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

Proceeding	91248784
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No.: 88/141,998

Mark: RINGCHAT

Filing Date: October 3, 2018

Publication Date: May 14, 2019

AMAZON TECHNOLOGIES, INC.,

Opposer,

v.

CLOVIS AKOBONG,

Applicant.

Opposition No. 91248784

**AMAZON’S MEMORANDUM IN OPPOSITION TO
APPLICANT’S MOTION FOR SUMMARY JUDGMENT**

I. INTRODUCTION

On March 11, 2020, Applicant Clovis Akobong (“Applicant”) refiled a Motion for Summary Judgment¹ asking the Board to hold there is no likelihood of confusion as a matter of law. *See* 11 TTABVUE (the “Motion”). In support of the Motion, Applicant lists 12 allegedly undisputed “Material Facts”—most of which are irrelevant—and includes a list (but no copies) of third party registrations that have no bearing on the likelihood of confusion in this opposition. *See id.*

Applicant’s Motion ignores the fact that he defaulted on Opposer Amazon Technologies, Inc.’s (“Amazon’s”) Requests for Admissions (and other discovery requests) when he failed to

¹ Applicant initially filed this motion on February 6, 2020. *See* 7 TTABVUE; 9 TTABVUE. Because the proceeding was suspended at that time, the Board held Applicant’s first Motion was untimely and gave it “no consideration.” *See* 10 TTABVUE.

respond in any way until the day he initially filed his Motion for Summary Judgment—i.e., three months after his deadline to respond had expired. Accordingly, Amazon’s Requests for Admissions are deemed admitted as a matter of law and preclude summary judgment. Among Applicant’s admissions are that “Applicant’s Mark is confusingly similar to Opposer’s Marks” and “consumers familiar with Opposer’s Marks are likely to incorrectly assume that Opposer is the origin of Applicant’s Goods and Services” or “that Applicant’s use is licensed or otherwise endorsed by Opposer.” *See* Declaration of Christopher T. Varas (“Varas Decl.”) ¶ 3 & Exhibit (“Ex.”) A at 19 (Requests for Admissions 11, 12, 17).

Even if Applicant had responded timely to Amazon’s discovery requests, the limited evidence of record would not satisfy Applicant’s burden for purposes of summary judgment.

II. FACTUAL AND PROCEDURAL BACKGROUND

Amazon Technologies, Inc. is one of the world’s largest online retailers and an e-commerce pioneer. 1 TTABVue 37-38 (¶ 1). In addition to shipping consumer goods to nearly every corner of the world, Amazon offers numerous other products and services, including the Ring® video doorbell and smart home automation system, which is controlled through a mobile application (known as an “app”). *Id.* (¶¶ 1, 2). Since at least as early as 2014, Amazon and its predecessors have used one or more RING marks (the “RING Marks”) in connection with this system, which includes alarm sensors, speakers and doorbell chimes, smoke detectors, lights, security cameras, and, of course, related software—including downloadable mobile applications for messaging as well as managing videos, photos, and messages between users. *Id.* at 38 (¶ 2). Amazon’s RING Marks, most of which comprise or begin with “RING,” are the subject of numerous registrations and pending applications (“Amazon’s Registrations and Applications”). *See id.* at 38-81 (¶ 3) & Ex. 1.

On October 3, 2018, Applicant applied to register the RINGCHAT mark for “Downloadable mobile applications for messaging and managing videos, photos, and messages on a social media website” in Class 9, citing a basis under 15 U.S.C. § 1051(b). *See* App. Ser. No. 88/141,998 (the “Application”). The Application was published on May 14, 2019, and Amazon timely opposed on June 12, 2019. 1 TTABVUE. Applicant, through counsel, answered on July 22, 2019. *See* 4 TTABVUE. The parties served their initial disclosures on September 20, 2019, Varas Decl. ¶ 2. On October 9, 2019, Amazon served Applicant with a set of discovery requests including interrogatories, document requests, and requests for admissions. *Id.* ¶ 3 & Ex. A. Applicant’s deadline to respond was November 8, 2019. *Id.* ¶ 4. Applicant did not serve timely objections or responses to any of Amazon’s requests. *Id.* On November 18, 2019, Amazon’s counsel wrote to Applicant’s counsel, noting among other things that “As a result of Mr. Akobong’s failure to timely answer Amazon’s requests for admissions, each of the requests is now deemed admitted.” *Id.* ¶ 5 & Ex. B. Applicant’s counsel responded the next day, stating his intention to withdraw as Applicant’s counsel. *Id.*

Applicant’s counsel moved to withdraw on November 19, 2019. *See* 5 TTABVUE. The Board granted the motion the same day and ordered Applicant to enter an appearance of counsel or other response within thirty days. 6 TTABVUE. Applicant did not respond, and on January 7, 2020, the Board ordered Applicant to show cause within thirty days as to “why default judgment should not be entered against Applicant based on its apparent loss of interest in this proceeding.” 7 TTABVUE.

Applicant’s counsel resumed his representation at some point between November 19, 2019, and February 6, 2020, but did not notify Amazon’s counsel that was once again representing Applicant. Varas Decl. ¶ 6. Instead, Applicant remained silent until February 6,

2020 (exactly thirty days after the Board’s default Order), when he filed and served: (1) his counsel’s “Notice of Reappearance,” 8 TTABVUE; (2) untimely responses to Amazon’s discovery requests, Varas Decl. ¶ 6; and (3) the untimely Motion for Summary Judgment that the Board subsequently struck. 9 TTABVUE, 10 TTABVUE. Applicant then refiled his Motion on March 11, 2020, again without contacting Amazon’s counsel. Varas Decl. ¶ 8.

Of particular note for purposes of this Motion, Applicant never requested an extension of his deadline to answer Amazon’s Requests for Admissions, nor has Amazon ever granted any such extension. Varas Decl. ¶ 9. Accordingly, all of Amazon’s Requests for Admissions are deemed admitted as a matter of law for all purposes, including without limitation for purposes of this summary judgment motion. *See* TBMP § 407.03(a); Fed. R. Civ. P. 36(b); *Fram Trak Indus., Inc. v. WireTracks LLC*, 77 U.S.P.Q.2d (BNA) 2000, 2005 (T.T.A.B. 2006) (“Respondent failed to respond to petitioner’s requests for admission and failed to file a motion to amend or withdraw those admissions. Accordingly, those requests for admission are deemed admitted and conclusively established.”).

III. STATEMENT OF DISPUTED FACTS AND OPPOSING FACTUAL INFERENCES

1. Amazon’s RING Marks are inherently distinctive for Amazon’s goods and services under the marks, 1 TTABVUE 81 (¶ 4), and “RING” is the sole or dominant element of Amazon’s RING Marks. *See id.* at 38-81 (¶ 3) & Ex. 1.

2. “Chat” is defined as “online discussion in a chat room.” *See* Varas Decl. ¶ 10 & Ex. D (*Chat*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/chat> (last visited on April 2, 2020)).

3. “RING” is the dominant element of Applicant’s mark, and the term “CHAT” is descriptive of or generic for at least the messaging feature of Applicant’s goods. *See id.*

4. “Social media” is defined as “forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos).” *See* Varas Decl. ¶ 11 & Ex. E (*Social Media*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/social%20media> (last visited on April 2, 2020)). Several of Amazon’s Registrations and Applications describe goods and services that fit within this definition. *See* 1 TTABVUE 38-81 (¶ 3) & Ex. 1.

