should be evaluated and granted on the merits in its entirety. At a minimum, Applicant respectfully seeks clarification as to the prejudice which the Board alleges will inure to Opposer if the Motion to Amend is granted.

²⁸ *Id.*

²⁹ *Id.*; see also *Pioneer Inv. Servs. Co. v. Brunswick Assocs. L.P.*, 507 U.S. 380 (1993); *Pumpkin Ltd. v. The Seed Corps*, 43 U.S.P.Q.2d 1585, 1587 (TTAB 1997).

³⁰ 19 TTABVUE 7-8.

³¹ *Id.*

B. Absent Reconsideration in Applicant's Favor, Any Presentation of the Merits Will Likely be Entirely Eliminated; the Board's Discretion Should be Exercised to Grant the Motion to Amend on the Merits

Further to the points raised above, the first prong for determining the propriety of withdrawal and amendment is whether “upholding the admissions would practically eliminate any presentation of the merits of the case.”³² The Board’s Order recognizes the importance of promoting “the presentation of the merits of the action.”³³ Nevertheless, without providing any explanation as to how the merits of the case will remain key, the Order merely assumes prejudice and neglects to analyze the first prong of the test.³⁴ Critically, however, there is no evidence before the Board even suggesting that the first prong weighs in Opposer’s favor. Instead, particularly in view of Opposer’s failure to even respond to the Motion to Amend, the sole evidence before the Board is that, in Opposer’s own view, “all of the relevant elements of a claim of genericness” have effectively been established via the RFAs deemed admitted by operation of law and “Opposer need only now file a Motion for Summary Judgment to successfully oppose Applicant’s mark.”³⁵ In other words, while Applicant disputes Opposer’s view, the Opposer itself has emphatically stated that a denial of the Motion to Amend “would practically eliminate any presentation of the merits of the case” and is tantamount to a dispositive ruling. On this basis, Applicant respectfully requests reconsideration – the Motion to Amend should be evaluated and granted on the merits in its entirety. At a minimum, Applicant respectfully seeks clarification as to the Board’s understanding of how the merits of the case will continue to require presentation if the Motion to Amend is denied.

³² *Giersch*, 85 U.S.P.Q. 2d at *3.

³³ 19 TTABVUE 7-8.

³⁴ *Id.*

³⁵ *See* Ex. D.

II. APPLICANT RESPECTFULLY REQUESTS RECONSIDERATION OF THE MOTION TO EXTEND

In addition to seeking reconsideration of the Board's Order as to the Motion to Amend, Applicant respectfully requests reconsideration of the Motion to Extend. As the Board's Order notes, the applicable standard of review is good cause, and "the Board is liberal in granting extensions of time before the period to act has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions is not abused."³⁶

As Applicant's Motion to Extend was filed on January 9, 2015 and discovery was set to close the following day, January 10, 2015, the Board has already held that good cause is the applicable standard.³⁷ Notably, there are no allegations of bad faith or abuse of prior extensions before the Board. As a result, the only issue before the Board is Applicant's alleged negligence. To this end, the Board's Order states that "Applicant's counsel *has made* a minimum showing for some of the time, but the Board does not find this persuasive *for the three month extension of discovery sought*."³⁸ As at least some of the time is supported by good cause, i.e., Applicant "has made a minimum showing" and was not guilty of negligence for the entirety of the original discovery period, Applicant respectfully requests that discovery be reopened for a period of time that the Board finds suitable. While Applicant initially requested three (3) months, Applicant respectfully requests reconsideration for a shorter period of time, such as six (6) weeks or another period of time acceptable to the Board.

³⁶ 19 TTABVUE 1-4.

³⁷ *Id.* at 4.

³⁸ *Id.* at 5 (all emphases added).

III. APPLICANT RESPECTFULLY REQUESTS CLARIFICATION OF THE BOARD'S ORDER ON THE MOTION TO EXTEND

Beyond seeking reconsideration and modification of the Board's Order as it relates to the Motion to Amend and the Motion to Extend, discussed *supra*, Applicant further respectfully requests clarification of the Board's Order. Specifically, the Board's Order states that

Applicant's [Motion to Extend] is **granted for the limited purpose** of allowing service of Applicant's discovery responses to interrogatories and requests for production of documents. As these responses were attached to Applicant's motion to reopen ..., no further responses from Applicant is required. This reopening does not apply to Applicant's responses to Requests for Admission³⁹

The Board's Order appears at odds with the facts. Specifically, the only discovery responses attached to Applicant's Motion to Amend were Applicant's Amended RFA Responses.⁴⁰ However, notwithstanding Applicant's Amended RFA Responses, prepared out of an abundance of caution, and not knowing how the Board would rule on Applicant's Motion to Extend and Motion to Amend, Applicant has never prepared written or other responses to Opposer's interrogatories and/or requests for the production of documents. To this end, Applicant respectfully seeks clarification of the Board's Order. First, Applicant requests that the Board clarify whether Applicant is permitted to serve responses to Opposer's interrogatories and/or requests for the production of documents. Second, assuming such permission is granted, Applicant requests clarification as to the deadline for serving such responses. Applicant respectfully suggests that two (2) weeks from the date of the Board's Order on the instant Motion would be sufficient time to serve Applicant's discovery responses. Third, again assuming such permission is granted, Applicant requests clarification as to the use of Applicant's written

³⁹ 19 TTABVUE 5.

⁴⁰ See 13 TTABVUE at Ex. 9; *see also* Ex. B.

responses and/or document production going forward, e.g., will the parties be allowed to use such evidence in connection with trial or will Opposer merely be allowed to exclude all such evidence on timeliness grounds? Fourth, again assuming such permission is granted, Applicant requests clarification as to an extension of the discovery period, if any, to permit the parties to address Applicant's objections, if any, to Opposer's discovery requests and/or any deficiencies Opposer may allege. And finally, as the only discovery responses attached to Applicant's Motion to Amend were Applicant's Amended RFA Responses, Applicant respectfully seeks clarification as to whether those responses are recognized by the Board.

IV. THE BOARD'S DETERMINATION OF THE INSTANT MOTION MAY, IN EFFECT, BE DISPOSITIVE; APPLICANT RESPECTFULLY REQUESTS RECONSIDERATION AND A TELEPHONIC CONFERENCE

As discussed above, while Applicant's Motions to Amend and Extend are not styled as "dispositive motions," the Board's Order is, in effect, dispositive. Specifically, in Opposer's own words, "all of the relevant elements of a claim of genericness" have effectively been established via the RFAs deemed admitted by operation of law and "Opposer need only now file a Motion for Summary Judgment to successfully oppose Applicant's mark."⁴¹ In other words, while Applicant disputes Opposer's view, the Opposer itself has emphatically stated that a denial of the Motion to Amend "would practically eliminate any presentation of the merits of the case" and is tantamount to a dispositive ruling. To this end, pursuant to Trademark Rule 2.127 and TBMP 102.03 and 502.04, Applicant respectfully requests that "[a] panel of at least three Board judges determine[the] contested [M]otions [to Amend and to Extend]" as such motions are at least potentially dispositive. Moreover, Pursuant to TBMP Sections 502.03 and 502.06, and regardless

⁴¹ See Ex. D.

of whether the instant Motion is heard by the same interlocutory attorney or a panel of at least three judges, Applicant respectfully requests a telephonic conference to fully discuss the dispositive character and issues inherent in the Motions to Amend and to Extend.

V. IF THE INSTANT MOTION IS DENIED, OPPOSER'S INEXCUSABLE TWO MONTH DELAY IN SERVING ITS PRETRIAL DISCLOSURES SHOULD PRECLUDE THE ADMISSION OF ANY EVIDENCE IN SUPPORT OF OPPOSER'S CLAIMS

As a final matter, TBMP Section 502.04 states as follows:

A party should not presume that the Board will automatically reset ... disclosure deadlines ... when it determines a pending motion. When the Board determines a pending motion, and there is no motion to extend discovery, disclosure deadlines and/or trial dates, the Board, in the exercise of its discretion, may or may not reset relevant dates. A party that wishes to have particular deadlines or periods reset upon the determination of a particular motion should file a motion requesting such action, and specifying the deadlines or periods it wishes to have reset. Alternatively, a moving or responding party may request the resetting of deadlines or periods in its pending motion or response thereto, where such pending motion is not otherwise one seeking an enlargement of time. In other words, a party may incorporate a motion to extend as part of another motion.

In view of Applicant's Motion to Extend and Motion to Amend, the Board suspended the above-captioned proceedings on January 30, 2015.⁴² Nevertheless, the Board's Suspension Order explicitly states that it "does not toll the time for either party to ... serve ... pretrial disclosures."⁴³ Under the Board's original scheduling order, Opposer's pretrial disclosures were due on February 24, 2015.⁴⁴ Opposer's deadline came and went without service of Opposer's pretrial disclosures; instead, without seeking an extension of time from the Board, Opposer unilaterally attempted to belatedly serve its pretrial disclosures on April 28, 2015 – over two

⁴² 15 TTABVUE 1.

⁴³ *Id.*

⁴⁴ 7 TTABVUE 5.

months late.⁴⁵ At a minimum, Opposer was obligated to “file a motion requesting [an extension], and specifying the deadlines or periods it wishes to have reset.”⁴⁶ As Opposer failed to do so, Opposer should be precluded from the use of any evidence at trial in this matter as Opposer failed to timely file its pretrial disclosures or seek an extension of the deadline to do so. In short, if Applicant is held to strict compliance with the applicable rules and is given no leeway to ensure that the above-captioned matter is tried on the merits, then Opposer should be held to the same standard and its pretrial disclosures should be stricken. Opposer cannot simultaneously flout its own deadlines and obligations while being heard to cry prejudice for Applicant’s inadvertent delays.

CONCLUSION

For all of the foregoing reasons, Applicant respectfully moves the Board to reconsider its Order and to (a) permit Applicant to withdraw and amend Applicant’s admissions as provided at Exhibit B and (b) reopen Applicant’s time to serve responses to all remaining discovery requests for two (2) weeks from the date of the Board’s decision on the instant Motion.

DATED this 29th day of June, 2015.

KIRTON | McCONKIE

/s/ Nicholas D. Wells
Nicholas D. Wells
Kirton McConkie
60 E. South Temple
Suite 1800
Salt Lake City UT 84111

⁴⁵ See Ex. C.

⁴⁶ TBMP § 502.04.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2015, a true and correct copy of the foregoing **APPLICANT ZYIS LTD.'S MOTION FOR RECONSIDERATION, MODIFICATION AND / OR CLARIFICATION** was served on Opposer's counsel, through the TTAB's electronic filing system and by emailing a copy to:

John Di Giacomo
Eric Mistrovich
Revision Legal PLLC
148 E. Front Street
Traverse City, MI 49684
john@revisionlegal.com
eric@revisionlegal.com

/s/ Nicholas Wells _____

Opposition Number: 91216208
JAVIER RODRIGUEZ, LLC v. ZYIS LTD.

Exhibit A

Exhibit A to Motion for Reconsideration, Modification
and/or Clarification filed on behalf of Applicant Zyis Ltd.

Joshua S. Rupp

From: Joshua S. Rupp
Sent: Thursday, February 19, 2015 10:51 AM
To: John DiGiacomo (john@revisionlegal.com)
Cc: Jessica Schimpf (jessica@revisionlegal.com); James Burton; Heather Bartlett Mills; Catherine Winslow
Subject: RE: FRIV

Mr. DiGiacomo,

As you know, Applicant's Combined Motion to Withdraw and Amend Admissions and Reopen the Time to Respond to Discovery Requests (the "Motion") was filed with the TTAB on January 13, 2015. Nevertheless, we first served the Motion on you via email on January 26, 2015 pursuant to the Board's July 10, 2014 Order, indicating in the email that we would treat January 26, 2015 as the date of service for computing the deadline for Opposer's response / opposition, if any (see the immediately following email below).

According to our calculations, Opposer's response / opposition was thus due on February 10, 2015, which has now long since passed. We are not aware of any response / opposition being filed. Please let us know if Opposer intends to oppose the Motion (including seeking an extension of time to do so premised on excusable neglect) or if we may represent to the TTAB that the Motion is now fully briefed and ready for decision.

