ESTTA Tracking number: **ESTTA1155609**
Filing date: **08/25/2021**

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

Proceeding	91237315
Party	Defendant Universal Life Church Monastery Storehouse, Inc.
Correspondence Address	MICHAEL P MATESKY II MATESKY LAW PLLC 4500 9TH AVE NE SUITE 300 SEATTLE, WA 98105 UNITED STATES Primary Email: trademarks@mateskylaw.com Secondary Email(s): mike@mateskylaw.com, litigation@mateskylaw.com, mike@psbizlit.com 206-701-0331
Submission	Testimony For Defendant
Filer's Name	Michael P. Matesky, II
Filer's email	mike@mateskylaw.com, litigation@mateskylaw.com
Signature	/Michael P. Matesky, II/
Date	08/25/2021
Attachments	L. King 120720.pdf(150765 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AMERICAN MARRIAGE MINISTRIES,	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No.
	)	91237315
UNIVERSAL LIFE CHURCH MONASTERY STOREHOUSE, INC.,	)	
	)	
Applicant.	)	

Testimony Upon Oral Examination Of

LEWIS KING

9:05 a.m.

December 7, 2020

Deposition held via videoconference.

All parties attended remotely.

REPORTED BY: Yvonne A. Gillette, RPR, CCR No. 2129.

1 A P P E A R A N C E S

2

3

4 For the Opposer:

5

6 BENJAMIN HODGES
Foster Garvey
7 1111 Third Avenue
Suite 3000
8 Seattle, Washington 98101
206-447-4400
9 ben.hodges@foster.com

10

11

12 For the Applicant:

13

14 MICHAEL MATESKY
Matesky Law
15 4500 9th Ave. NE
Suite 300
16 Seattle, Washington 98105
206-701-0331
17 mike@mateskylaw.com

18

19

20

21

22

23

24

25

1 E X A M I N A T I O N I N D E X

2

3 By Mr. Matesky 4 - 13

4

5

6

7

8

9

10

11 E X H I B I T I N D E X

12

13 MARKED

14

15 None marked.

16

17

18

19

20

21

22

23

24

25

1 LEWIS KING, being duly sworn, testified
2 upon oath as follows:
3
4 MR. MATESKY: And if you don't mind, I would
5 like to put on the record -- I know we have an email,
6 but both parties agree to waive any objection that
7 might arise from this deposition being -- taking place
8 via Zoom remotely as opposed to in person.
9 MR. HODGES: Yes. Agreed. And we're going
10 to continue that through the foreseeable future with
11 all of these.
12 EXAMINATION
13 BY MR. MATESKY:
14 Q Okay. Mr. King, I'm an attorney for
15 Universal Life Church Monastery Storehouse, the
16 applicant in this matter. Do you understand that?
17 A Yes.
18 Q If I say ULC Monastery today, will you
19 understand that I'm referring to the applicant in this
20 matter?
21 A Yes.
22 Q If I say AMM, will you understand that I'm
23 referring to American Marriage Ministries, the opposer
24 in this matter?
25 A Yes.

1 Q Do you understand that you are under oath,
2 and your responses are given today under penalty of
3 perjury?
4 A I do.
5 Q Do you understand that although there is no
6 judge or jury present, you will be giving sworn
7 testimony presented to the Trademark Trial and Appeal
8 Board in this matter?
9 A I do.
10 Q And as the court reporter reminded us, I'm
11 going to try to take my time, speak slowly and clearly
12 when asking question, and I ask that you do the same
13 when responding. Is that clear?
14 A It is.
15 Q And as you may recall from other
16 depositions, your counsel may object. So I would ask
17 that you take your time in responding to give your
18 counsel the opportunity to do so without speaking over
19 each other. Is that fair?
20 A It is.
21 Q I would also ask that you give verbal
22 responses, like yes or no, rather than head nods or
23 uh-huh or something of that nature. Is that clear?
24 A Yes.
25 Q If you don't understand a question I pose to

1 you today, will you please let me know?
2 A Yes.
3 Q And if you need to take a break at any
4 point, will you please let me know?
5 A I will.
6 Q Mr. King, are you under the influence of any
7 drugs, alcohol, or other condition today that might
8 impair your ability to give true and full responses?
9 A No.
10 Q Will you let me know if at any point that
11 changes?
12 A Yes.
13 Q Did you do anything to prepare for your
14 testimony today?
15 A Yes.
16 Q What did you do to prepare?
17 A I had a call with counsel. And I reviewed
18 some of the -- some of the transcripts of past
19 depositions.
20 Q Other than you and legal counsel, was anyone
21 else on that call?
22 A Yes.
23 Q Who else was on that call?
24 A Dylan Wall and Glen Yoshioka.
25 Q Other than transcripts of past depositions,