5. Applicant “provides his social media application software through ‘App’ stores operated by companies like Apple and Google,” Varas Decl. ¶ 7 & Ex. C at 4-5 (Response to Interrogatory 10),² and Amazon also markets and distributes its RING app and its NEIGHBORS BY RING app on the Apple App Store and Google Play. *See id.* ¶ 12 & Ex. F.

6. Amazon’s RING Marks and Applicant’s RINGCHAT mark have coexisted, if at all, only since January 2019, 11 TTABVUE 16 (¶ 2), and Applicant’s RINGCHAT application software has only been downloaded some “3,000 times” and has “600 active users.” *Id.* (¶¶ 3, 4).

IV. ARGUMENT

A. Applicant Concedes Amazon’s Standing, the Protectability of Amazon’s Marks, and Amazon’s Priority in Its Marks by Failing to Argue These Issues in His Motion.

Applicant’s Statement of the Issue focuses exclusively on likelihood of confusion, and his brief begins and ends with a discussion of that issue. *See* 11 TTABVUE 2. By failing to contest the issues of standing, protectability, and priority, Applicant concedes those issues. *See Lorillard Licensing Co., LLC v. Tatuaje Cigars, Inc.*, No. 91196993, 2011 WL 13054739, at *1

² Amazon relies on certain of Applicant’s untimely interrogatory responses, as served, solely for purposes of opposing this Motion. Amazon expressly reserves all of its rights and remedies with respect to deficiencies in Applicant’s responses and will address those with Applicant, as appropriate, after the Board has ruled on Applicant’s Motion.

n.2 (T.T.A.B. Mar. 21, 2011) (“[A]pplicant has not contested the relatedness of the goods at issue. Accordingly, for the purposes of this motion and this motion only, applicant has conceded opposer’s standing, priority of use and that the goods, channels of trade and classes of consumers are the same.”) (nonprecedential); *In re Achenbach Buschhutten GmbH*, No. 76581689, 2009 WL 4081668, at *4 (T.T.A.B. Oct. 26, 2009) (“[A]pplicant has not contested the similarity of its goods to those in the cited registration, apparently conceding this point.”) (nonprecedential); *In re Hub Distrib., Inc.*, 218 U.S.P.Q. 284, 285 (T.T.A.B. 1983) (“Appellant does not contest and therefore is deemed to have conceded that the goods are related goods insofar as the question of likelihood of confusion is concerned.”).³

B. Applicant Is Not Entitled to Summary Judgment on Likelihood of Confusion.

1. Applicant Bears the Heavy Burden of Demonstrating the Absence of Any Genuine Issue of Material Fact.

Summary judgment is appropriate only “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-26 (1986) (quoting Fed. R. Civ. P. 56(c)). A material fact is genuinely disputed “when there is sufficient evidence for the fact finder to decide the question in favor of the non-movant,” viewing the evidence “in a light favorable to the non-movant and [drawing] all justifiable inferences . . . in its favor.” *Lloyd’s Food Prods., Inc. v. Eli’s, Inc.*, 25 U.S.P.Q.2d 2027, 2029, 987 F.2d 766, 767 (Fed. Cir. 1993) (citation

³ In any event, Amazon’s standing and priority cannot be reasonably disputed in light of Amazon’s pleaded registrations and pending applications to register marks comprising or containing RING for virtually identical goods. *See* 1 TTABVue 38-81 (¶ 3) & Exh. 1; 15 U.S.C. §§ 1052(d); *Cunningham v. Laser Golf Corp.*, 55 U.S.P.Q.2d 1842, 1844, 222 F.3d 943, 945-46 (Fed. Cir. 2000) (standing requirement satisfied by the pleaded “registrations and the products sold under the mark” in conjunction with claims under Section 2(d)).

omitted). This necessarily means that “there need not be a conflict in the evidence of the underlying facts to preclude summary judgment.” *Olde Tyme Foods, Inc. v. Roundy’s, Inc.*, 22 U.S.P.Q.2d 1542, 1544, 961 F.2d 200, 202 (Fed. Cir. 1992). “[O]pposing factual inferences may arise from the same set of undisputed . . . facts, [and] the Board must draw all reasonable inferences in favor of the nonmovant.” *Id.* at 1544, 961 F.2d at 202; *see also Galaxy Metal Gear, Inc. v. Direct Access Techs., Inc.*, No. 91184213, 2009 WL 9294896, at *4 (T.T.A.B. May 15, 2009) (nonprecedential) (denying summary judgment after drawing all reasonable inferences in favor of the nonmovant because “opposing factual inferences may arise from the same set of undisputed [material] facts”).

As the party moving for summary judgment, Applicant bears the burden of demonstrating “the absence of any genuine dispute of material fact,” and this “burden is *greater than the evidentiary burden at trial*.” TBMP § 528.01 (emphasis added) (citing cases); *see Mars, Inc. v. PAGS Inc.*, No. 91221462, 2017 WL 3670329, at *2 (T.T.A.B. Mar. 30, 2017) (nonprecedential) (“[T]he standard of proof for summary judgment, the absence of a genuine dispute of any material fact, is more stringent than the preponderance of evidence standard for trial.”). Not surprisingly, given this “heavy burden on the movant,” the Board grants motions for summary judgment only “infrequently.” *See Express, LLC v. EXP613, LLC*, No. 91194918, 2013 WL 10925118, at *3 (T.T.A.B. July 16, 2013) (nonprecedential). The issue of likelihood of confusion in particular “is rarely susceptible to summary disposition.” *Melitta-Werke Bentz & Sohn KG v. Plastics, Inc.*, 201 U.S.P.Q. 607, 608 (T.T.A.B. 1978). Applicant cannot satisfy these requirements.

2. By Failing to Respond Timely to Amazon’s Requests for Admissions, Applicant Has Admitted Confusion Is Likely.

In evaluating likelihood of confusion under Section 2(d), the Board must consider, when of record, the thirteen factors set forth in *In re E. I. DuPont DeNemours & Co.*, 177 U.S.P.Q. 563, 567, 476 F.2d 1357, 1361 (C.C.P.A. 1973), although the Board may choose to “focus its analysis on dispositive factors, such as similarity of the marks and relatedness of the goods.” *Han Beauty, Inc. v. Alberto-Culver Co.*, 57 U.S.P.Q.2d 1557, 1559, 236 F.3d 1333, 1336 (Fed. Cir. 2001); *see also In re SL&E Training Stable, Inc.*, 88 U.S.P.Q.2d 1216, 1217 (T.T.A.B. 2008) (“In any likelihood of confusion analysis, two key considerations are the similarities between the marks and the similarities between the goods.”).

In his Motion, Applicant asserts there is no genuine issue of material fact as to the following six *DuPont* factors:

- (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
- (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
- (3) The similarity or dissimilarity of established, likely-to-continue trade channels.
- ...
- (6) The number and nature of similar marks in use on similar goods.
- (7) The nature and extent of any actual confusion.
- (8) The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.

See DuPont, 177 U.S.P.Q. at 567, 476 F.2d at 1361.