Regards,
Josh

Joshua S. Rupp
Kirton | McConkie
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Direct: (801) 323-5989
Office: (801) 328-3600
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This email communication (and any attachments) are confidential and are intended only for the individual(s) or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, please do not read, copy, use or disclose the contents of this communication to others. Please notify the sender that you have received this email in error by replying to the email or by telephoning (801) 328-3600. Please then delete the email and any copies of it. This information may be subject to legal, professional or other privilege or may otherwise be protected by work product immunity or other legal rules. To ensure compliance with requirements imposed by the IRS, we inform you that (a) any U.S. tax advice in this communication (including attachments) is limited to the one or more U.S. tax issues addressed herein; (b) additional issues may exist that could affect the U.S. tax treatment of the matter addressed below; (c) this advice does not consider or provide a conclusion with respect to any such additional issues; (d) any U.S. tax advice contained in this communication (including attachments) is not intended or written to be used, and cannot be used, for the purpose of promoting, marketing or recommending to another party any transaction or matter addressed herein, and (e) with respect to any U.S. tax issues outside the limited scope of this advice, and U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding tax-related penalties under the Internal Revenue Code.

From: James Burton
Sent: Monday, January 26, 2015 3:36 PM
To: John DiGiacomo (john@revisionlegal.com)
Cc: Jessica Schimpf (jessica@revisionlegal.com); Joshua S. Rupp; Heather Bartlett Mills
Subject: FRIV

John:

In reviewing our records, we note that the attached was not served via email after it was filed on January 13, 2015. As such, and in compliance with the Board's July 10, 2014 Order, we are email serving it here and will treat today as the date of service for computing your deadline to file an opposition.

Best regards,

James

James T. Burton
Kirton McConkie
1800 World Trade Center
60 East South Temple
Salt Lake City, Utah 84111
Direct: (801) 323-5998
Office: (801) 328-3600
Fax: (801) 212-2138
email: jburton@kmclaw.com

Opposition Number: 91216208
JAVIER RODRIGUEZ, LLC v. ZYIS LTD.

Exhibit B

Exhibit B to Motion for Reconsideration, Modification
and/or Clarification filed on behalf of Applicant Zyis Ltd.

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

JAVIER RODRIGUEZ, LLC

OPPOSER,

v.

ZYIS LTD.,

APPLICANT.

OPPOSITION NO. 91216208

**APPLICANT'S [PROPOSED] AMENDED RESPONSES TO
OPPOSER'S FIRST REQUESTS FOR ADMISSION NOS. 1-6**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Applicant Zyis Ltd. ("Zyis" or "Applicant"), by and through its attorneys of record, hereby respectfully provides these [Proposed] Amended Responses to Opposer Javier Rodriguez, LLC's ("Opposer") First Requests for Admission ("Request(s)").

GENERAL OBJECTIONS

The following General Objections and statements shall be applicable to, and shall be included in, Applicant's responses to each Request, whether or not mentioned expressly in any particular response. Applicant does not waive any of its General Objections by stating specific objections to any particular Request below. Applicant's responses are based solely on Applicant's current knowledge and belief. Applicant expressly reserves the right to modify and supplement any of its responses and to assert additional objections as it deems necessary.

Applicant makes the following objections to each and every Request made by Opposer and incorporates by reference each General Objection into each specific objection and response as if fully set forth therein anew:

1. Applicant objects to each Request to the extent it is overbroad and/or unduly burdensome.

2. Applicant objects to each Request to the extent it calls for confidential or proprietary information, trade secrets, or other documents or materials subject to protection from disclosure. Applicant will only produce such documents subject to an adequate multi-tiered protective order.

3. Applicant objects to each Request to the extent it seeks document not in Applicant's possession, custody, or control.

4. Applicant objects to each Request to the extent it calls for documents protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other privilege or immunity. To the extent any Request can be construed to seek such information, Applicant objects and will provide only non-privileged and non-immune information. If Applicant inadvertently produces any such document, it does not intend the production, and such production shall not operate as a waiver of this objection, and any inadvertently produced document(s), together with all copies, shall be returned to Applicant upon discovery by the receiving party or request by Applicant.

5. Applicant objects to each Request to the extent it seeks to impose a duty upon Applicant beyond that required by the Federal Rules of Civil Procedure, if any.

6. Applicant objects to each Request to the extent it seeks information that is vague and/or ambiguous.

7. Applicant objects to each Request to the extent it seeks information that is irrelevant, inadmissible, and/or not reasonably calculated to lead to the discovery of admissible evidence.

8. Applicant objects to each Request to the extent it calls for a legal conclusion.

9. Applicant objects to each Request to the extent it seeks information that is publicly available or can be obtained from another source and/or discovery mechanism that is more convenient, less burdensome, and less expensive, or that is already in the possession of Opposer.

10. Applicant objects to each Request to the extent it is cumulative and/or duplicative of other discovery.

11. Applicant objects to each Request to the extent it contains multiple parts and/or sub-parts.

12. Applicant objects to the definitions of "Applicant," "You," and "Your" as set forth in the Requests on the ground that such definitions are overbroad. Applicant will interpret the above-identified terms as requesting admissions in the possession, custody, or control of the Applicant entity only.

13. Applicant objects to each Request in its entirety, and to each Request individually, on the ground that each Request seeks information from an open-ended, unspecified, overbroad, unduly burdensome, and/or irrelevant time period.

14. As the Requests represents a continuing obligation on Applicant, Applicant provides the following responses and objections without prejudice to Applicant's right to amend or supplement these responses at any time.

15. Applicant responds to each Request based upon its understanding of what is being requested. Applicant expressly reserves the right to amend its response to any Request at any time to the extent its understanding was mistaken.

16. Applicant hereby specifically incorporates the foregoing general objections into its responses below as if set forth fully therein.

DEFINITIONS OF SPECIFIC OBJECTIONS

As used in the objections below, the following terms include objections based upon their respective definitions:

A. "Vague and ambiguous" is defined to mean: Applicant objects on the basis that the Request is not drafted with sufficient precision to enable Applicant to draft a reasonable response or collect reasonably responsive documents or information.

B. "Overbroad" is defined to mean: Applicant objects on the basis that the Request calls for an expansive potential breadth of information or documents that is unreasonable in scope and parameter.

C. "Irrelevant" is defined to mean: Applicant objects on the basis that the Request calls for information or production of documents irrelevant to the subject matter of the above-captioned action and/or not reasonably calculated to lead to the discovery of admissible evidence.

D. “Duplicative” is defined to mean: Applicant objects on the basis that the Request calls for disclosure of information or production of documents that is cumulative or duplicative of other discovery.

E. “Burdensome” is defined to mean: Applicant objects on the basis that the Request is so broad and uncertain that it creates an unreasonable and undue burden. Burdensome is also defined to mean that Applicant objects to the Request because the information or documents sought is/are more readily obtainable through other, more convenient, less burdensome, and less expensive sources, including public sources or parties to the above-captioned action, or discovery procedures.

F. “Privileged” is defined to mean: Applicant objects on the basis that the Request calls for information or documents (1) protected by the attorney-client privilege; (2) protected by the work-product doctrine; (3) protected because it consists, in whole or in part, of mental impressions, conclusions, opinions, or legal theories of counsel; (4) otherwise protected under Rule 26 of the Utah Rules of Civil Procedure; and/or (5) protected under any other valid privilege or immunity.

G. The phrase “subject to and without waiving its objections,” or words having similar effect, is defined to mean: Notwithstanding the fact that Applicant will produce certain information or produce certain documents in response to a Request, documents that is/are covered by either a specific or general objections may not be disclosed or produced and the production of certain document will not operate as a waiver of Applicant’s objections.

H. The phrase “documents responsive to the Request have been or will be produced,” or words having similar effect, does not mean that responsive documents or other information actually exist.

Subject to and without waiving the foregoing general objections, Applicant responds as follows:

**SPECIFIC OBJECTIONS AND PROPOSED AMENDED
RESPONSES TO REQUESTS FOR ADMISSION NOS. 1-6**

Request for Admission No. 1:

Admit that the following domains resolve to websites that provide substantially similar goods and/or services as Applicant:

- A. <http://friv.today/>
- B. <http://www.frivbest.com/>
- C. <http://friv.co/>
- D. <http://bestfrivgames.net/>
- E. <http://friv.ge/>
- F. <http://www.friv.org.in/>
- G. <http://www.friv-girls.com/>
- H. <http://www.girls-friv.com/>
- I. <http://www.frivfan.com/>
- J. <http://barbie.friv365.net/>
- K. <http://www.friv-games.eu/>
- L. <http://www.friv2014games.org/>
- M. <http://www.3dfrivgames.com/>
- N. <http://www.1fivgames.com/>
- O. <http://my-friv.com/>
- P. <http://www.friv.mn/>
- Q. <http://www.friv1000.com/>
- R. <http://vwww.friv2.org.uk/>
- S. <http://www.friv4.co.in/>
- T. <http://friv2014.friv.asia/>
- U. <http://www.friv10.co/>
- V. <http://www.frivgamesbook.com/>
- W. <http://www.friv00.com/>
- X. <http://best-friv-games.de.tl/>
- Y. <http://www.frivgamescon.com/>

- Z. <http://parking.frivmini.com/>
- AA. <http://www.frivco.org/>
- BB. <http://www.friv14.com/>
- CC. <http://www.frivaboo.org/>
- DD. <http://vywww.frivcon.com/>
- EE. <http://www.friv.org/>

Response to Request for Admission No. 1:

In addition to its general objections, which are incorporated herein by reference, Applicant objects to this Request to the extent the phrase “provide substantially similar goods and/or services as Applicant” is vague and ambiguous as used within the Request, and is otherwise undefined. Applicant further objects to this Request to the extent the phrase “services [of] Applicant” is vague and ambiguous as used within the Request, and is otherwise undefined. Applicant further objects to this Request the extent the phrase “resolve to websites” is vague and ambiguous as used within the Request, and is otherwise undefined. Applicant further objects to this Request to the extent it is overly broad, unduly burdensome, and includes multiple parts and sub-parts all of which comprise an independent and unique request for admission that cannot be answered collectively through a single response. Applicant further objects to this Request to the extent it seeks information that is not within Applicant’s possession, custody, or control. Specifically, Applicant does not possess, have custody over, or otherwise control the identified domains and therefore is not in possession, custody, or control of information about the particular goods and/or services provided thereon and to provide a response in the absence of such information would be speculation. Applicant further objects to this Request to the extent it seeks to impose a burden upon Applicant that is beyond that required by the Federal Rules of Civil Procedure. Applicant further objects to this Request to the extent it seeks information that

is irrelevant vis-à-vis the domains identified. Applicant further objects to this Request to the extent it calls for a legal conclusion as to what constitutes or otherwise comprises “goods and/or services” within the meaning of federal trademark law. Applicant further objects to this Request as seeking information that is publicly available, already in Opposer’s possession, or is ascertainable through other discovery mechanisms available to Opposer as the domains are presumptively publicly accessible to the best of Applicant’s knowledge. Applicant further objects to this Request to the extent it is unbounded by temporal limitations, or other meaningful limitations as to the “services” of the domains and/or the Applicant.

Subject to the foregoing objections, and without waiving the same, Applicant denies this Request in its entirety.

Request for Admission No. 2:

Admit the following apps provide substantially similar goods and/or services as Applicant:

- A. <https://itunes.apple.com/us/app/friv-games/id721668874?mt=8>
- B. <http://www.amazon.com/Hopy-Games-FRIV/dp/B00FWJ8Q0K>

Response to Request for Admission No. 2:

In addition to its general objections, which are incorporated herein by reference, Applicant objects to this Request to the extent the phrase “provide substantially similar goods and/or services as Applicant” is vague and ambiguous as used within the Request, and is otherwise undefined. Applicant further objects to this Request to the extent the phrase “services [of] Applicant” is vague and ambiguous as used within the Request, and is otherwise undefined. Applicant further objects to this Request to the extent the phrase “apps” is vague and ambiguous as

used within the Request, and is otherwise undefined. Applicant further objects to this Request to the extent it is overly broad, unduly burdensome, and includes multiple parts and sub-parts all of which comprise an independent and unique request for admission that cannot be answered collectively through a single response. Applicant further objects to this Request to the extent it seeks information that is not within Applicant's possession, custody, or control. Specifically, Applicant does not possess, have custody over, or otherwise control the identified "apps" and therefore is not in possession, custody, or control of information about the particular goods and/or services provided thereon and to provide a response in the absence of such information would be speculation. Applicant further objects to this Request to the extent it seeks to impose a burden upon Applicant that is beyond that required by the Federal Rules of Civil Procedure. Applicant further objects to this Request to the extent it seeks information that is irrelevant vis-à-vis the "apps" identified. Applicant further objects to this Request to the extent it calls for a legal conclusion as to what constitutes or otherwise comprises "goods and/or services" within the meaning of federal trademark law. Applicant further objects to this Request as seeking information that is publicly available, already in Opposer's possession, or is ascertainable through other discovery mechanisms available to Opposer as the apps are presumptively publicly accessible to the best of Applicant's knowledge. Applicant further objects to this Request to the extent it is unbounded by temporal limitations, or other meaningful limitations as to the "services" of the "apps" and/or the Applicant.