1 did you review any other documents in preparation for
2 your testimony today?
3 A No.
4 Q Which transcripts did you review?
5 A I reviewed a transcript of the -- of my
6 September 11th deposition.
7 Q Any others?
8 A No.
9 Q In reviewing the transcript of your
10 September 11th deposition in this matter, did you
11 review testimony regarding Google Trends?
12 A Yes.
13 Q Did you run a search of the phrase "get
14 ordained" in Google Trends the day before your prior
15 testimony deposition in this matter?
16 A I'm not sure I understand the question.
17 Would you mind repeating it?
18 Q Sure. Thank you for letting me know if you
19 don't understand my question. The day before your
20 prior testimony deposition in this matter, did you run
21 a search of the phrase, "get ordained" on Google
22 Trends?
23 A I believe so.
24 Q Other than that search you just mentioned,
25 have you used Google Trends for your work with AMM?

1 A Yes.
2 Q How have you used Google Trends for your
3 work with AMM?
4 MR. HODGES: Object to form.
5 A Is the question what am I searching for? Or
6 in what capacity or -- I'm not really sure how to
7 answer that either.
8 Q One moment. What kinds of terms or phrases
9 have you searched on Google Trends for your work with
10 AMM?
11 MR. HODGES: Object to form.
12 A The terms and phrases that I would query
13 using Google Trends includes terms and phrases
14 commonly used in the wedding industry, such as
15 marriage, get ordained, weddings, elopements,
16 mini-mony, those sorts of terms.
17 Q Prior to the searches you ran in -- let me
18 start that question over. Aside from any search you
19 ran immediately prior to your testimony deposition in
20 this matter, have you ever searched Google Trends for
21 the phrase "American Marriage Ministries" before?
22 A Yes.
23 Q How many times have you searched Google
24 Trends for the phrase "American Marriage Ministries"
25 before?

1 A I can't give you a number, but quite a few.
2 I'd say several.
3 Q To the best of your recollection, had you
4 searched the phrase "American Marriage Ministries" on
5 Google Trends more than five times before?
6 A Yes.
7 Q To the best of your recollection, have you
8 searched the phrase "American Marriage Ministries" on
9 Google Trends more than ten times before?
10 A I can't answer that with any certainty. I
11 don't know.
12 Q When did you first become employed with
13 American Marriage Ministries?
14 A March or April of 2018, I believe.
15 Q And when did you first become a contract
16 worker with -- let me strike that question and ask
17 another one.
18 Prior to your employment with American
19 Marriage Ministries, were you a contract worker for
20 American Marriage Ministries?
21 A As in was a 1099?
22 Q Sure. That's one way to look at it.
23 A Okay. Yeah. I was.
24 Q And when did you begin that work for
25 American Marriage Ministries?

1 A I'm not totally sure. It would have been a
2 couple of months before I joined as an employee, but
3 it wasn't more than probably two or three months prior
4 to starting with AMM.
5 Q When did you first use Google Trends to aid
6 your work on behalf of American Marriage Ministries?
7 A I don't recall.
8 Q Did you ever use Google Trends on behalf of
9 American Marriage Ministries prior to 2020?
10 A Yes.
11 Q Have you ever searched Google Trends for the
12 names of other churches before?
13 A Yes.
14 Q Do you recall which other church
15 organizations you have searched for on Google Trends?
16 A I know I've searched for Universal Life
17 Church.
18 Q Have you searched for any other organization
19 on Google Trends on behalf of AMM?
20 A Yes.
21 Q Have you searched for any other church
22 organizations on Google Trends in your role with AMM?
23 A I don't recall.
24 Q Was the search you performed the day before
25 your last testimony deposition the only time you

1 searched Google Trends for the phrase "get ordained"?
2 A No.
3 Q Have you searched Google Trends for the
4 phrase "get ordained" since your last testimony
5 deposition?
6 A No.
7 Q How many times have you searched Google
8 Trends for the phrase "get ordained"?
9 A I don't know. It's important to note that I
10 use a lot of Google tools. And I'm frequently
11 searching for phrases and looking things up across a
12 lot of their different platforms. I don't know. I
13 know I've queried "get ordained" a number of times in
14 the past. I can't tell you exactly when or how many
15 times.
16 Q When you search Google Trends for terms on
17 behalf of AMM, what do you do with the information you
18 receive?
19 A I use it to inform decisions that I make
20 about what we're going to publish, how we're going to
21 publish it, what kind of conversations I'm going to
22 have with our marketing team, how we're going to run
23 the website as a -- you know, as a primarily
24 internet-based organization.
25 Q And is that information shared with other