Under Federal Rule of Civil Procedure 36, “a requested admission is deemed admitted unless a written answer or objection is provided to the requesting party within thirty days after

service of the request, or within such time as the parties agree to in writing.” TBMP § 407.03(a). “If a party on which requests for admission have been served fails to timely respond thereto, the requests will stand admitted by operation of law.” *Id.*; Fed. R. Civ. P. 36(b).

Amazon requested that Applicant admit, *inter alia*, that:

- Applicant’s Mark is highly similar to Opposer’s Marks in overall commercial impression.
- Applicant’s Mark is highly similar to Opposer’s Marks in connotation.
- Applicant’s Mark is highly similar to Opposer’s Marks in appearance.
- Applicant’s Mark is highly similar to Opposer’s Marks in sound.
- Applicant’s Goods and Services are similar to Opposer’s Goods and Services.
- Applicant’s Goods and Services are highly related to Opposer’s Goods and Services.
- Opposer’s Marks were well known by consumers in the United States prior to the constructive first use date of Applicant’s Mark.
- Applicant developed Applicant’s Mark with the intention of creating confusion with Opposer’s Marks.
- Applicant developed Applicant’s Mark with the intention of creating an association with Opposer.
- Applicant’s Goods and Services on the one hand, and Opposer’s Goods and Services on the other hand, are likely to be purchased under substantially the same conditions.
- Consumers familiar with Opposer’s Marks are likely to incorrectly assume that Opposer is the origin of Applicant’s Goods and Services.
- Applicant’s use of Applicant’s Mark is likely to cause consumers familiar with Opposer’s Marks to incorrectly assume that Applicant’s use is licensed or otherwise endorsed by Opposer.
- Applicant’s use of Applicant’s Mark has caused a substantial number of consumers to incorrectly assume that Applicant’s use is licensed or otherwise endorsed by Opposer.
- Applicant’s Goods and Services and Opposer’s Goods and Services are made available to consumers through the same Channels of Trade.
- Applicant’s Goods and Services and Opposer’s Goods and Services are sold to consumers through the same Channels of Trade.

- Applicant’s Goods and Services are marketed to Opposer’s consumers and potential consumers.
- Applicant’s Mark is confusingly similar to Opposer’s Marks.

Varas Decl. ¶ 3 & Ex. A at 18-19 (Requests for Admissions 1-17).

Applicant did not respond timely to any of those requests, nor did he request or receive an extension of his deadline to answer. *Id.* ¶ 3. Accordingly, Applicant is deemed to have admitted the foregoing facts as a matter of law for all purposes—including for purposes of this Motion. *See Fram Trak*, 77 U.S.P.Q.2d at 2005 (requests for admission “deemed admitted and conclusively established.”). Those facts being admitted as a matter of law, the first, second, third, fourth, fifth, and seventh *DuPont* factors favor Amazon as a matter of law.⁴ It necessarily follows that Applicant is not entitled to summary judgment. The Board’s analysis of Applicant’s motion should end here.

3. Genuine Issues of Material Fact Preclude Summary Judgment on the Issue of Likelihood of Confusion Notwithstanding Applicant’s Admissions.

Leaving aside Applicant’s dispositive admissions, the remaining evidence of record establishes that Applicant has not satisfied his burden as the party seeking summary judgment. In fact, as shown below and as Amazon expects to prove at trial, each of the *DuPont* factors strongly favors *Amazon*.

(a) The Board Could Reasonably Conclude that Applicant’s RINGCHAT Mark Is Confusingly Similar to Amazon’s RING Marks.

In weighing the similarity of the marks, the Board evaluates each mark’s “appearance, sound, connotation and commercial impression.” *DuPont*, 177 U.S.P.Q. at 567, 476 F.2d at 1361.

⁴ The fourth and fifth *DuPont* factors are: “The conditions under which and buyers to whom sales are made, i. e. ‘impulse’ vs. careful, sophisticated purchasing” and “The fame of the prior mark (sales, advertising, length of use).” *DuPont*, 177 U.S.P.Q. at 567, 476 F.2d at 1361.

It is well established that the marks need not be identical to support a finding of likely confusion. *Bridgestone Ams. Tire Operations, LLC v. Fed. Corp.*, 102 U.S.P.Q.2d 1061, 1064, 673 F.3d 1330, 1337 (Fed. Cir. 2012). In fact, where, as here, the parties’ “marks would appear on virtually identical goods . . . the degree of similarity necessary to support a conclusion of likely confusion declines.” *Century 21 Real Estate Corp. v. Century Life of Am.*, 23 U.S.P.Q.2d 1698, 1700, 970 F.2d 874, 877 (Fed. Cir. 1992); *see Bridgestone*, 102 U.S.P.Q.2d at 1065, 673 F.3d at 1337 (reversing denial of opposition and finding confusion between POTENZA and TURANZA, on the one hand, and MILANZA, on the other, “[i]n light of the identity of the goods [tires],” among other factors); *Bose Corp. v. QSC Audio Prods., Inc.*, 63 U.S.P.Q.2d 1303, 1311, 293 F.3d 1367, 1378 (Fed. Cir. 2002) (where Bose asserted its ACOUSTIC WAVE and WAVE marks for speakers, finding that “[w]hatever additional distinction may be introduced by the element of POWER in [Applicant’s] POWERWAVE mark is severely limited by the fact that the mark is applied to acoustic equipment, namely amplifiers”) (reversing denial of opposition).

While the Board must consider the parties’ marks in their entirety, the Federal Circuit repeatedly has emphasized that the Board is entirely “justified in examining each component of the [junior] mark . . . and the effect of that component on the issue of likelihood of confusion” *Cunningham*, 55 U.S.P.Q.2d at 1845, 222 F.3d at 947 (citing *In re Nat’l Data Corp.*, 224 U.S.P.Q. 749, 751, 753 F.2d 1056, 1058 (Fed. Cir. 1985)). Here, Applicant’s RINGCHAT mark incorporates Amazon’s registered RING mark in its entirety, merely adding the descriptive or generic term “CHAT,” which obviously refers to the messaging feature of Applicant’s goods. *See* Varas Decl. ¶ 10 & Ex. D (printout of *Chat*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/chat> (last visited on April 2, 2020) (defining “chat,” *inter alia*, as “online discussion in a chat room”)).

Descriptive components of marks are given less weight in the analysis of confusing similarity. *See Nat'l Data*, 224 U.S.P.Q. at 751, 753 F.2d at 1058 (“That a particular feature [of a mark] is descriptive or generic with respect to the involved goods or services is one commonly accepted rationale for giving less weight to a portion of a mark . . .”). Likewise here, the descriptive or generic nature of CHAT in Applicant’s mark should be given less weight than RING, its “dominant and distinguishing element.” *See Hewlett-Packard Co. v. Packard Press, Inc.*, 62 U.S.P.Q.2d 1001, 1004, 281 F.3d 1261, 1266 (Fed. Cir. 2002) (“Given the descriptive nature of the disclaimed word ‘Technologies,’ the Board correctly found that the word ‘Packard’ is the dominant and distinguishing element of PACKARD TECHNOLOGIES.”).