Subject to the foregoing objections, and without waiving the same, Applicant denies this Request in its entirety.

Request for Admission No. 3:

Admit the domains and apps referenced in Requests for Admission Nos. 1 and 2 do not relate to, and are not owned by, Applicant.

Response to Request for Admission No. 3:

In addition to its general objections, which are incorporated herein by reference, Applicant objects to this Request for the reasons set forth in response to Request Nos. 1 and 2, which are also incorporated herein by this reference.

Subject to the foregoing objections, and without waiving the same, Applicant denies this Request in its entirety.

Request for Admission No. 4:

Admit the FRIV mark is a shortened version of the term FRIVOLOUS.

Response to Request for Admission No. 4:

In addition to its general objections, which are incorporated herein by reference, Applicant objects to this Request to the extent the phrase “shortened version of the term FRIVOLOUS” is vague and ambiguous as used within the Request, and is otherwise undefined. Applicant further objects to this Request to the extent the term “FRIVOLOUS” is vague and ambiguous as used within the Request, and is otherwise undefined. Applicant further objects to this Request as the capitalization of the term “FRIVOLOUS” renders the term ambiguous as to whether it connotes (a) the common and ordinarily accepted meaning of the word “frivolous,” (b) a mark, registered or otherwise, or (c) some other undefined meaning for a the word “frivolous” or some other term of art that isn’t specified. Applicant further objects to this Request to the extent it is overly broad and unduly burdensome. Applicant further objects to this

Request to the extent it seeks information that is not within Applicant's possession, custody, or control regarding the meaning of the term "frivolous" to all people. Applicant further objects to this Request to the extent it seeks to impose a burden upon Applicant that is beyond that required by the Federal Rules of Civil Procedure. Applicant further objects to this Request to the extent it seeks information that is irrelevant vis-à-vis the term "frivolous". Applicant further objects to this Request as seeking information that is publicly available, already in Opposer's possession, or is ascertainable through other discovery mechanisms available to Opposer. Applicant further objects to this Request to the extent it is unbounded by temporal limitations, or other meaningful limitations.

Subject to the foregoing objections, and without waiving the same, Applicant denies this Request in its entirety.

Request for Admission No. 5:

Admit that the genus of the goods identified in International Class 009 of the Applicant's trademark registration application at issue is computer games.

Response to Request for Admission No. 5:

In addition to its general objections, which are incorporated herein by reference, Applicant objects to this Request to the extent it is vague and ambiguous as to the phrase "the genus of the goods identified in International Class 009 of the Applicant's trademark registration application at issue," which is undefined as a whole and includes undefined sup-parts, such as the "trademark registration application at issue." Applicant further objects to this Request to the extent the phrase "computer games" is vague and ambiguous as used within the Request, and is otherwise undefined. Applicant further objects to this Request to the extent it calls for a legal

conclusion as to what constitutes or otherwise comprises “the genus of goods” within the meaning of federal trademark law. Applicant further objects to this Request to the extent it seeks to impose a burden upon Applicant that is beyond that required by the Federal Rules of Civil Procedure. Applicant further objects to this Request as seeking information that is publicly available, already in Opposer’s possession, or is ascertainable through other discovery mechanisms as Applicant’s trademark application at issue has been published for opposition. Applicant further objects to this Request to the extent it is unbounded by temporal limitations, or other meaningful limitations.

Subject to the foregoing objections, and without waiving the same, Applicant denies this Request in its entirety.

Request for Admission No. 6:

Admit the term FRIV is understood by the relevant public primarily to refer to computer games.

Response to Request for Admission No. 6:

In addition to its general objections, which are incorporated herein by reference, Applicant objects to this Request to the extent the phrase “the term FRIV is understood by the relevant public primarily to refer to computer games” is vague and ambiguous as used within the Request, and is otherwise undefined. Applicant further objects to this Request to the extent the terms and/or phrases “FRIV,” “understood,” “relevant public,” “primarily,” “refer to,” and “computer games” are vague and ambiguous as used within the Request, and are otherwise undefined. Applicant further objects to this Request as the capitalization of the term “FRIV” renders the term ambiguous as to whether it connotes (a) a unspecified meaning of the word

“friv,” (b) a mark, registered or otherwise, (c) Applicant’s mark, or (c) some other undefined meaning for a the word “friv” or some other term of art that isn’t specified. Applicant further objects to this Request to the extent it is overly broad and unduly burdensome. Applicant further objects to this Request to the extent it seeks information that is not within Applicant’s possession, custody, or control regarding the meaning of the word “friv” to all people, or the undefined “relevant public”. Applicant further objects to this Request to the extent is seeks to impose a burden upon Applicant that is beyond that required by the Federal Rules of Civil Procedure. Applicant further objects to this Request to the extent it seeks information that is irrelevant vis-à-vis the word “friv”. Applicant further objects to this Request as seeking information that is publicly available, already in Opposer’s possession, or is ascertainable through other discovery mechanisms available to Opposer. Applicant further objects to this Request to the extent it is unbounded by temporal limitations, or other meaningful limitations.

Subject to the foregoing objections, and without waiving the same, Applicant denies this Request in its entirety.

DATED this 13th day of January, 2015.

KIRTON | McCONKIE

/s/Nicholas D. Wells
Nicholas D. Wells
Kirton McConkie
60 E. South Temple
Suite 1800
Salt Lake City UT 84111

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, 2015, a true and correct copy of the foregoing **APPLICANT'S [PROPOSED] AMENDED RESPONSES TO OPPOSER'S FIRST REQUESTS FOR ADMISSION NOS. 1-6** was served, as follows:

John Di Giacomo
Revision Legal PLLC
227 Lake Avenue
Traverse City, MI 49684
john@revisionlegal.com

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- Facsimile
- Email

/s/ Nicholas Wells

Opposition Number: 91216208
JAVIER RODRIGUEZ, LLC v. ZYIS LTD.

Exhibit C

Exhibit C to Motion for Reconsideration, Modification
and/or Clarification filed on behalf of Applicant Zyis Ltd.

Joshua S. Rupp

From: Joshua S. Rupp
Sent: Tuesday, April 28, 2015 8:31 AM
To: 'John Di Giacomo'
Cc: Jessica Schimpf; James Burton; Nicholas Wells; Heather Mills
Subject: RE: Javier Rodriguez v Zyis Ltd., Opposition #91216208 re: Petitioner's Pretrial Disclosures

Mr. Di Giacomo,

According to the scheduling order, our pretrial disclosure were due Saturday, April 25, 2015, thus extending until the next business day, April 27, 2015. As we served them yesterday, they were timely.

Proceed as you see fit.

Alternatively, you can withdraw your opposition to our pending motions to reopen discovery, and we can "forgo meaningless motion practice."

Let us know how you would like to proceed.

Regards,
Josh

From: John Di Giacomo [<mailto:john@revisionlegal.com>]
Sent: Tuesday, April 28, 2015 8:25 AM
To: Joshua S. Rupp
Cc: Jessica Schimpf; James Burton; Nicholas Wells; Heather Mills
Subject: Re: Javier Rodriguez v Zyis Ltd., Opposition #91216208 re: Petitioner's Pretrial Disclosures

Joshua:

Thank you for your email. According to the scheduling order, Applicant's Pretrial Disclosures were due Friday, April 24, 2014. We, too, will be moving to strike Applicant's Pretrial Disclosures as untimely. Alternatively, we could both forgo meaningless motion practice since we were both late, because discovery is closed (and you provided nothing in discovery, which would have served as the basis for further disclosures beyond those in Plaintiff's initial disclosures), and because the respective trial and rebuttal periods will be reset if your motion to extend the time for discovery is granted.

Please let us know how you would like to proceed.

Sincerely,

John Di Giacomo
--

John Di Giacomo
Revision Legal
john@revisionlegal.com
Phone: (231) 714.0100
Fax: (231) 714.0200

<http://www.revisionlegal.com>

Twitter: @jdigiacomo

On Apr 28, 2015, at 10:22 AM, Joshua S. Rupp <jrupp@kmclaw.com> wrote:

Mr. Di Giacomo,

According to the scheduling order, Petitioner's Pretrial Disclosures were due on February 24, 2015—more than two months ago. We intend to move the Board to strike Petitioner's Pretrial Disclosures as untimely.

Regards,
Josh

From: Jessica Schimpf [<mailto:jessica@revisionlegal.com>]

Sent: Tuesday, April 28, 2015 8:15 AM

To: James Burton; Nicholas Wells; Heather Mills; Joshua S. Rupp

Cc: John Di Giacomo

Subject: Javier Rodriguez v Zyis Ltd., Opposition #91216208 re: Petitioner's Pretrial Disclosures

All:

Attached for service are Petitioner's Pretrial Disclosures.

Please contact me if you have any questions.

Thank you,

Jessica Schimpf

Revision Legal

jessica@revisionlegal.com

Phone: (231) 714.0100

Fax: (231) 714.0200

<http://www.revisionlegal.com>

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If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the

intended recipient, please notify us immediately by calling (269)
281-3908.

Revision Legal, PLLC

Opposition Number: 91216208
JAVIER RODRIGUEZ, LLC v. ZYIS LTD.

Exhibit D

Exhibit D to Motion for Reconsideration, Modification
and/or Clarification filed on behalf of Applicant Zyis Ltd.

Nicholas D. Wells
Kirtan McConkie
60 E. South Temple, Suite 1800
Salt Lake City, UT 84111
Phone: (801) 323.5995
Fax: (801) 212.2098
Email: nwells@kmclaw.com

Date: December 30, 2014

Subject: Javier Rodriguez, LLC v. Zyis Ltd.; TTAB Opposition No. 86101423

Mr. Wells:

As you know, we represent the interests of Javier Rodriguez, LLC in the matter of Javier Rodriguez, LLC v. Zyis Ltd., which is pending in front of the Trademark Trial and Appeal Board under Opposition No. 86101423. On August 7, 2014, Opposer served upon Applicant its Initial Disclosures and First Set of Interrogatories, Request to Admit, and Request for Production of Documents. Responses to Opposer's discovery requests were due on September 7, 2014. On September 15, 2014, our firm sent a letter to your firm in an attempt to resolve Applicant's failure to respond to Opposer's discovery requests. On September 26, 2014, you requested additional time to respond, citing your move to a new law firm and a vacation in India. In response, Opposer provided Applicant with an additional 10 days to respond to Opposer's discovery requests.

On October 8, 2014, after Applicant failed to respond to Opposer's requests, Opposer filed its Motion to Deem Requests to Admit Admitted. The TTAB granted Opposer's Motion on November 18, 2014. By failing to respond to Opposer's Requests to Admit, Applicant has admitted, among other things, that the term FRIV is understood by the relevant public primarily to refer to computer games. Thus, Applicant has admitted all of the relevant elements of a claim of genericness, and Opposer need only now file a Motion for Summary Judgment to successfully oppose Applicant's mark.



REVISION / LEGAL

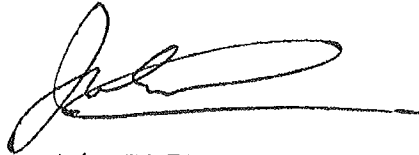
148 E. Front St. 3rd Floor / Traverse City, MI 49684 / 231. 714.0100

Prior to filing such a motion, however, Opposer is willing to offer Applicant one final chance to salvage its trademark rights. Specifically, Opposer is willing to dismiss its opposition with prejudice provided Applicant grants Opposer a worldwide, perpetual, and royalty free license to use the FRIV mark in association with the provision of video games and pay Opposer a one-time settlement amount of \$50,000. This will allow Applicant to receive registration of its FRIV mark and avoid a claim of genericness, and it will resolve Opposer's concerns.

This offer of compromise is open until January 5, 2014. Since discovery closes in this matter on January 10, 2014, our client will be forced to file a Motion for Summary Judgment if no answer is provided by the aforementioned date.

Do not hesitate to contact me directly should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Di Giacomo", with a long horizontal flourish extending to the right.