1 AMM board members?
2 A There's no protocol for sharing it with AMM
3 board members. I mean, it may come up in discussions
4 because obviously it informs my decisions and my
5 attitude towards the organization and how we're
6 running it.
7 Q So is it fair to say that, at least
8 sometimes, you share the information you receive from
9 Google Trends searches with other AMM personnel?
10 MR. HODGES: Object to form.
11 A I'm not really sure that's an entirely
12 accurate assessment. And the reason for that is I'm
13 not sure -- I can't say definitively the way in which
14 I share or communicate or relay information that I
15 encounter on Google's platforms. So when you say
16 share, I'm just not sure -- I mean, it's like I'm an
17 open book at work, and I communicate openly with
18 everybody that I work with. The information I
19 encounter is going to come up in conversation. I'm
20 not taking them over to my computer and saying, hey,
21 look, see what's happening here with this data. What
22 do you think about this? Is this concerning? Is this
23 good? Is this bad? So yeah.
24 Q Is it your testimony that you can never
25 recall sharing information you got from your Google

1 Trends searches with other AMM personnel?
2 MR. HODGES: Object to form.
3 A Well, what I was trying to clarify in my
4 last explanation is I'm not sure what you mean when
5 you say share information with other AMM personnel.
6 Q I'm not sure how best to clarify that. It
7 would encompass showing someone the screen, verbally
8 relaying the information to someone, giving a copy of
9 a screenshot or other document that contains the
10 information, or any other way in which people share
11 information. Does that help?
12 A It's very possible that I have verbally
13 relayed -- scratch that. It's very possible that
14 information that I encountered while querying Google
15 Trends has been relayed to other people in the
16 organization as part of decisions that I've made based
17 on what I encountered when I queried the search term
18 "get ordained".
19 MR. MATESKY: I have no further questions.
20 THE WITNESS: Thank you.
21 MR. HODGES: Give me just a couple minutes,
22 and I'll figure out if we have any cross.
23 (Recess taken.)
24 MR. HODGES: We don't have any
25 cross-examination at this time.

1 THE COURT REPORTER: Are you ordering the
2 transcript?
3 MR. MATESKY: Yes.
4 THE COURT REPORTER: Mr. Hodges, would you
5 like a copy?
6 MR. HODGES: Not right now. We'll let you
7 know.
8 (Deposition adjourned at 9:35 a.m.)
9 (Signature was reserved.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 S I G N A T U R E

2

3

4

5

6 I declare under penalty of perjury under the
7 laws of the State of Washington that I have read my
8 within deposition, and the same is true and accurate,
9 save and except for changes and/or corrections, if any,
10 as indicated by me on the CHANGE SHEET page hereof.
11 Signed in _____, Washington on the _____
12 day of _____, 2020.

13

14

15

16

17 _____

18 LEWIS KING

19

20

21

22

23

24 Taken: December 7, 2020
Case Name: AMM v. ULC
25 Cause No.: 91237315

1 C E R T I F I C A T E

2 State of Washington)

3) ss.

4 County of King)

5

6 I, the undersigned Registered Professional Reporter and Washington Certified Court Reporter, hereby
7 certify that the foregoing deposition upon Oral examination of LEWIS KING was taken before me on December 7, 2020 and
8 transcribed under my direction;

That the witness was duly sworn by me pursuant to
9 RCW 5.28.010 to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to
10 the best of my ability; that I am neither attorney for, nor a relative or employee of, any of the parties to the action
11 or any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

12

I further certify that in accordance with CR
13 30(e), the witness was given the opportunity to examine, read, and sign the deposition, within 30 days, upon its
14 completion and submission, unless waiver of signature was indicated in the record.

15

IN WITNESS WHEREOF, I have hereunto set my hand
16 and seal this date, December 15, 2020:

17

18

19

20

21 /S/Yvonne A. Gillette

22 Yvonne A. Gillette

23 Washington Certified Court Reporter

24 License No. 2129

25

1 Seattle Deposition Reporters
600 University Street, Suite 320
2 Seattle, Washington 98101
(206) 622-6661
3

4 C H A N G E S H E E T

5

6 PLEASE MAKE ALL CHANGES OR CORRECTIONS ON THIS SHEET,

7 SHOWING PAGE, LINE, AND REASON.

8 _____

9 PAGE LINE CORRECTION AND REASON

10

11

12

13

14

15

16

17

18

19

20

21

22 _____

23

24 LEWIS KING

25 Taken: December 7, 2020

DATE FILED: 2/8/2021

MICHAEL MATESKY
Matesky Law
4500 9th Avenue NE
Suite 300
Seattle, WA 98105

NOTICE RE CHANGES TO ORIGINAL DEPOSITION

Case Name: AMM v. ULC
Venue: TTAB
Cause No.: 91237315
Witness: LEWIS KING
Taken: December 7, 2020

Pursuant to CR 30(e), the deposition transcript was made available with Signature Page and Change Sheet to the above-referenced witness for examination, reading, and signing.

__ Enclosed is a copy of the Signature Page and Change Sheet, if any, to the above-referenced original deposition transcript.

X No Signature Page, corrections, or changes were received by this office within the 30-day signature period.

Yvonne Gillette, CCR

cc: File
MICHAEL MATESKY
BENJAMIN HODGES