Given that the dominant feature of Applicant’s RINGCHAT mark is identical to Amazon’s RING mark and also contains the primary distinctive component of Amazon’s other RING Marks, the parties’ marks necessarily look similar, sound similar, and have similar meanings. *See Stone Lion Capital Partners, L.P. v. Lion Capital LLP*, 110 U.S.P.Q.2d 1157, 1161, 746 F.3d 1317, 1322 (Fed. Cir. 2014) (the Board properly “reasoned that ‘LION’ was ‘dominant’ in both parties’ marks,” properly “accord[ed] little weight to the adjective ‘STONE,’ on the ground that it did not ‘distinguish the marks in the context of the parties’ services,” and “did not err in finding that ‘STONE LION CAPITAL’ is ‘similar in sight, sound, meaning, and overall commercial impression’ to ‘LION CAPITAL’ and ‘LION’”); *Hewlett-Packard*, 62 U.S.P.Q.2d at 1004, 281 F.3d at 1266-67 (“[A]s the Board correctly noted, the dominant portion of Packard Press’s mark is identical to a prominent portion of HP’s HEWLETT PACKARD marks,” and accordingly, “[s]ubstantial evidence supports the Board’s finding that the marks are similar in their entireties.”).

The parties' marks also convey similar commercial impressions. First, the common element of the parties' marks—RING—is inherently distinctive for Amazon's smart home automation system, "and as such its presence in both parties' marks enhances the likelihood of confusion." *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 73 U.S.P.Q.2d 1689, 1693, 396 F.3d 1369, 1373 (Fed. Cir. 2005). Second, Applicant's addition of the descriptive or generic CHAT to Amazon's RING mark does nothing to differentiate the resulting combination. To the contrary, Applicant's combination of RING and CHAT actually *increases* the likelihood of confusion by suggesting Applicant's RINGCHAT messaging app is a new feature of Amazon's Ring® system that provides users with another avenue to communicate ("CHAT") with each other. *See Hewlett-Packard*, 62 U.S.P.Q.2d at 1004, 281 F.3d at 1266 ("[T]he inclusion of 'Technologies' [in Applicant's PACKARD TECHNOLOGIES mark] serves to increase, rather than decrease, the similarity in overall commercial impression" with Opposer's HEWLETT PACKARD mark because Opposer "is heavily involved in the technology field").

Applicant's entire argument on this point appears to be that "the terminology 'CHAT' is part of Applicant's mark but is absent from the 'RING' mark," making the parties' marks distinguishable in appearance, sound, and commercial impression *as a matter of law*. *See* 11 TTABVUE 8; *see also* Varas Decl. ¶ 7 & Ex. C at 4 ("None of Amazon's marks have the phrase "chat" in them. The phrase "chat" distinguishes the commercial impression, connotation, appearance, and sound of "RINGCHAT" from any of Amazon's trademarks.") (Response to Interrogatory 6). In support of this argument, Applicant does not rely on any evidence (other than the parties' marks themselves). Applicant cites only one *inter partes* case—*Conde Nast Pubs., Inc. v. Miss Quality, Inc.*, 184 U.S.P.Q. 422, 507 F.2d 1404 (C.C.P.A. 1975)). *See* 11 TTABVUE

8. That case was not decided on summary judgment. Moreover, in *Conde Nast* the junior mark, COUNTRY VOGUES, incorporated the plaintiff's mark VOGUE as *part* of the *second* word in a phrase that was visually, aurally and conceptually much farther from the plaintiff's VOGUE mark than RINGCHAT is from RING.

Given that Applicant's RINGCHAT mark merely adds the descriptive or generic term CHAT to Amazon's registered RING mark, Applicant's argument is unconvincing. Viewing the evidence "in a light favorable to [Amazon] and [drawing] all justifiable inferences . . . in its favor," *Lloyd's*, 25 U.S.P.Q.2d at 2029, 987 F.2d at 767, there is more than enough evidence for the Board to resolve this factor in Amazon's favor.

(b) The Board Could Reasonably Conclude that the Parties' Goods and Services Are Virtually Identical.

In weighing the similarity of the goods and services, the Board "compares the goods and services in the applicant's application with the goods and services in the opposer's registration." *Hewlett-Packard*, 62 U.S.P.Q.2d at 1004, 281 F.3d at 1267. The closer the relation, the greater the likelihood of confusion. Yet "[e]ven if the goods and services in question are not identical, the consuming public may perceive them as related enough to cause confusion about the source or origin of the goods and services." *Id.*

Here, the parties' goods and services as specified in their respective filings are virtually identical. The Application lists "Downloadable mobile applications for messaging and managing videos, photos, and messages on a social media website" in Class 9. *See* App. Ser. No. 88/141,998. Amazon's Registrations and Applications contain numerous references to software and apps (including the downloadable variety), mobile devices, messaging, videos, photos, and networks of users, as shown in the examples below:

<i>Mark(s)</i>	<i>Reg. or App. No(s).</i>	<i>Selected Goods and Services</i>
RING	5,676,741	Class 9: . . . computer software for sharing videos ; computer application software for sharing videos ; computer application software for mobile phones and other mobile devices, namely, software for sharing videos
RING ring	5,764,224 5,776,163	Class 38: . . . Electronic transmission and streaming of digital audio video content via global and local computer networks and computer application software
RING AMAZON RING RING BEAMS RING HALO RING NET	88/075,717 88/075,713 88/180,242 88/357,128 88/357,158	Class 9: . . . computer hardware and software for processing, reproducing, synchronizing, recording, organizing, downloading, uploading, transmitting, streaming, receiving, playing and viewing images, audio, video and data files . . . Class 38: . . . electronic transmission of data, audio, video and multimedia files ; transmission of messages, voice, data, video, and images through a global communications network; communications via fiber optic networks and wireless broadband; . . . video communication services, namely, electronic transmission of video clips . . . Class 42: . . . providing online non-downloadable software for recording, viewing, storing, sharing and analyzing online audio and video ; . . . electronic storage of electronic media, namely, images, text, audio, and video data ; providing an online non-downloadable internet-based application featuring technology enabling users to share videos ; providing an on-line network environment that features technology that enables users to share data ; providing temporary use of online non-downloadable software for recording, viewing, storing, sharing, and analyzing data . . .
ring	87/383,787	Class 42: . . . providing an online non-downloadable internet-based application featuring technology enabling users to share videos ; providing an on-line network environment that features technology that enables users to share data
RING HALO	87/509,619	Class 9: Computer software for sharing and posting videos, messages and comments ; computer application software for sharing and posting videos, messages and comments ; computer application software for mobile phones and other mobile devices, namely, software for sharing and posting videos, messages and comments Class 42: Providing an online non-downloadable internet-based application featuring technology enabling users to share and post videos, messages and comments ; providing an on-line network environment that features technology that enables users to post and share data
RING HALO	87/830,666	Class 38: Peer-to-peer network services , namely, electronic transmission of audio, video and other data among