John Di Giacomo

EXHIBIT U

Trade mark**FRIV**

(210)/(260) Application number	013839287
(270) Application language	en
(220) Application date	2015-03-16
Second language	fr
Application reference	T4322.OH/ADS
Trade mark office	OHIM - OHIM
(190) Registration office	EM
Receiving office number	E63095322
(151) Registration date	2015-07-02
Receiving office date	2015-03-16
(141) Expiry date	2025-03-16
(550) Trade mark type	Word
(551) Kind of mark	Individual
(511) Nice classification	41
Current trade mark status	Registered
Status date	2015-07-06
Opposition period start date	2015-03-25
Opposition period end date	2015-06-25
(521) Acquired distinctiveness	false

(510) List of goods and services

EN	
(511) Nice class number	41
List of goods and services	Entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing temporary use of non-downloadable video games.

(730)/(731)/(732)/(733) Owner

Applicant identifier	685053
----------------------	--------

Organization name	Zyis Limited
Legal form	A Limited Company
⁽⁸⁴²⁾ Applicant legal entity	Legal Entity
Applicant nationality code	GB
Applicant incorporation country code	GB
Address country	GB
Address country	GB
Street	Suite 13, The Granary, Hones Yard, 1 Waverley Lane
City	FARNHAM
Postcode	9 8BB

⁽⁷⁴⁰⁾ Representative

Representative identifier	11222
Name	DUMMETT COPP LLP
Legal entity	Legal Person
Representative kind	Association
Representative nationality code	GB
Representative incorporation country code	GB
tm.details.label.template.paintRepresentativeIncorporationState.key	Suffolk
Address country	GB
Address country	GB
Street	25 The Square, Martlesham Heath
City	Ipswich,
State	Suffolk
Postcode	IP5 3SL
Phone	00 44-1473660600
Fax	00 44-1473660612
Email	mail@dummett.com

⁽⁷⁵⁰⁾ Correspondence address**⁽³⁵⁰⁾ Seniority**

No entry for application number EM500000013839287

Exhibition priority

No entry for application number EM500000013839287

Priority

(330) Priority country	(310) Priority number	(320) Priority date	Partial priority	Partial priority	Priority status
US	86/562,665	2015-03-12		false	Accepted

International registration transformation

No entry for application number EM500000013839287

Publication

Publication number	Publication section	Publication date	Publication page
2015/057	A.1	2015-03-25	0
2015/123	B.1	2015-07-06	0
2015/177	C.3.6	2015-09-18	0

Opposition

No entry for application number EM500000013839287

Recordals

Trade mark events	
(580) Event date	Event description
16 - 03 - 2015	T_EXA_PROV_FIL_DATE
18 - 03 - 2015	T_EXA_LANG_CHECK
23 - 03 - 2015	T_EXA_MODIFY_FILE_INFORMATION
23 - 03 - 2015	T_EXA_CLASSIFICATION
02 - 07 - 2015	T_EXA_MOD_DOSSIER_MILESTONE
06 - 07 - 2015	T_EXA_MOD_DOSSIER_MILESTONE
16 - 03 - 2015	T_EXA_MOD_DOSSIER_MILESTONE
17 - 03 - 2015	T_EXA_VALID_BASIC_FEE
23 - 03 - 2015	T_EXA_PRIO_SENIO
06 - 07 - 2015	T_EXA_PUBB1
06 - 07 - 2015	T_EXA_REG_CERT
16 - 03 - 2015	T_EXA_KEY_IN

Trade mark events	
(580) Event date	Event description
17 - 03 - 2015	T_EXA_FORM
02 - 07 - 2015	T_EXA_REGRESSION
17 - 03 - 2015	T_EXA_NOTIFICATION
17 - 03 - 2015	T_EXA_MOD_DOSSIER_MILESTONE
17 - 03 - 2015	T_EXA_COM_SEARCH
23 - 03 - 2015	T_EXA_ABS_GROUNDS
23 - 03 - 2015	T_EXA_FEES_FIN_CHECK
24 - 03 - 2015	T_EXA_REQ_TRANS
24 - 03 - 2015	T_EXA_MOD_DOSSIER_MILESTONE
25 - 03 - 2015	T_EXA_PUBL_A1
25 - 03 - 2015	T_EXA_MOD_DOSSIER_MILESTONE
02 - 07 - 2015	T_EXA_REGISTRATION

009897656

Kind of record	Trade mark - International trade marks
Record identifier	009897656
Record reference	C.3.6
Publication date	2015-09-18
Record status	Published
Record status date	2015-09-18
Original proprietor details	
Applicant identifier	685053
Organization name	Zyis Limited
Legal form	A Limited Company
(842) Applicant legal entity	Legal Entity
Applicant nationality code	GB
Applicant incorporation country code	GB

009897656

Address country	GB
Address country	GB
Street	Suite 13, The Granary, Hones Yard, 1 Waverley Lane
City	FARNHAM
Postcode	9 8BB

Claimant details

Applicant identifier	685053
Organization name	Zyis Limited
Legal form	A Limited Company
⁽⁸⁴²⁾ Applicant legal entity	Legal Entity
Applicant nationality code	GB
Applicant incorporation code	country GB
Address country	GB
Address country	GB
Street	Suite 13, The Granary, Hones Yard, 1 Waverley Lane
City	FARNHAM
Postcode	9 8BB

Cancellation

No entry for application number EM500000013839287

Appeals

No entry for application number EM500000013839287

Renewals

No entry for application number EM500000013839287

EXHIBIT V



Complaint Transmittal Cover Sheet

To: Javier Rodriguez, LLC c/o Dynadot, Respondent
From: Zyis, LTD, Complainant
Cc: Forum
Date: November 20, 2015
Re: FRIV.CO

The attached Complaint is being filed against you with the Forum pursuant to the Uniform Domain Name Dispute Resolution Policy (the “Policy”) which has been incorporated in your Registration Agreement with the Registrar of your domain name(s). By submitting this Complaint to the Forum, the Complainant agrees to abide and be bound by the provisions of the Policy, the Rules, and the Forum’s Supplemental Rules.

Until you are notified by the Forum that a proceeding has commenced, you have no duty to act with regard to this Complaint.

- The Forum will examine the Complaint to determine whether it conforms to the relevant Policy, Rules, and the Supplemental Rules.
- If the Complaint conforms to those standards, the Forum will forward an official copy of the Complaint to you.
- *Once the official Complaint is forwarded to you, you will have **twenty (20) calendar days** to submit a response to both the Forum and the Complainant in accordance with the Policy, Rules, and Supplemental Rules.*
- You may seek legal assistance to represent you in this administrative proceeding.

The Policy and Rules governing this proceeding can be found at:

ICANN UDRP Policy	http://www.icann.org/udrp/udrp-policy-24oct99.htm
ICANN UDRP Rules	http://www.icann.org/en/dndr/udrp/uniform-rules.htm
Forum Supplemental Rules	http://domains.adrforum.com/resource.aspx?id=1540

Alternatively, you may contact the Forum to obtain any of the above documents.

Telephone: (800) 474-2371 or (952) 516-6400
E-mail: domaindispute@adrforum.com

Please provide the Forum with the email address where the official Complaint and other communications in the administrative proceeding should be sent.



Zyis, LTD.)
Suite 13, The Granary, Hones Yard,)
1 Waverley Lane)
Farnham GU98BB)
United Kingdom)
(Complainant))
)
v.)
)
Javier Rodriguez, LLC c/o Dynadot)
PO Box 701)
San Mateo, CA 94401)
)
(Respondent))
)
_____)

Domain Name In Dispute:
FRIV.CO

**COMPLAINT IN ACCORDANCE WITH
THE UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY**

[1.] This Complaint is hereby submitted for decision in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP), adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999 and approved by ICANN on October 24, 1999, and the Rules for Uniform Domain Name Dispute Resolution Policy (UDRP Rules), with an effective date of July 31, 2015, and the FORUM's Supplemental Rules (Supp. Rules). UDRP Rule 3(b)(i).

[2.] COMPLAINANT INFORMATION

- [a.] Name: Zyis, LTD.
- [b.] Address: Suite 13, The Granary, Hones Yard, 1 Waverley Lane
- [b.] Address: Farnham GU98BB United Kingdom
- [c.] Telephone: +44 0 7580 754116
- [d.] E-Mail: frivster@gmail.com

[3.] COMPLAINANT'S AUTHORIZED REPRESENTATIVE, IF ANY

- [a.] Name: James T. Burton
- [a.] Name: Kirton McConkie

- [b.] Address: 1800 World Trade Center, 60 East South Temple, Salt Lake City, UT 84111
- [c.] Telephone: 801-328-3600
- [d.] Fax: 801-321-4893
- [e.] E-Mail: jburton@kmclaw.com

The Complainant's preferred contact person for correspondence relating to this case:

- [a.] Contact Name: James T. Burton
- [b.] Contact Email: jburton@kmclaw.com

The Complainant chooses to have this dispute heard before a single-member administrative panel. Rule 3(b)(iv).

[4.] **RESPONDENT INFORMATION**

- [a.] Name: Javier Rodriguez, LLC c/o Dynadot
- [b.] Address: PO Box 701, San Mateo, CA 94401
- [c.] Telephone: 1-650-585-4708
- [d.] E-Mail: privacy@dynadot.com

[5.] **RESPONDENT AUTHORIZED REPRESENTATIVE, IF KNOWN**

- [a.] Name: Javier Rodriguez, LLC
- [b.] Address: 9 East Loockerman Street, Suite 21, Dover, DE 19910
2035 Sunset Lake Road, Newark, DE 19702
- [c.] Telephone: 972-865-7421

[6.] **DISPUTED DOMAIN NAME(S)**

- [a.] The following domain name(s) is/are the subject of this Complaint:

FRIV.CO

- [b.] Registrar Information: UDRP Rule 3(b)(vii).

- [i.] Registrar's Name: Dynadot, LLC
- [ii.] Registrar Address: PO Box 345, San Mateo, CA 94401
- [iii.] Telephone Number: 1-650-262-0100
- [iv.] E-Mail Address: info@dynadot.com

- [i.] Registrar's Name: CCI Reg S.A.
- [ii.] Registrar Address: Torre Global Bank Piso 21 Ofc 21C,
- [ii.] Registrar Address: Panama Panama 00000, PANAMA
- [iii.] Telephone Number: 57-316-292-8048
- [iv.] E-Mail Address: admin@ccireg.com

- [c.] Trademark/Service Mark Information: Rule 3(b)(viii).

The **FRIV** mark is currently registered as a stand-alone mark with in Europe under the Office of Harmonization in the Internal Market, Trade Marks and Designs Office under the following Registration

Number: 013839287, registered on July 2, 2015. A copy of the Certificate of Registration for the foregoing **FRIV** mark is provided as Annex B.

Complainants are authorized to use and have used the **FRIV** mark in connection with the following goods and services: (1) under Reg No. 013839287, entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing temporary use of non-downloadable video games.

[7.] **FACTUAL AND LEGAL GROUNDS**

[a] **BACKGROUND FACTS**

This Complaint is based on the following factual and legal grounds:

Complainant Zyis, LTD (“Zyis”) created Friv.com as a free online gaming site that offers a large collection of free games that are very easy to play. At last count, the site has claimed to have more than 300 free games. The website requires no signup, and it is particularly popular with kids, teens and young adults because the games are so easy to use. Upon a global ranking calculated by using a combination of average daily visitors to this site and page views on this site over the past 3 months, Friv.com is one of the top 1,000 sites in the world. *See, e.g.,* <http://www.alex.com/siteinfo/friv.com>. [Annex C.] Zyis has prided itself on creating a site that is a safe place to play the best games that is fun and free.

Zyis has acquired a European Community Certificate of Registration No. 013839287 for the **FRIV** Mark in International Class 041, registered on July 2, 2015 in the Office for Harmonization in the Internal Market, Trade Marks and Designs Office.

Zyis has been using the **FRIV** mark online for since 2006 and has invested substantially in the mark associated with the goods and services marketed under the **FRIV** brand name. Zyis has also been using the **FRIV** mark for almost ten (10) years and is asserting common law trademark rights that have arisen as a result of that extensive and continuous use. As a result, the **FRIV** mark has become synonymous with high quality and quantity of free online games. Indeed, Complainant has built up considerable goodwill in the minds of gamers in connection with the **FRIV** mark.

The “friv.co” domain name (the “Domain Name”) was registered on July 20, 2010 – nearly 6 years after Complainant launched its Website. [See Annex D.] At some point thereafter, Respondent, Javier Rodriguez, LLC (“Respondent”) obtained control of the Domain Name. Complainant has not licensed or otherwise authorized Respondent to use the **FRIV** mark, in the Domain Name or for any other purpose.