<i>Mark(s)</i>	<i>Reg. or App. No(s).</i>	<i>Selected Goods and Services</i>
RINGNET	87/829,957	communications devices . . .
RING SPOTLIGHT	87/509,630	Class 9: . . . computer software for sharing and posting videos, messages and comments ; computer application software for sharing and posting videos, messages and comments ; computer application software for mobile phones and other mobile devices, namely, software for sharing and posting videos, messages and comments . . . Class 42: Providing an online non-downloadable internet-based application featuring technology enabling users to share and post videos, messages and comments ; providing an on-line network environment that features technology that enables users to post and share data
RING NEIGHBORHOODS	87/294,336	Class 9: Computer software for sharing videos ; computer application software for sharing videos ; computer application software for mobile phones and other mobile devices, namely, software for sharing videos Class 42: Providing an online application featuring technology enabling users to share videos ; Providing an on-line network environment that features technology that enables users to share data
NEIGHBORS BY RING	87/861,838	Class 9: Computer software for sharing videos ; computer application software for sharing videos ; computer application software for mobile phones and other mobile devices, namely, software for sharing videos ; all of the foregoing for the purpose of providing security for the protection of residential and commercial properties Class 42: Providing an online application featuring technology enabling users to share videos ; providing an on-line network environment that features technology that enables users to share data ; all of the foregoing for the purpose of providing security for the protection of residential and commercial properties
NEIGHBORS BY RING	87/924,989	Class 9: Downloadable software, namely, communications software for electronically posting and exchanging data, audio, video images and graphics via computer, mobile, wireless, telecommunications networks and downloadable computer software for processing images, graphics, audio and video data, and text ; software for sharing videos ; computer application software that allows users to post and share videos ; computer application software for mobile phones and other mobile devices, namely, software that allows users to post and share videos . . . Class 38: . . . electronic exchange of voice, data, audio, video, text and graphics accessible via computer and telecommunications networks; instant messaging services; web messaging; peer-to-peer photo sharing and video

<i>Mark(s)</i>	<i>Reg. or App. No(s).</i>	<i>Selected Goods and Services</i>
		<p>sharing services, namely, electronic transmission of digital photo files, videos, and audio visual content among users; . . . providing electronic bulletin board services; providing online forums for transmission of messages among computer users on topics of local interest and home security</p> <p>Class 42: Providing online, non-downloadable software, namely, communications software for electronically posting and exchanging data, audio, video images and graphics via computer, mobile, wireless, telecommunications networks; providing online, non-downloadable software for processing images, graphics, audio and video data, and text; providing online, non-downloadable software that allows users to post and share videos . . .</p>

See 1 TTABVUE 38-81 (¶ 3) & Ex. 1 (emphases added).

In his Motion, Applicant tries to sidestep the substantial identity between the parties’ recitations of software, apps, mobile devices, messaging, videos, and photos, arguing that this factor favors Applicant because none of Amazon’s Registrations and Applications include the precise phrase “social media.” See 11 TTABVUE 9; see also Varas Decl. ¶ 7 & Ex. C at 4 (“Akobong avers that his software is a social media application. Amazon has no asserted registrations in its Opposition that are for social media applications.”) (Response to Interrogatory 7). That argument fails. The numerous references in Amazon’s prior filings for “sharing and posting videos, messages and comments” via an online or “peer-to-peer” “network” featuring “technology that enables users to share data” as well as videos and photos (shown in bold above for easy reference), overlap directly with Applicant’s “Downloadable mobile applications for messaging and managing videos, photos, and messages on a social media website.”

Merriam-Webster’s online dictionary defines “social media” as “forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content

(such as videos).” See Varas Decl. ¶ 11 & Ex. E (printout of *Social Media*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/social%20media> (last visited on April 2, 2020)). Both the Application and Amazon’s Registrations and Applications recite this form of communication, giving the Board ample evidence to determine this factor favors Amazon.

(c) The Board Could Reasonably Conclude that the Parties’ Trade Channels Are Identical.

“[A]bsent restrictions in the application and registration, goods and services are presumed to travel in the same channels of trade to the same class of purchasers.” *Hewlett-Packard*, 62 U.S.P.Q.2d at 1005, 281 F.3d at 1268; see *In re i.am.symbolic, LLC*, 123 U.S.P.Q.2d 1744, 1750, 866 F.3d 1315, 1327 (Fed. Cir. 2017) (“In the absence of meaningful limitations in either the application or the cited registrations, the Board properly presumed that the goods travel through all usual channels of trade and are offered to all normal potential purchasers.”). Although Applicant, in his Answer, “generally and specifically denies” Amazon’s allegation that “there are no restrictions on trade channels” in the Application and “demands strict proof therefor,” see 1 TTABVUE 82 (¶ 13); 4 TTABVUE 4 (¶ 13), the Application on its face contains no such restrictions, which is more than sufficient for the Board to apply the presumption in weighing Applicant’s summary judgment motion.

Even in the absence of this presumption, however, the evidence conclusively establishes the parties’ goods and services travel in identical channels. Applicant has stated he “provides his social media application software through ‘App’ stores operated by companies like Apple and Google.” Varas Decl. ¶ 7 & Ex. C at 4-5 (Response to Interrogatory 10). While Applicant apparently assumes “that Amazon markets its ‘ring’ branded goods and services predominantly through its own website and app,” *id.*, in fact Amazon markets and distributes its RING app and its NEIGHBORS BY RING app on the Apple App Store and Google Play. See *id.* ¶ 12 & Ex. F.

Because the evidence of record indicates both parties offer their software and apps for mobile devices enabling users to send messages, videos, and photos under RING formative marks to the same class of customers through the same channels of trade, Amazon respectfully submits the first three *DuPont* factors *conclusively prove* confusion is likely here. That being the case, Applicant is obviously not entitled to summary judgment.

(d) The Board Could Reasonably Dismiss Applicant’s “Evidence” of Third Party Use as Having Little Probative Value.

Applicant has asked the Board to take judicial notice of 571 federal registrations of marks containing “RING” in Classes 6, 7, 9, 11, 12, 19, 21, 35, 37, 38, 41, 42, and 45, arguing “customers have been educated to distinguish between” those marks “on the basis of minute distinctions,” and therefore the differences between the parties’ marks “show no likelihood of [confusion]” as a matter of law. *See* 11 TTABVUE 3, 11.

To be sure, evidence of extensive third-party use of similar marks on similar products can, under some circumstances, “show that customers . . . ‘have been educated to distinguish between different . . . marks on the basis of minute distinctions.’” *Juice Generation, Inc. v. GS Enters. LLC*, 115 U.S.P.Q.2d 1671, 1675, 794 F.3d 1334, 1338 (Fed. Cir. 2015) (quoting 2 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 11:88 (4th ed. 2015)). Yet even if the Board took judicial notice of Applicant’s list (it should not, and Amazon objects to Applicant’s request for judicial notice⁵), that “evidence” would not be probative of the commercial strength of Amazon’s RING Marks. Among its other defects, Applicant’s list is overbroad—encompassing such marks as RING OF HONOR (Reg. No. 3,393,156) for

⁵ *See In re Duofold Inc.*, 184 U.S.P.Q. 638, 640 (T.T.A.B. 1974) (“It should be noted first that the Board does not take judicial notice of registrations that reside in the Patent Office, and that the submission of a list of registrations is insufficient to make them of record [I]f applicant desired to have the Board consider these registrations in this proceeding, copies of these registrations should have been proffered.”).

“[p]roviding facilities for sports exhibitions” (#156), RING OF FIRE (Reg. No. 4,463,474) for “specially designed flashlights for mounting to firearms” (#300), and RINGS OF SATURN (Reg. No. 5,291,221) for “game software for gaming machines, namely, slot machines and video lottery terminals” (#471). *See* 11 TTABVUE 21, 24, 29; Varas Decl. ¶ 13 & Ex. G. These and other disparate goods and services have nothing to do with Amazon’s *or* Applicant’s goods or services, making them irrelevant to consumer perception of Amazon’s RING Marks. *See Century 21*, 23 U.S.P.Q.2d at 1701, 970 F.2d at 877-78 (“The relevant *du Pont* inquiry is ‘[t]he number and nature of similar marks in use *on similar goods*.’ It is less relevant that ‘Century’ is used on unrelated goods or services” (citation omitted)).

Applicant’s list of registrations falls so far short of the evidence required under the sixth *DuPont* factor that it favors *Amazon* rather than Applicant. *See i.am.symbolic, LLC*, 123 U.S.P.Q.2d at 1751-52, 866 F.3d at 1328-29 (emphasis added); *see also Century 21*, 23 U.S.P.Q.2d at 1701, 970 F.2d at 877-78 (“The paucity of service marks containing ‘Century’ in businesses similar to insurance suggests that CENTURY 21 is indeed a unique mark for insurance services. This factor again magnifies the likelihood of confusion.”). Thus, this factor, too, favors Amazon.

(e) The Board Could Reasonably Conclude that Applicant’s Declaration Testimony Concerning Actual Confusion Is Not Probative of Likely Confusion.

Applicant argues his use of the RINGCHAT mark “for over a year without any actual confusion . . . favors summary judgment in [his] favor” under the seventh and eighth *DuPont* factors. 11 TTABVUE 11. Applicant has not submitted any evidence to support this argument except for his own declaration that he has “never had anyone contact me about any confusion between my application software and any other supplier of services” since his first use in January 2019—i.e., just over a year ago. *Id.* at 16 (¶¶ 2, 5).

The applicable test, of course, “is likelihood of confusion not actual confusion,” and “[i]t is unnecessary to show actual confusion in establishing likelihood of confusion.” *Weiss Assocs., Inc. v. HRL Assocs., Inc.*, 14 U.S.P.Q.2d 1840, 1842-43, 902 F.2d 1546, 1549 (Fed. Cir. 1990). Further, in *In re Majestic Distilling Co.*, 65 U.S.P.Q.2d 1201, 315 F.3d 1311 (Fed. Cir. 2003), the Board held that “uncorroborated statements of no known instances of actual confusion are of little evidentiary value” under the seventh *DuPont* factor. *Id.* at 1205, 315 F.3d at 1317. “A showing of actual confusion would of course be highly probative, if not conclusive, of a high likelihood of confusion. The opposite is not true, however. The lack of evidence of actual confusion carries little weight” *Id.* at 1205, 315 F.3d at 1317 (citation omitted).

As for the eighth *DuPont* factor, while two parties’ concurrent use of their marks for a long period of time without evidence of actual confusion can under some circumstances suggest that confusion is unlikely, *see, e.g., In re Guild Mortg. Co.*, 912 F.3d 1376, 1379, 1381 (Fed. Cir. 2019) (“over 40 years”), “[t]he absence of any reported instances of confusion is meaningful only if the record indicates *appreciable and continuous use* by applicant of its mark *for a significant period of time* in the same markets as those served by opposer under its marks.” *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 94 U.S.P.Q.2d 1645, 1660 (T.T.A.B. 2010) (emphases added). “In other words, for the absence of actual confusion to be probative, there must have been a reasonable opportunity for confusion to have occurred.” *Id.*; *see 4 McCarthy, supra*, § 23:18 (“For the lack of evidence of actual confusion to have significant probative value, there must have been a reasonable opportunity for confusion to have occurred.”) (citing cases).

Here, Amazon’s and Applicant’s uses have coexisted for at most fourteen months and the extent of this coexistence is miniscule, as Applicant’s RINGCHAT application software has only been downloaded some “3,000 times” and has only “600 active users.” 11 TTABVUE 16 (¶¶ 3,

4). This evidence does not suffice to show the coexistence required to prove confusion is likely, much less as a matter of law. *See Guthrie Healthcare Sys. v. ContextMedia, Inc.*, 826 F.3d 27, 44 (2d Cir. 2016) (“[T]he absence of evidence of actual confusion does not necessarily prove anything, especially when there has been neither long nor significant experience of the two trademarks operating side-by-side in the same market.”); *Borinquen Biscuit Corp. v. M.V. Trading Corp.*, 78 U.S.P.Q.2d 1454, 1461, 443 F.3d 112, 121 (1st Cir. 2006) (finding coexistence of “just over a year” was “no protracted period of product coexistence”). This factor also favors Amazon.

(f) Any Doubt Must Be Resolved Against Applicant.

Far from supporting summary judgment for Applicant, the record in this case suggests that Applicant’s mark is likely to cause confusion: Applicant adopted and seeks to register RINGCHAT for an app enabling users to share videos, photos, and messages, notwithstanding Amazon’s prior registration and use of numerous RING formative marks for virtually identical goods and services. *See Han Beauty*, 57 U.S.P.Q.2d at 1560-61, 236 F.3d at 1336-38 (affirming the Board’s finding of likely confusion between Applicant’s TREVIVE mark and Opposer’s TRES family of marks, both for hair care products, where the evidence of third party usage was of “minimal” probative value, and the record “contain[ed] no evidence of actual confusion”). On this record, a finding the confusion is not likely as a matter of law would be clear error.

Even if there were room for doubt as to whether Applicant is entitled to summary judgment (there is not), the Federal Circuit specifically has instructed the Board to resolve “all doubt as to whether confusion, mistake, or deception is likely . . . to be resolved against the newcomer.” *Specialty Brands, Inc. v. Coffee Bean Distribs., Inc.*, 223 U.S.P.Q. 1281, 1285, 748 F.2d 669, 676 (Fed. Cir. 1984). This “well settled” rule is grounded in equity: “[T]he field from which trademarks can be selected is unlimited,” which means the only reason for a newcomer to

“approach[] the well-known trademark of a competitor” is to “gain[] advantage from the wide reputation established by [that competitor] in the goods bearing its mark.” *Id.* (citation omitted).

Here, out of all the possible trademarks in the world, Applicant decided to call his app “RINGCHAT,” which is likely to confuse consumers as to whether Applicant’s app is part of the Ring® smart home automation system, which already includes Amazon’s RING app and NEIGHBORS BY RING app—both of which reach consumers via Applicant’s channels of trade. By seeking summary judgment, Applicant bears the heavy burden of proving there are no genuine issues of disputed fact as to whether confusion is likely. Given that likelihood of confusion “is rarely susceptible to summary disposition,” *Melitta-Werke Bentz & Sohn*, 201 U.S.P.Q. at 608, this would be a daunting task for any applicant—but this Applicant’s failure to sustain this heavy burden is particularly evident.

V. CONCLUSION

For the foregoing reasons, Amazon respectfully asks the Board to deny Applicant’s Motion for Summary Judgment so the case may proceed to trial.

Dated: April 10, 2020

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By: *Christopher T. Varas*

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*Attorney for Opposer
Amazon Technologies, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2020, I served the foregoing **AMAZON’S MEMORANDUM IN OPPOSITION TO APPLICANT’S MOTION FOR SUMMARY JUDGMENT** on counsel for Applicant via electronic mail to the following email addresses:

djensen@jensenjustice.com
dalerjensen@gmail.com

By: *Christopher T. Varas*
Christopher T. Varas

CERTIFICATE OF TRANSMITTAL

I hereby certify that the foregoing **AMAZON’S MEMORANDUM IN OPPOSITION TO APPLICANT’S MOTION FOR SUMMARY JUDGMENT** is being filed electronically with the Trademark Trial and Appeal Board, via ESTTA, on this 10th day of April, 2020.