The Domain Name currently resolves to its own website (“Website”), which is an online gaming site that is set up in the same format as Friv.com. [See Annex E.] The obvious intent of Respondent’s Domain and Website is to direct Internet users to its website, illegally capitalizing on the extreme popularity of Friv.com. Respondent thus uses the Domain Name and Website for its own commercial gain by creating confusion among Internet users, diverting Internet traffic away from Complainant and toward Complainant’s competitors via Respondent’s Website, and, in the process, disrupting Complainant’s business.

Complainant contends that: (1) Respondent has registered the Domain Name, which is identical to and confusingly similar to the **FRIV** mark, (2) Respondent has no rights or legitimate interests in the Domain Name, and (3) Respondent has registered and is using the Domain Name in bad faith.

[b.] **THE DOMAIN NAME IS IDENTICAL TO AND/OR CONFUSINGLY SIMILAR TO A MARK IN WHICH COMPLAINANTS HAVE RIGHTS.**

Complainant has rights in the **FRIV** mark, as confirmed by a European Community Certificate of Registration. [See Annex B.] Respondent's Domain Name contains the word "FRIV" in its entirety and is, therefore, identical to the **FRIV** trademark.

An examination of the Domain Name at issue shows that it likewise meets the "confusingly similar" test with respect to Complainant's **FRIV** mark and thus satisfies the first prong of the required analysis. Although the Domain Name uses the ".co" Generic Country Code Top-Level Domain, the difference is inconsequential given the uniqueness of Complainant's **FRIV** mark. The addition of generic, non-distinctive terms does not make the Domain Name distinguishable over the **FRIV** mark alone, nor does the addition of the ".co" gTLD. See *Disney Enterprises, Inc. v. R B*, FA 444432 (Nat. Arb. Forum, May 3, 2005) (simply adding the ".info" gTLD to the mark fails to distinguish the domain name from the mark); *Biovail Laboratories International SRL v. Richard Koch*, FA 1225360 (Nat. Arb. Forum, Nov. 4, 2008) ("Under Policy ¶ 4(a)(i), the addition of a gTLD is irrelevant when considering whether a domain name is identical to a mark.").

Also, Respondent's use of the **FRIV** mark suggests to consumers that Respondent is an authorized licensee and and/or affiliated with Complainant, which it is not. As discussed above and shown in Annex e, Respondent's Websites offers the same goods and services, *i.e.*, free online video games. This improper suggestion that Respondent is affiliated with Complainants confuses consumers into believing that the Respondent's website is somehow sponsored by or affiliated with Complainants' business. See *PACCAR, Inc. v. Telescan Tech., L.L.C.*, 319 F.3d 243, 254 (6th Cir. 2003) (finding a likelihood of confusion and intent to confuse consumers by suggesting sponsorship or affiliation where alleged infringer included plaintiff's trademark in domain name and elsewhere on its site). That Internet users may or may not quickly ascertain that the Website is not affiliated with Complainants is irrelevant to the issue of source confusion. *Radisson Hotels Int'l, Inc. v. Raddison Suites*, FA 98235 (Nat. Arb. Forum Aug. 27, 2001) ("It is irrelevant that Internet users may discover upon arriving at Respondent's web site that they have not reached Complainant's web site."); *Tall Oaks Publishing, Inc. v. National Trade Publications, Inc.*, FA 94346 (Nat. Arb. Forum May 5, 2000) (same).

In light of the foregoing, this Panel should find that ICANN Policy ¶ 4(a)(i) has been satisfied because the Domain Name is identical and/or confusingly similar to Complainants' **FRIV** mark.

[c.] **RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN THE DOMAIN NAME.**

Respondent has no rights or legitimate interests in the Domain Name. First, Respondent is neither a licensee of Complainant nor is it otherwise authorized to use the **FRIV** mark or any of Complainant's other marks in a domain name. Accordingly, Respondent is not authorized by Complainant to register the Domain Name, nor is it authorized to run active websites at any domain incorporating Complainants' **FRIV** mark.

Further, Respondent could not possibly contend that it is commonly known by or identified with the Domain Name. **FRIV** is an invented and arbitrary phrase that serves as a source identifier for Complainant Zysis, as well as the services offered at the friv.com website. See ICANN Policy ¶ 4(c)(ii); *Seiko Epson Corp. v. Price-less Inkjet Cartridge Co.*, FA 096849 (Nat. Arb. Forum May 2, 2001), citing, *inter alia*, *Compagnie de Saint Gobain v. Com-Union Corp.*, D200-0020 (WIPO Mar. 14, 2000) (finding no rights or legitimate interest where Respondent was not commonly known by the mark and never applied for a license or for permission from Complainant to use the trademarked name); see also *Gallup, Inc. v. Amish Country Store*, FA 096209 (Nat. Arb. Forum Jan. 23, 2001) (same).

In addition, where, as here, Respondent is using the Domain Name to divert Internet users attempting to locate Complainant's website to a website for the commercial benefit of Respondent, such diversion is neither a *bona fide* offering of goods or services under ICANN Policy ¶ 4(c)(i) nor a legitimate noncommercial or fair use under ICANN Policy ¶ 4(c)(iii). *The Royal Bank of Scotland Group plc, Direct Line Insurance plc, & Privilege Insurance Company Limited v. Vin Zoni*, FA 731760 (Nat. Arb. Forum Aug. 1, 2006); *see also Bank of America Corp. v. Northwest Free Community Access*, FA 180704 (Nat. Arb. Forum Sept. 30, 2003) ("Respondent's demonstrated intent to divert Internet users seeking Complainant's website to a website of Respondent and for Respondent's benefit is not a *bona fide* offering of goods or services under Policy ¶ 4(c)(i) and it is not a legitimate noncommercial or fair use under Policy ¶ 4(c)(iii)."); *see also TM Acquisition Corp. v. Sign Guards*, FA 132439 (Nat. Arb. Forum Dec. 31, 2002) (finding that the respondent's diversionary use of the complainant's marks to send Internet users to a website which displayed a series of links, some of which linked to the complainant's competitors, was not a *bona fide* offering of goods or services).

Thus Respondent cannot maintain that its use of the **FRIV** mark is in any way legitimate or *bona fide*. This Panel should, therefore, find that ICANN Policy ¶ 4(a)(ii) has been satisfied because the Respondent has no rights or legitimate interests in the Domain Name.

[d.] **RESPONDENT HAS REGISTERED AND IS USING THE DOMAIN NAME IN BAD FAITH.**

Respondent is engaged in bad faith use of the Domain Name to attract Respondent's consumers to its Website through the use of the **FRIV** mark. At the time Respondent registered and began using the Domain Name, Respondent was aware of Complainant's **FRIV** mark. The **FRIV** mark is registered [*see* Annex B], and there is no trademark registered or used by third parties that is similar to the **FRIV** mark. Indeed, Complainant has been using the **FRIV** mark since 2006. The **FRIV** mark has become synonymous with high quality and quantity of free online games creating considerable goodwill in the minds of gamers in connection with the **FRIV** mark.

In addition, use of a Domain Name directing Internet users to a Website that features links to goods that compete with those of Complainant's constitutes a disruption of Complainant's business and is evidence of bad faith registration and use under ICANN Policy ¶ 4(b)(iii). *The Royal Bank of Scotland Group plc, Direct Line Insurance plc, & Privilege Insurance Company Limited v. Vin Zoni*, FA 731760 (Nat. Arb. Forum Aug. 1, 2006); *Disney Enters., Inc. v. Noel*, FA 198805 (Nat. Arb. Forum Nov. 11, 2003) ("Respondent registered a domain name confusingly similar to Complainant's mark to divert Internet users to a competitor's website. It is a reasonable inference that Respondent's purpose of registration and use was to either disrupt or create confusion for Complainant's business in bad faith pursuant to Policy ¶¶ 4(b)(iii) [and] (iv)."); *see also S. Exposure v. S. Exposure, Inc.*, FA 094864 (Nat. Arb. Forum July 18, 2000) (finding the respondent acted in bad faith by attracting Internet users to a website that competes with the complainant's business).

Further, the use of the Domain Name is likely to create confusion as to Complainant's sponsorship and affiliation with the disputed Domain Name, and is further evidence of bad faith registration and use. [*See* Annex E.] *Identigene, Inc. v. Genetest Labs.*, D2000-1100 (WIPO Nov. 30, 2000) (finding bad faith where the respondent's use of the domain name at issue to resolve to a website where similar services are offered to Internet users is likely to confuse the user into believing that the complainant is the source of or is sponsoring the services offered at the site).

Based on the circumstances, it can only be inferred that Respondent registered the Domain Name for the purpose of attracting Internet users to the Website through the unlicensed and unauthorized use of Complainant's **FRIV** mark. *See Seiko Epson Corp. et. al v. [Registrant]*, FA 644511 (Nat. Arb. Forum April 18, 2006) (holding that use of the disputed domain name to divert Internet users seeking Epson® products to

a website that displays links to unrelated content as bad faith); *Jellibean, Inc. v. Skating Clubs of Georgia, Inc.*, 212 U.S.P.Q. 170, 176 (N.D. Ga. 1981), *aff'd*, 716 F.2d 833, 222 U.S.P.Q. 10 (11th Cir. 1983) (holding that intent to capitalize on plaintiff's brand may be proved by circumstantial evidence); *E. & J. Gallo Winery v. Gallo Cattle Co.*, 12 U.S.P.Q.2d 1657, 1674 (E.D. Cal. 1989), *modified & aff'd*, 955 F.2d 1327, 21 U.S.P.Q.2d 1824 (9th Cir. 1992), *amended*, 967 F.2d 1280 (9th Cir. 1992). Attracting Internet users to its Website through the unlicensed use of Complainant's **FRIV** mark is evidence that Respondent has registered and is using the Domain Name in bad faith. *See Seiko Epson Corp. v. [Registrant]*, FA 644511(Nat. Arb. Forum April 18, 2006) (finding that the respondent registered and used the domain name in bad faith pursuant to Policy ¶ 4(b)(iv) because the respondent was using the confusingly similar domain name to attract Internet users to its commercial website); Policy ¶ 4(b)(i)-(ii),(iv).

Respondent uses the **FRIV** mark and attracts customers looking for the games at friv.com, only to offer customers a site that is not authorized by or affiliated with Complainant. Given the fame of the **FRIV** mark, Respondent's registration and use of the Domain Name is in bad faith. *See Reuters Ltd. v. Teletrust IPR Ltd.*, D2000-0471 (WIPO Sept. 8, 2000) (finding that the respondent demonstrated bad faith where the Respondent was aware of the complainant's famous mark when registering the domain name as well as aware of the deception and confusion that would inevitably follow if he used the domain name). Since Respondent has no connection to the **FRIV** mark, there can be no dispute, given the fame of that mark, that Respondent is intentionally using it in bad faith to generate traffic to its Websites.

Accordingly, this Panel should find that ICANN Policy ¶ 4(a)(iii) is satisfied because Respondent has registered and is using the Domain Name in bad faith.

[8.] **REMEDY SOUGHT**

The Complainants request that the Panel issue a decision that the Domain Name be transferred to it. ICANN Rule 3(b)(x); ICANN Policy ¶ 4(i).

[9.] **OTHER LEGAL PROCEEDINGS**

Javier Rodriguez LLC v. Zyis Ltd., Opposition No. 91/223,142 (TTAB 2015).

[10.] **COMPLAINT TRANSMISSION**

The Complainant asserts that a copy of this Complaint, together with the cover sheet as prescribed by NAF's Supplemental Rules, has been sent or transmitted to the Respondent in accordance with ICANN Rule 2(b) to the registrar of the Domain Name, and to the Respondent's legal counsel, if any and if known, in accordance with NAF Sup. Rule 4(e). ICANN Rule 3(b)(vii); NAF Sup. Rule 4(c)(e).

[11.] **MUTUAL JURISDICTION**

The Complainants will submit, with respect to any challenges to a decision in the administrative proceeding canceling or transferring the Domain Name, to the location of the principal office of the concerned registrar. ICANN Rule 3(b)(xiii).

[12.] **CERTIFICATION**

Complainant agrees that its claims and remedies concerning the registration of the domain name, the dispute, or the dispute's resolution shall be solely against the domain-name holder and waives all such claims and remedies against (a) the FORUM and panelists, except in the case of deliberate wrongdoing, (b) the registrar, (c) the registry administrator, and (d) the Internet Corporation for Assigned Names and Numbers, as well as their directors, officers, employees, and agents.