By: *Christopher T. Varas*
Christopher T. Varas

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

In re Application Serial No.: 88/141,998
Mark: RINGCHAT
Filing Date: October 3, 2018
Publication Date: May 14, 2019

AMAZON TECHNOLOGIES, INC.,

Opposer,

v.

CLOVIS AKOBONG,

Applicant.

Opposition No. 91248784

**DECLARATION OF CHRISTOPHER VARAS IN OPPOSITION
TO APPLICANT’S MOTION FOR SUMMARY JUDGMENT**

I, Christopher Varas, declare as follows:

1. I am a partner with the law firm of Kilpatrick Townsend & Stockton LLP, counsel of record for Opposer Amazon Technologies, Inc. (“Amazon”) in this matter. I am over the age of 18. Except as to those matters stated on information and belief, I have personal knowledge of the matters set forth below and would testify thereto competently if called upon to do so.

2. Amazon filed this action on June 12, 2019, and Applicant Clovis Akobong (“Applicant”) answered on July 22, 2019. The parties served their initial disclosures on September 20, 2019.

3. On October 9, 2019, Amazon served Applicant with a set of discovery requests including interrogatories, document requests, and requests for admissions. True and correct copies of those discovery requests are attached as **Exhibit A**.

4. Applicant's deadline to respond to Amazon's discovery requests was November 8, 2019. Applicant did not serve timely objections or responses to any of Amazon's requests, nor did Applicant request an extension of time to serve objections or responses.

5. Attached as **Exhibit B** is a true and correct copy of an email thread including correspondence between myself and Applicant's counsel on November 18 and 19, 2019.

6. Applicant's counsel did not notify my office that he had resumed his representation of Applicant until February 6, 2020, when he filed and served his Notice of Reappearance along with Applicant's untimely responses to Amazon's discovery requests and Applicant's Motion for Summary Judgment.

7. True and correct copies of Applicant's untimely responses to Amazon's Interrogatories 6, 7, and 10 are attached as **Exhibit C**.

8. On March 11, 2020, Applicant refiled his Motion for Summary Judgment, again without contacting my office.

9. Applicant has never requested an extension of his deadline to serve responses to any of Amazon's discovery requests, nor has Amazon ever granted any such extension.

10. Attached as **Exhibit D** is a true and correct copy of the relevant portion of *Chat*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/chat> (last visited on April 2, 2020).

11. Attached as **Exhibit E** is a true and correct copy of the relevant portion of *Social Media*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/social%20media> (last visited on April 1, 2020).

12. Attached as **Exhibit F** are true and correct screen captures of the Apple App Store and Google Play Store profiles for Amazon’s RING and NEIGHBORS BY RING mobile applications, taken on March 18, 2020.

13. Attached as **Exhibit G** are true and correct printouts from the United States Patent and Trademark Office’s electronic TSDR database showing the current status and title for United States Registration Nos. 3,393,156 (RING OF HONOR), 4,463,474 (RING OF FIRE), and 5,291,221 (RINGS OF SATURN).

14. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 10th day of April, 2020, at Seattle, Washington.

/Christopher T. Varas/
Christopher T. Varas

EXHIBIT A

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

AMAZON TECHNOLOGIES, INC.

Opposer,

vs.

CLOVIS AKOBONG

Applicant.

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Mark: RINGCHAT

- Serial No. 88141998

- Published May 14, 2019

Opposition No. 91248784

OPPOSER’S FIRST SET OF INTERROGATORIES TO APPLICANT

Pursuant to 37 C.F. R. § 2.116 and 2.120 and Rule 33 of the Federal Rules of Civil Procedure, Opposer Amazon Technologies, Inc. requests that Applicant Clovis Akobong answer the following Interrogatories under oath within thirty (30) days of service hereof.

DEFINITIONS

- A. “Opposer” refers to Amazon Technologies, Inc.
- B. “Opposer’s Marks” shall refer individually and collectively to the common law rights of Opposer and its predecessors Ring, LLC and Bot Home Automation, Inc. in the mark RING and the following U.S. registrations and pending applications for marks comprising or containing the term RING: Reg. Nos. 4,724,984, 5,135,694, 5,289,328, 5,277,105, 5,676,741, 5,764,224, 5,728,487, 5,776,163 5,808,247, 5,789,427 and 5,782,999; and Ser. Nos. 88/075,717, 88/075,713, 87/383,787, 87/630,850, 86/827,797, 87/000,058, 87/513,369, 88/180,242, 87/509,619, 87/830,666, 87/509,630, 87/294,336, 87/924,989, 88/357,158 and 87/829,957.
- C. “Opposer’s Goods and Services” shall refer individually and collectively to all goods and services offered, sold, or promoted under or in connection with Opposer’s Marks.

D. “Applicant” refers to Clovis Akobong and any employee or agent acting on behalf of Mr. Akobong.

E. The “Application” refers to U.S. trademark application Serial No. 88/141,998.

F. “Applicant’s Mark” refers to the mark RINGCHAT, which is the subject of the Application.

G. “Applicant’s Goods and Services” shall refer individually and collectively to all goods and services offered, sold, or promoted, or intended to be offered, sold, or promoted, in connection with Applicant’s Mark, including, but not limited to, the goods identified in the Application.

H. “You” or “Your” shall refer to Applicant as defined in Paragraph D above.

I. “Documents” includes “things” and is defined in the broadest sense permitted by the Federal Rules of Civil Procedure, including, without limitation, written documents, audio or video recordings, and computer data. “Documents” includes each writing or record not identical to the original.

J. “Person” means any individual, firm, partnership, corporation, proprietorship, association, governmental body, or any other organization or entity.

K. “Third Party” means any Person except Opposer, Applicant, and Opposer’s predecessors Ring LLC and Bot Home Automation, Inc.

L. “Identify” or “specify,” when used in reference to a Person who is an individual, means to state his or her full name, current or last known address and phone number, and current or last known position or business affiliation.

M. “Identify” or “specify,” when used in reference to a Person who is a firm, partnership, corporation, proprietorship, association, governmental body, or any other organization

or entity, means to state its full name, the type of legal entity it is, its current or last known address and phone number, and the identity of its chief executive officer, partners, or Persons in equivalent positions.

N. “Agreement” refers to any license, assignment, settlement, or other agreement of any kind, whether written or oral.

O. “Channels of Trade” means the areas of commerce where, and the means by which, goods or services are marketed, sold, or are intended to be marketed or sold. Channels of Trade include, but are not limited to, the sales agents, dealerships, distributors, websites, mobile applications, online platforms, or other outlets through which any goods or services are, have been, or are intended to be marketed or sold.

P. The term “concerning” shall be interpreted broadly and shall mean, without limitation, relating to, regarding, referring to, constituting, defining, discussing, containing, construing, embodying, evidencing, supporting, refuting, reflecting, stating, dealing with, prepared in contemplation of, prepared in connection with, prepared as a result of, or in any way pertaining to.