Complainant certifies that the information contained in this Complaint is to the best of Complaint's knowledge complete and accurate, that this Complaint is not being presented for any improper purpose, such as to harass, and that the assertions in this Complaint are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted this 20th day of November, 2015.

/s/ James T. Burton

James T. Burton
KIRTON MCCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
jburton@kmclaw.com

TABLE OF ANNEXES

<u>Annex</u>	<u>Description</u>	<u>Cited on Page(s)</u>
A	Uniform Domain Name Dispute Resolution Policy	1
B	Copy of the FRIV European Community Certificate of Registration No. 013839287	3, 4 & 5
C	Copy of Alexa.com/siteinfo/friv.com as of November 23, 2015	4
D	Copy of Whois Information for www.friv.co as of November 5, 2015	3
E	Copy of Website Friv.co as of November 5, 2015	3,4 &5

EXHIBIT W



Zyis, LTD)
 Suite 13, The Granary)
 Hones Yard)
 Farnham GU98BB)
 United Kingdom)
)
(Complainant))
)
 v.)
)
 Javier Rodriguez, LLC)
 P.O. Box 701)
 San Mateo, CA 94401)
)
(Respondent))
 _____)

Domain Names In Dispute:
friv.co

Case Number:
 FA1511001649570

RESPONSE

[1.] Respondent received a Written Notice of Complaint and Commencement of Administrative Proceeding on December 2, 2015. The Notification stated that Complainant had submitted a Complaint for decision in accordance with the Uniform Domain Name Dispute Resolution Policy, adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999 and approved by ICANN on October 24, 1999 (“UDRP” or “Policy”), and the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), effective March 1, 2010, and the FORUM Supplemental Rules (“Supp. Rules”), effective July 1, 2010. Rule 4.

[2.] RESPONDENT INFORMATION

- [a.] Name: *Javier Rodriguez, LLC c/o Dynadot*
- [b.] Address: *P.O. Box 701
 San Mateo, CA 94401*
- [c.] Telephone: *(231) 714-0100*
- [d.] Fax: *(231) 714-0200*

[3.] RESPONDENT AUTHORIZED REPRESENTATIVE, IF ANY

[a.] Name: *John Di Giacomo*
[b.] Address: *Revision Legal, PLLC*
109 E. Front St.
Suite 309
Traverse City, MI 49684
[c.] Telephone: *+1 231-714-0100*
[d.] Fax: *+1 231-714-0200*
[e.] E-Mail: *john@revisionlegal.com*

UDRP Rule 5(b)(ii).

Respondent's preferred contact person for correspondence relating to this case:

[a.] Contact Name(s): *John Di Giacomo*
[b.] Contact Emails(s): *john@revisionlegal.com*

Rule 5(b)(iii).

The Respondent chooses to have this dispute heard before a single-member administrative panel.
Rule 5(b)(iv).

[3.] RESPONSE TO FACTUAL AND LEGAL ALLEGATIONS MADE IN COMPLAINT

This Response specifically responds to the statements and allegations contained in the Complaint and includes any and all bases for the Respondent to retain registration and use of the disputed domain name. Rule 5(b)(i).

I. Introduction

Respondent requests that Complainant's Complaint be denied because the dispute between the parties is outside of the limited scope of the Policy. The Parties' dispute was previously the subject of a proceeding in front of the Trademark Trial and Appeal Board, which resulted in the successful opposition of Complainant's alleged trademark, and is currently the subject of an additional Trademark Trial and Appeal Board Proceeding. Even assuming, *arguendo*, that this issue can be properly determined by a UDRP Panel, Complainant's Complaint must be denied because Respondent's domain name is not identical or confusingly similar to a mark in which the Complainant has rights, Respondent has made a bona fide use of the domain name, and Respondent did not register and use the domain name in bad faith.

II. Facts

Respondent Javier Rodriguez, LLC ("Respondent") is a limited liability company organized under the laws of the State of Delaware. Respondent is one of hundreds, and perhaps thousands, of providers of frivolous, time-wasting computer video games on the Internet, the general category of which is referred to as "friv." Respondent has continuously provided these

frivolous games through the <friv.co> website since as early as May 9, 2013. See **Annex A**, May 9, 2013 WaybackMachine Archive.

Complainant is Zyis, LTD (“Complainant”), a limited company organized under the laws of the United Kingdom. Complainant provides competing frivolous computer game services at the <friv.com> domain name. Complainant is also the owner of pending applications for trademark registration of the mark FRIV with the United States Patent and Trademark Office under Serial Nos. 86562665 and 86566285, as well as an abandoned application, which was filed under Serial No. 86101423. See **Annex B**, USPTO TESS Status of FRIV Applications.

On October 25, 2013, Complainant filed an application for registration (“First Application”) of the FRIV mark on the Principal Register of the United States Patent and Trademark Office for “Entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing temporary use of non-downloadable video games.” See **Annex C**, First Application. On March 18, 2014, the First Application was published for opposition. On May 5, 2014, and after an extension of time to oppose was granted, Respondent filed its Notice of Opposition against Complainant’s First Application on the grounds that the term “friv” is a generic term and that the relevant purchasing public understands the designation “friv” to primarily refer to the genus of short computer games playable on the Internet. See **Annex D**, Notice of Opposition. On that same day, the United States Patent and Trademark Office’s Trademark Trial and Appeal Board issued a letter to the parties notifying them of the Notice of Opposition and setting forth a schedule of dates.

On August 7, 2014, Respondent served discovery requests upon Complainant, including Requests to Admit, Interrogatories, and Requests for Production of Documents. Complainant failed to timely provide responses to Respondent’s discovery responses. Respondent sought in good faith to resolve the matter and provided Complainant with an extension of time to provide discovery answers. Complainant failed to do so. Respondent then filed a Motion to Deem Admissions Admitted, and Complainant failed to respond to this Motion. On November 18, 2014, the Board granted Respondent’s Motion to Deem Admissions Admitted. See **Annex E**, Nov. 18, 2014 Board Order. On January 9 and 13, 2015, respectively, Complainant filed a Motion to Extend Discovery and to Withdraw and Amend Admissions and Reopen the Time to Respond to Discovery Requests. See **Annex F**, Motion to Extend. The Board denied Complainant’s request to withdraw its admissions. Complainant then filed a Motion for Reconsideration and a Petition for Supervisory Review, which was subsequently denied by the Trademark Trial and Appeal Board on October 30, 2015. See **Annex G**, Order re Motion for Reconsideration. On November 6, 2015, Complainant withdrew its application for registration of the FRIV mark. See **Annex H**, Request to Withdraw. Subsequently, on November 10, 2015, the Board sustained Respondent’s opposition of Complainant’s FRIV mark and held that that mark would be denied registration. See **Annex I**, Nov. 10, 2015 Board Order.

In what can be deemed only a cynical effort to avoid a substantive decision on the merits of its application to register FRIV as a trademark with the United States Patent and Trademark Office, Complainant filed two additional applications for registration of FRIV for use in association with “Entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing temporary use of non-downloadable video games” and “Entertainment services, namely, providing on-line computer games; Entertainment services, namely, providing temporary use of non-downloadable video games.” See **Annex J**, Subsequent

Applications. Respondent filed an additional Notice of Opposition against these subsequently filed applications on August 5, 2015. See **Annex K**, Notice of Opposition for Subsequently Filed Marks. These oppositions remain pending and the parties are currently within the discovery phase of these proceedings.

On December 2, 2015, Respondent was served with the instant Complaint. Respondent hereby responds to Complainant's request to transfer the <friv.co> domain name.

III. Argument

a. This proceeding is outside of the limited scope of the UDRP.

The dispute between Complainant and Respondent has been ongoing since May 5, 2014 and involves a lengthy procedural and substantive history that cannot be resolved by resort to the limited role of a dispute under the Uniform Domain Name Dispute Resolution Policy. There is no question that the ICANN UDRP is limited in scope; this limited scope was discussed at length by ICANN staff in its [Second Staff Report](#) on Implementation Documents for the UDRP:

The Recommended Policy Is Minimalist in its Resort to Mandatory Resolution... The adopted policy establishes a streamlined, inexpensive administrative dispute-resolution procedure intended only for the relatively narrow class of cases of "abusive registrations." Thus, the fact that the policy's administrative dispute-resolution procedure does not extend to cases where a registered domain name is subject to a legitimate dispute (and may ultimately be found to violate the challenger's trademark) is a feature of the policy, not a flaw. The policy relegates all "legitimate" disputes—such as those where both disputants had longstanding trademark rights in the name when it was registered as a domain name to the courts; only cases of abusive registrations are intended to be subject to the streamlined administrative dispute-resolution procedure.

See ICANN [Second Staff Report](#) on Implementation Documents for the UDRP, ¶ 4.1(c). In *Love v. Barnett*, [FA 944826](#) (Nat. Arb. Forum May 14, 2007), the Panel examined the [Final Report](#) of the WIPO Internet Domain Name Process, which states that "the scope of the procedure is limited so that it is available only in respect of deliberate, bad faith, abusive, domain name registrations or 'cybersquatting' and is not applicable to disputes between parties with competing rights acting in good faith." See [Final Report of the WIPO Internet Domain Name Process](#) (April 30, 1999). Numerous UDRP panels have confirmed this narrow focus of the UDRP. See *Thump Records, Inc. v. WebPros*, NAF Claim No. FA [446911](#) (Nat. Arb. Forum May 11, 2005); see also *Carol Shedrick d/b/a Stanford Limousine, LLC v. Charles Princeton d/b/a Net Solutions*, [FA 236575](#) (Nat. Arb. Forum April 2, 2004); *LIBRO AG v. NA Global Link Limited*, WIPO Case No. [D2000-0186](#) (May 16, 2000).

Respondent previously successfully opposed Complainant's application to register FRIV as a trademark on the grounds that the term "friv" is generic when used in association with computer games, and Respondent is currently opposing Complainant's other attempts to register FRIV as a trademark with the United States Patent and Trademark Office. See **Annex E**, Nov. 10, 2015 Board Order; see also **Annex J**, Notice of Opposition for Subsequently Filed Marks. The determination of whether Respondent's domain name is identical or confusingly similar to a

trademark or service mark in which the Complainant has rights, and consequently, whether Respondent has rights or legitimate interests in the domain name, is wholly contingent upon the Trademark Trial and Appeal Board's ruling with respect to Respondent's alleged marks.

Panelists have addressed this issue on numerous occasions. For example, in *C-Byte Computer Systems, LLC v. Domain Administrator / C Byte Company*, the Panel found it impossible to “find one way or the other within the parameters of the CentralNic Dispute Resolution Policy process whether bad faith has been made out:”

The Panel is not reaching final conclusions on such matters. It may well be that this dispute is so complicated and so enmeshed with personal issues and a pre-occupation with the proceeding in the Trademark Trial and Appeal Board that it is impossible to find one way or the other within the limited parameters of the CentralNic Dispute Resolution Policy process whether bad faith has been made out that this, like the ultimate resolution of the dispute between the parties, will have to be left to court proceedings between the parties where the issues can be investigated with evidence from witnesses, cross-examination and discovery of documents.

C-Byte Computer Systems, LLC v. Domain Administrator / C Byte Company, Inc., [FA 1640318](#) (Nat. Arb. Forum Dec. 16, 2015). In *Mt. Vernon Mills, Inc. v. River City Holdings*, the Panel found that it was “inappropriate... to determine [such an] issue under the ICANN Policy:”

Paragraph 18(a) of the Rules gives the Panel discretion to suspend or terminate a UDRP proceeding where the Domain Name is the subject of other legal proceedings. Since the issue as to whether either party has rights in the TEXTRAW mark will be determined in one or both of the Court Proceedings and the Opposition Proceedings and is critical to the outcome of this ICANN Policy.

Mt. Vernon Mills, Inc. v. River City Holdings, [FA 1325214](#) (Nat. Arb. Forum July 1, 2010). And in *On Time Media, LLC v. Zonetta Balfanz*, the Panel also found that the filing of a petition to cancel with the USPTO's Trademark Trial and Appeal Board involved “trademark issues that are outside of the scope of the ICANN Policy:”

Because Respondent has asserted numerous arguments regarding whether or not the registration of the mark EXPEDITERSONLINE.COM should have been granted as a registration on the Supplemental Register, and Respondent contends that it has filed a petition with the Trademark Trial and Appeal Board requesting cancellation of Complainant's registration of the mark, this case involves trademark issues that are outside of the scope of the ICANN Policy. Therefore, as to the Complaint concerning the domain name <expeditedonline.com> the Complaint is DISMISSED.

On Time Media, LLC v. Zonetta Balfanz, [FA 616709](#) (Nat. Arb. Forum Feb. 20, 2006). The import of these decisions is that, where there is a legitimate trademark dispute in process before the Trademark Trial and Appeal Board, the dispute between the parties falls outside of the limited scope of the UDRP. See *Life Extension Foundation, Inc. and Life Extension Foundation Buyers' Club, Inc. v. Vitacost.com*, [FA 288377](#) (Nat Arb. Forum Sept. 2, 2004) (“With the policy

observation in mind and considering Rule 18(a), the panel finds that there is a legitimate trademark dispute in process before the Trademark Trial & Appeal Board. Therefore, this Complaint should be dismissed without prejudice and the requested relief denied.”). Since this case involves a legitimate trademark dispute between the parties that has potentially determinative consequences for the application of the elements of the Policy, Complainant’s Complaint must be dismissed.

b. Respondent’s <friv.co> domain name is not identical or confusingly similar to a mark in which the Complainant has rights.

Assuming, *arguendo*, that this is a dispute that can be properly determined under the UDRP, the Complainant has failed to show that it has trademark rights in or to the FRIV mark. Complainant relies upon its EU Community Mark in support of its claim that it has trademark rights in and to that term. Complainant filed for and sought priority for its EU CTM mark on the basis of its US filing, specifically, USPTO Serial No. 86562665. See **Annex W**, CTM Registration. As stated above, Respondent has opposed this application for registration, and the very basis for Complainant’s EU claim of priority is now in question. See **Annex J**, Notice of Opposition for Subsequently Filed Marks. Regardless, and similarly to its action in the United States, Respondent intends to dispute Complainant’s trademark rights at the EU OHIM.

Complainant also asserts that it has common law trademark rights in and to the alleged FRIV mark. Complainant has failed to provide any evidentiary basis for these rights and merely attaches an Alexa ranking and a WHOIS record printout in support of its bald assertions. It is clear, however, that the relevant public views the term “friv” as a generic term representative of a genus of frivolous, time-wasting computer games.

First, the popular online dictionary Urban Dictionary has one definition for “friv,” which reads: “A *gaming* site dedicated to a page of mini *games* ranging in type, style and content. Generally go on when someone is very bored and has nothing else to do.” See **Annex L**, Urban Dictionary (emphasis added). Second, a Google search for “friv” yields *fourteen* straight pages of results, all of which are links to online gaming websites. See **Annex M**, Google Search Results for “friv.” In other words, the first one hundred and forty search results for the term “friv” turn up links to computer games with friv as part of the domain itself. Finally, Applicant’s own gaming website, along with hundreds of other gaming websites that use “friv” in their titles and URLs, evidences that the term “friv” primarily refers to computer games. See *Gorstew Limited v. Worldwidewebsales.com*, Case No. [D2002-0744](#) (WIPO Oct. 23, 2002). These websites use the term “friv” in their URLs and within the titles of their websites to identify the availability of computer games. One look at Respondent’s **Annex N**, and one can see the industry standard for friv gaming websites—namely, small, colorful, graphic images serving as links to computer games—and just how many of these websites exist. All of these website URLs use “friv” as the main element of the domain name, and many contain “game(s)” as well:

- friv1000games.org
- friv9000games.org
- frivarcgames.org
- friv4000games.org
- friv2014games.org
- friv2015game.net

- friv600games.com
- friv10000games.net
- friv200games.net

See **Annex N**, Screenshots of Various Gaming Websites With “friv” in Name. All of this sheds light on the general understanding amongst computer game users that FRIV is a generic mark for computer games.

Beyond these examples, searches of extremely popular and expansive social media applications and online game stores yield thousands of results, **all** of which tie the term “friv” to computer games. These results show that the relevant public—and Internet users even beyond the relevant public—associate the term “friv” with computer games, because the websites, users, and entities that appear in the search results either (1) use the terms “friv” in the title of their post and/or (2) tag the term “friv” so that those searching for the term will find them. The websites, users, applications, etc. appearing as search results are mostly online gaming-based. This shows a clear connection between the term “friv” and online gaming.

The searches are listed and cited below:

- **Twitter** – Results from a search of the social media application Twitter using the keyword “friv” resulted in pages upon pages of “tweets” (140 character messages that users write and publish to the Twitter platform, which can then be seen by any other user) that include the word “friv.” Almost all of these tweets associate “friv” with computer games. See **Annex O**, Twitter Search Results.
- **Instagram** – Results from a search of the social media application Instagram using the keyword “friv” resulted in over 3000 pictures and videos with captions in which users “hashtagged” (tagged or marked) the word “friv.” Almost all of these photographs and videos show people playing computer games, many of them children. See **Annex P**, Instagram Search Results.
- **Facebook** – Results from a search of the social media application Facebook using the keyword “friv” resulted in hundreds of Facebook pages using the word “friv” in the title of the page. All of the pages were created by computer gaming websites and portals for the purpose of directing Facebook users to their websites. See **Annex Q**, Facebook Search Results.
- **YouTube** – Results from a search of the online video hub YouTube using the keyword “friv” resulted in thousands of videos, all of which featured walkthroughs, reviews, or game footage of computer games. See **Annex R**, YouTube Search Results.
- **Reddit** – Reddit.com is a content sharing forum that can be described as an online bulletin board. It allows users to post user-generated content, links, pictures, and all kinds of other content. Reddit’s “bulletin boards” are called sub-Reddits, which act as specific pages for specific content. There is a sub-Reddit page for “Friv,” which features links to computer gaming websites. See **Annex S**, Reddit Page.
- **Apple App Store** – Results from a search of the Apple App Store (an online marketplace, run by Apple, Inc. that sells mobile applications and games for iPhones and iPads) using the keyword “friv” resulted in hundreds of *computer*

games sold by vendors in the App Store. See [Annex T](#), Apple App Store Search Results.

- **Google Play Store** – Results from a search of the Google Play store (the Google version of the Apple App Store) using the keyword “friv” resulted in hundreds of *computer games* sold by vendors in the Play Store. See [Annex U](#), Google Play Store Search Results.

Complainant cannot show that FRIV is not generic, and it has failed to submit any evidence to that effect. For this reason, Respondent’s <friv.co> domain name is not identical or confusingly similar to a mark in which Complainant has rights because Complainant cannot have rights in the term “friv” as a matter of law. See *InSight Health Corp. d/b/a Insight Imaging v. Jerry Grigoropoulos*, [FA 1318563](#) (Nat. Arb. Forum June 2, 2010) (“The disputed domain name <insightimaging.com> is comprised of common and generic terms and as such cannot be found to be confusingly similar to Complainant’s mark”); see also *Keystone Publishing, Inc. v. Utah Brides.com*, Case No. [D2004-0725](#) (WIPO Nov. 17, 2004) (“The main problem is that the mark UTAHWEDDINGS.COM used to sell wedding services in the State of Utah via the Internet is utterly descriptive.”).

c. Respondent has rights and legitimate interests in the <friv.co> domain name.

Respondent has rights and legitimate interests in and to the <friv.com> domain name consistent with paragraph 4(c) of the Policy because “[u]sing a domain name in a wholly descriptive sense to promote related goods or services can, of course, qualify as a bona fide use under paragraph 4(c)(i).” See *Jet Marques v. Vertical Axis, Inc.*, Case No. [D2006-0250](#) (WIPO May 26, 2006). Respondent registered the <friv.co> domain name prior to notice of this dispute and with the intent to use the domain name, which contains a generic term for computer games, to offer frivolous computer video games. This has consistently been held to be a bona fide use. See *San Diego Hydroponics & Organics v. Innovative Growing Solutions, Inc.*, Case No. [D2009-1545](#) (WIPO Mar. 3, 2010) (“A number of panels have concluded that a respondent may have a right to register and use a domain name to attract Internet traffic based on the appeal of a commonly used descriptive phrase, even where the domain name is confusingly similar to the registered mark of a complainant.”). For this reason, Complainant’s Complaint must be denied.

d. Respondent did not register and use the <friv.co> domain name in bad faith.

Respondent did not register and use the <friv.co> domain name in bad faith. It is worth noting that “registration and use in bad faith” is a conjunctive requirement. See *Spacesaver Systems, Inc. v. Storage Systems USA*, [FA 1577402](#) (Nat. Arb. Forum Oct. 13, 2014); see also *TXDC, L.P. v. Lee Gordon*, [FA 1368396](#) (Nat. Arb. Forum Mar. 22, 2011). Respondent registered the <friv.co> domain name on April 26, 2013. See [Annex V](#), Printout of WHOIS Record Showing Creation Date. At the time of registration, Complainant did not own a registered trademark, nor had Complainant filed for one. When Complainant filed for trademark registration of “friv,” with the United States Patent and Trademark Office on October 25, 2013, Respondent successfully opposed Complainant’s application for trademark registration. See [Annex I](#), Nov. 10, 2015 Board Order. And Respondent has provided little to no evidence that its purported “friv” mark has obtained secondary meaning.

As a general rule, “when a domain name is registered before any trademark rights are established, the registration of the domain name is not in bad faith since the registrant could not have contemplated the complainant’s non-existent rights.” *San Diego Hydroponics & Organics v. Innovative Growing Solutions, Inc.*, Case No. [D2009-1545](#) (WIPO Mar. 3, 2010). Respondent registered the <friv.co> domain name prior to Complainant’s acquisition of trademark rights in good faith and for the purpose of using that generic term to provide frivolous and free computer games to the public. For this reason, Complainant’s Complaint must be denied. *Meeza QSTP-LLC v. Torsten Frank / mediasite Systemhaus GmbH*, Case No. [D2009-0943](#) (WIPO Sept. 15, 2009) (finding no registration and use in bad faith where Complainant did not have trademark rights at the time of the registration of the domain name).

IV. Conclusion

For the foregoing reasons, Complainant’s request to transfer the <friv.co> domain name must be denied.

[4.] OTHER LEGAL PROCEEDINGS

Javier Rodriguez, LLC v. Zyis Limited, Proceeding No. 91213188 (TTAB 2015); *Javier Rodriguez, LLC v. Zyis Limited*, Proceeding No. 91223142 (TTAB 2015). Rule 5(b)(vi).

[5.] RESPONSE TRANSMISSION

The Respondent asserts that a copy of the Response, as prescribed by FORUM’s Supplemental Rules, has been sent or transmitted to the Complainant, in accordance with Rule 2(b). Rule 5(b)(vii); FORUM Supp. Rule 5.

[6.] The Respondent respectfully requests that the Administrative Panel denies the remedy requested by the Complainant.

[7.] CERTIFICATION

Respondent certifies that the information contained in this Response is to the best of Respondent’s knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under these Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully Submitted,

/s/ John Di Giacomo
John Di Giacomo, Revision Legal, PLLC

December 21, 2015

Annex

- A. May 9, 2013 WaybackMachine Archive
- B. USPTO TESS Status of FRIV Applications
- C. First Application
- D. Notice of Opposition
- E. Nov. 18, 2014 Board Order
- F. Motion to Extend
- G. Order re Motion for Reconsideration
- H. Request to Withdraw
- I. Nov. 10, 2015 Board Order
- J. Subsequent Applications
- K. Notice of Opposition for Subsequently Filed Marks
- L. Urban Dictionary
- M. Google Search Results for “friv”
- N. Screenshots of Various Gaming Websites With “friv” in Name
- O. Twitter Search Results
- P. Instagram Search Results
- Q. Facebook Search Results
- R. YouTube Search Results
- S. Reddit Page
- T. Apple App Store Search Results
- U. Google Play Store Search Results
- V. Printout of WHOIS Record Showing Creation Date
- W. CTM Registration

EXHIBIT X

Declaration of Jonathan Nader

I, Jonathan Nader, declare:

1. I am the sole owner of Javier Rodriguez, LLC.
2. I am the sole owner of FRIV Mexico, S DE R.L. DE C.V.
3. Javier Rodriguez, LLC is the owner of friv.co.
4. I am also the owner of juegosfriv.co.
5. Registration of Applicant's FRIV marks will cause damage to me personally and to Javier Rodriguez, LLC because with registration, Applicant would obtain the prime facie exclusive right to use FRIV in commerce.
6. Applicant's prime facie exclusive right to use FRIV in commerce would damage Javier Rodriguez, LLC's ownership of friv.co and may cause Javier Rodriguez, LLC to lose revenue, investment, opportunity, and other assets, including, but not limited to the friv.co domain name.

I declare under penalty of perjury under the laws of the laws of the United States of America that the foregoing is true and correct and that this declaration is executed this 21st day of October, 2015.

DocuSigned by:
Jonathan Nader
402BBDE02006460

Jonathan Nader

EXHIBIT Y



DECISION

Zyis, LTD. v. JAVIER RODRIGUEZ, LLC C/O DYNADOT
Claim Number: FA1511001649570

PARTIES

Complainant is **Zyis, LTD.** (“Complainant”), represented by **James T. Burton, Kirton McConkie**, Salt Lake City, Utah, USA. Respondent is **JAVIER RODRIGUEZ, LLC C/O DYNADOT** (“Respondent”), represented by **John Di Giacomo of Revision Legal**, Traverse City, Michigan, USA.

REGISTRAR AND DISPUTED DOMAIN NAME

The domain name at issue is **<friv.co>**, registered with **CCI REG S.A.**

PANEL

The undersigned certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as Panelist in this proceeding.

Richard DiSalle as Panelist.

PROCEDURAL HISTORY

Complainant submitted a Complaint to the FORUM electronically on November 23, 2015; the FORUM received payment on November 23, 2015.

On November 30, 2015, CCI REG S.A. confirmed by e-mail to the FORUM that the **<friv.co>** domain name is registered with CCI REG S.A. and that Respondent is the current registrant of the name. CCI REG S.A. has verified that Respondent is bound by the CCI REG S.A. registration agreement and has thereby agreed to resolve domain disputes brought by third parties in accordance with ICANN’s Uniform Domain Name Dispute Resolution Policy (the “Policy”).

On December 2, 2015, the FORUM served the Complaint and all Annexes, including a Written Notice of the Complaint, setting a deadline of December 28, 2015 by which Respondent could file a Response to the Complaint, via e-mail to all entities and persons listed on Respondent’s registration as technical, administrative, and billing contacts, and to **postmaster@friv.co**. Also on December 2, 2015, the Written Notice of the Complaint, notifying Respondent of the e-mail addresses served and the deadline for a Response, was transmitted to Respondent via post and fax, to all entities and persons listed on Respondent’s registration as technical, administrative and billing contacts.

A timely Response was received and determined to be complete on December 21, 2015.

On December 28, 2015 Complainant filed an Additional Submission and Respondent filed a response thereto.

On December 29, 2015, pursuant to Complainant's request to have the dispute decided by a single-member Panel, the FORUM appointed Richard DiSalle as Panelist.

Having reviewed the communications records, the Administrative Panel (the "Panel") finds that the FORUM has discharged its responsibility under Paragraph 2(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "to employ reasonably available means calculated to achieve actual notice to Respondent" through submission of Electronic and Written Notices, as defined in Rule 1 and Rule 2.

RELIEF SOUGHT

Complainant requests that the domain name be transferred from Respondent to Complainant.

PARTIES' CONTENTIONS

A. Complainant

In the spring of 2004, James Ian McDonald, the current Company Director of Complainant, wanted to create a universal entertainment / educational website with the aim of it becoming a trusted source for families and educators worldwide. At the time, Mr. McDonald was self-employed and sought to create such a 4852-4744-4268 website in his personal capacity, without the involvement of any corporate organization. By the spring of 2004, as the Internet had long-since been established and many recognizable and existing pre-defined words had long-since been utilized within existing Internet domain names and were, therefore, no longer available, Mr. McDonald began to consider various alternatives in an effort to select something affordable and available. Eventually, Mr. McDonald elected to pursue, and was able to acquire in May 2004, the "friv.com" domain name which was available, unique, and inexpensive. Complainant uses the mark in connection with its online gaming site that offers a larger collection of free games. Complainant owns the FRIV mark through its

trademark registration in Europe under the Office of Harmonization in the Internal Market (“OHIM”) (Reg. No. 013839287, registered July 2, 2015). Further, Complainant owns common law rights in the mark through continuous use of the mark since 2006 and has substantially invested in the mark since then. The disputed domain name is identical to Complainant’s mark, as it contains the mark in its entirety and merely adds the country code top-level domain (“ccTLD”) “.co.” Respondent has no rights or legitimate interests in the disputed domain name. Respondent is not commonly known by the disputed domain name, nor has Respondent been licensed or authorized to use the FRIV mark. Respondent has failed to provide a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. Rather, Respondent uses the disputed domain name to divert Internet users to its own website for commercial gain.

Respondent has registered and is using the disputed domain name in bad faith. Respondent’s use of the disputed domain name to direct Internet users to a website that features links to goods that compete with those of Complainant’s constitutes a disruption of Complainant’s business and is evidence of bad faith under Policy ¶ 4(b)(iii) and Policy ¶ 4(b)(iv). Finally, due to the fame of Complainant’s mark and Complainant’s trademark registration, Respondent must have had actual and/or constructive knowledge of Complainant’s rights in the FRIV mark.

B. Respondent

Respondent is a limited liability company organized under the laws of the state of Delaware that provides frivolous, time-wasting computer video games on the Internet. Complainant relies on its EU trademark registration, in which Respondent intends to dispute Complainant’s trademark rights.

Friv is a generic term, as it is an abbreviation for the term “frivolous”, which is what Complainant’s and Respondent’s businesses entail, frivolous, time-wasting computer games.

Respondent has rights or legitimate interests in the disputed domain name.

Respondent registered the disputed domain name prior to notice of this dispute, and with the intent to use the disputed domain name to offer frivolous computer video games. This has always been held as a *bona fide* use.

Respondent did not register the disputed domain name in bad faith.

Respondent’s registration of the disputed domain name predates Complainant’s registered trademark rights, and thus, Respondent could not have registered the disputed domain name in bad faith.

C. Additional Submissions

Both Complainant and Respondent filed additional submissions which essentially re-iterated their previous positions.

FINDINGS

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

DISCUSSION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

Identical and/or Confusingly Similar

Complainant uses the mark in connection with its online gaming site that offers a larger collection of free games. Complainant claims that it owns the FRIV mark through its trademark registration in Europe under the OHIM (Reg. No. 013839287, registered July 2, 2015).

The Panel notes that the registration of the disputed domain name predates Complainant's trademark registration. However, Complainant may demonstrate rights through common law. *See Winterson v. Hogarth*, D2000-0235 (WIPO May 22, 2000) (finding that the Policy does not require that a complainant's trademark be registered by a government authority or agency in order for the complainant to establish rights in the mark).

By late 2006, Mr. McDonald had begun providing access to games via the friv.com website and utilizing a distinctive trade dress in connection therewith. Over time, Mr. McDonald marketed and promoted the friv.com website and the FRIV mark/brand as a sole trader, expending considerable resources to do so; users began to recognize the FRIV mark/brand and the friv.com website and independently began to recommend and popularize the same.

Complainant claims to have common law rights in the FRIV mark due to its continuous use of the mark since at least 2006. Complainant relies on its statements of continuous use as a proper demonstration of its common law rights. The Panel finds that Complainant has common law rights in the mark pursuant to Policy ¶ 4(a)(i). *See Jerry Damson, Inc. v. Tex. Int'l Prop. Assocs.*, FA 916991 (Nat. Arb. Forum Apr. 10, 2007) (finding that the complainant had common law rights in the JERRY DAMSON ACURA mark because it provided sufficient evidence of its continuous use of the mark since 1989 in connection with a car dealership).

Complainant also argues that the disputed domain name is identical to Complainant's mark, as Respondent has used the mark in its entirety and attached the ccTLD ".co." Panels have held that the attachment of a ccTLD is of no consequence under Policy ¶ 4(a)(i). *See Audigier Brand Mgmt. Grp., LLC v. bai wentao*, FA 1286108 (Nat. Arb. Forum Nov. 16, 2009) (holding that even after the "addition of a ccTLD the disputed domain name is still identical to Complainant's mark."). Accordingly, the Panel holds that the disputed domain name is identical to Complainant's FRIV mark under Policy ¶ 4(a)(i).

Rights or Legitimate Interests

The Panel notes that Complainant must first make a *prima facie* case that Respondent lacks rights and legitimate interests in the disputed domain name under Policy ¶ 4(a)(ii), and then the burden shifts to Respondent to show it does have rights or legitimate interests. *See Hanna-Barbera Prods., Inc. v. Entm't Commentaries*, FA 741828 (Nat. Arb. Forum Aug. 18, 2006) (holding that the complainant must first make a *prima facie* case that the respondent lacks rights and legitimate interests in the disputed domain name under UDRP ¶ 4(a)(ii) before the burden shifts to the respondent to show that it does have rights or legitimate interests in a domain name); *see also AOL LLC v. Gerberg*, FA 780200 (Nat. Arb. Forum Sept. 25, 2006). If so, then the burden shifts to Respondent to show that it does have rights or legitimate interests in the subject domain names.

It is Complainant's position that Respondent lacks rights or legitimate interests in the disputed domain name. In so arguing, Complainant posits that Respondent is not commonly known by the disputed domain name pursuant to Policy ¶ 4(c)(ii). Further, Complainant notes that Respondent has not been licensed or authorized to use Complainant's mark. The Panel notes that the WHOIS information for the disputed domain name lists "JAVIER RODRIGUEZ, LLC C/O DYNADOT" as registrant of the disputed domain name. The Panel agrees with Complainant's arguments and finds that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii). *See Reese v. Morgan*, FA 917029 (Nat. Arb. Forum Apr. 5, 2007) (concluding that the respondent was not commonly known by the <lilpunk.com> domain name as there was no evidence in the record showing that the respondent was commonly known by that domain name, including the WHOIS information as well as the complainant's assertion that it did not authorize or license the respondent's use of its mark in a domain name).

The Panel finds that Respondent did not make a bona fide offering of goods and services, 4(c)(i), nor a legitimate noncommercial or fair use of the disputed domain name, 4(c)(iii).

Registration and Use in Bad Faith

Complainant argues that Respondent has registered and is using the disputed domain name in bad faith. Complainant urges that Respondent's use of the disputed domain name to provide links to websites that offer competing goods/services to that of Complainant disrupts Complainant's business. Thus, Complainant argues that Respondent has acted in bad faith under Policy ¶ 4(b)(iii). Prior panels have agreed with this argument. *See Univ. of Texas Sys. v. Smith*, FA 1195696 (Nat. Arb. Forum July 7, 2008) (finding that using the resolving website to divert Internet users to the complainant's competitors constituted bad faith registration and use under Policy ¶ 4(b)(iii)). Consequently, the Panel finds that Respondent has acted in bad faith under Policy ¶ 4(b)(iii).

Next, Complainant alleges that Respondent is likely financially gaining through the placement of these competing links, and therefore is intentionally attracting Internet users to its own website for commercial gain. The Panel agrees with Complainant's contention and find that Respondent has acted in bad faith under Policy ¶ 4(b)(iv). *See AltaVista Co. v. Krotov*, D2000-1091 (WIPO Oct. 25, 2000) (finding bad faith under Policy ¶ 4(b)(iv) where the respondent's domain name

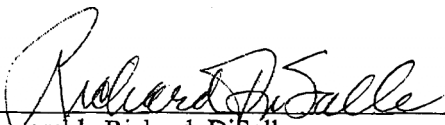
resolved to a website that offered links to third-party websites that offered services similar to the complainant's services and merely took advantage of Internet user mistakes).

Lastly, Complainant contends that due to the fame of Complainant's FRIV mark and due to the fact that it does hold a trademark registration, Respondent must have had actual and/or constructive knowledge of Complainant's rights in the mark prior to registering the disputed domain name. The Panel agrees with Complainant that Respondent had actual knowledge of Complainant's rights in the mark prior to registering the disputed domain name and finds that actual knowledge is adequate evidence of bad faith under Policy ¶ 4(a)(iii). See *Univision Comm'cns Inc. v. Norte*, FA 1000079 (Nat. Arb. Forum Aug. 16, 2007) (rejecting the respondent's contention that it did not register the disputed domain name in bad faith since the panel found that the respondent had knowledge of the complainant's rights in the UNIVISION mark when registering the disputed domain name)."

DECISION

The Complainant having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be **GRANTED**.

Accordingly, it is Ordered that the <friv.co> domain name be **TRANSFERRED** from Respondent to Complainant.



Honorable Richard DiSalle
Arbitrator

Richard DiSalle, Panelist
Dated: January 11, 2016