Q. The term “including” shall mean “including, without limitation.”

R. The singular and the plural shall be mutually interchangeable, and usage of words either in the singular or plural shall not be construed to limit any Interrogatory or Request.

S. The conjunctive form “and” and the disjunctive form “or” shall be mutually interchangeable and shall not be construed to limit any Interrogatory or Request.

T. The terms “any” and “all” shall be mutually interchangeable and shall not be construed to limit any Interrogatory or Request.

INSTRUCTIONS

A. If You refuse to answer any Interrogatory in whole or in part based on a claim that any privilege applies to the information sought, state the privilege and describe the factual basis for Your claim of privilege with such specificity as will permit Opposer to determine the legal sufficiency of the claim of privilege.

B. Each paragraph hereof and the definitions herein are to be construed independently, and not by or with reference to any other paragraph or subparagraph or definition herein if such construction would limit the scope of any particular Interrogatory or the subject matter thereof.

C. If any of these Interrogatories cannot be answered in full, You are to answer to the fullest extent possible, specifying the reason for Your inability to answer the remainder, and stating what information, knowledge, or belief You have concerning the unanswered portion.

D. These Interrogatories shall be deemed to be continuing. You are under a duty to supplement, correct, or amend Your response to any of these Interrogatories if You learn that any response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to Opposer during the discovery process or in writing.

INTERROGATORIES

1. Describe in detail when, where, and how You have used Applicant's Mark, including the date of Your first use of Applicant's Mark in connection with each of Applicant's Goods and Services.

2. Identify the actual geographical areas in which You have advertised or intend to advertise Applicant's Goods and Services.

3. Identify the actual geographical areas in which You have sold Applicant's Goods and Services.

4. Identify the Channels of Trade through which You have offered or intend to offer Applicant's Goods and Services.

5. Identify the typical or target customers of Applicant's Goods and Services.

6. Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 11 of the Notice of Opposition that "Applicant's RINGCHAT mark is highly similar to Opposer's RING Marks in overall commercial impression, connotation, appearance, and sound."

7. Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 12 of the Notice of Opposition that "[t]he goods covered under Applicant's Application are similar to or highly related to Opposer's Goods and Services."

8. Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 13 that "[c]onsumers familiar with the RING Marks will incorrectly assume that Amazon is the origin of Applicant's goods, or that Applicant's use of Applicant's Mark is somehow licensed or otherwise endorsed by Amazon, when it is not."

9. Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 14 of the Notice of Opposition that "[i]n the Application herein opposed, there are no restrictions on trade channels."

10. Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 15 of the Notice of Opposition that "the goods recited in the Application and Opposer's Goods and Services sold under the RING Marks are intended to be marketed or will be

marketed to overlapping classes of consumers and potential consumers and through overlapping or related channels of trade.”

11. Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 16 of the Notice of Opposition that “Applicant’s use and registration of Applicant’s Mark in connection with the goods identified in the Application are likely to cause consumers to become confused, mistaken, or deceived and to falsely suggest a connection with Amazon and/or the RING Marks, within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).”

12. Identify all facts supporting or otherwise concerning Your averment in paragraph 9 of Applicant’s Answer to Notice of Opposition that Applicant’s mark “is different from any of Amazon’s very weak trademarks.”

13. Identify all facts supporting or otherwise concerning Your assertion in paragraph 18 of Applicant’s Answer to Notice of Opposition that “Amazon is asking the USPTO to grant it exclusive use of the word “ring” in any and all classes of commerce.”

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14. Describe in detail the circumstances by which You first became aware of use of Opposer's Marks, including, but not limited to, the date upon which You first became aware of such use.

Date: October 9, 2019

AMAZON TECHNOLOGIES, INC.

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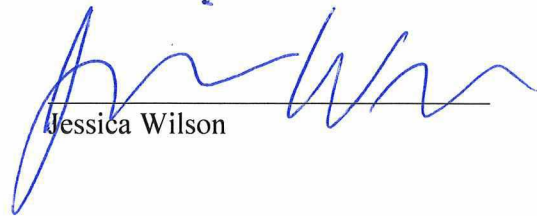
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2019, I served the foregoing **OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT** on the parties in said action by email service as follows:

djensen@dalejensenlaw.com
dalerjensen@gmail.com

Date: October 9, 2019



Jessica Wilson

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

AMAZON TECHNOLOGIES, INC.

Opposer,

vs.

CLOVIS AKOBONG

Applicant.

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Mark: RINGCHAT

- Serial No. 88141998

- Published May 14, 2019

Opposition No. 91248784

**OPPOSER'S FIRST REQUESTS FOR PRODUCTION
OF DOCUMENTS AND THINGS TO APPLICANT**

Pursuant to 37 C.F. R. § 2.116 and 2.120 and Rule 34 of the Federal Rules of Civil Procedure, Opposer Amazon Technologies, Inc. requests that Applicant Clovis Akobong answer the following Requests for Production of Documents and Things and produce the requested documents at the office of Kilpatrick Townsend & Stockton LLP, 1420 Fifth Avenue, Suite 3700, Seattle, Washington 98101, within thirty (30) days of service hereof, or such other time and place as may be agreed upon by Opposer and Applicant.

DEFINITIONS

Opposer incorporates by reference, as if set forth fully herein, the Definitions in Opposer's First Set of Interrogatories to Applicant, served contemporaneously herewith.

INSTRUCTIONS

A. Documents should be produced as they are kept in the usual course of business or organized and labeled to correspond with the numbered categories of these Requests.

B. With respect to any document withheld from production upon a claim of privilege, state for each such document:

- i. the type of document;
- ii. the date of the document;
- iii. the name, address, and job title of the author of the document or the Person making the communication;
- iv. the name, address, and job title of each Person who received the communication or a copy of the document for purposes of permitting Opposer to evaluate the privilege claimed;
- vi. a brief summary of the subject matter of the document; and
- vii. the present whereabouts of the document and name, address, and title of the custodian thereof.

C. These Requests shall be deemed to be continuing. You are under a duty to supplement, correct, or amend Your response to any of these Requests if You learn that any response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to Opposer during the discovery process or in writing. If after producing documents, You become aware of documents responsive to these Requests, such documents shall be produced whether such documents were newly discovered, newly created, or otherwise.

REQUESTS

1. Documents concerning Your creation, selection, and adoption of Applicant's Mark, including but not limited to any trademark searches.

2. Documents sufficient to show Your use of Applicant's Mark.

3. Documents sufficient to identify any applications filed by You or on Your behalf to register any name, mark, or designation which consists of or incorporates the term "RING," including, but not limited to, the mark that is the subject of U.S. Trademark Application Serial No. 88/141,998.

4. A representative sample or Documents sufficient to show each product or service You have sold, offered for sale or advertised under Applicant's Mark and documents sufficient to identify the methods by which each such product or service has been sold, offered for sale or advertised.

5. Documents sufficient to enable Opposer to view the contents of any websites that have included use of Applicant's Mark from the date Applicant's Mark first appeared on any such websites to the present.

6. Documents sufficient to show the Channels of Trade through which You have marketed or sold Applicant's Goods and Services including, but not limited to, documents sufficient to identify the distributors or online outlets (e.g., websites, mobile applications, and online platforms) through which Applicant's Goods and Services have been sold, advertised, or otherwise offered.

7. All marketing materials depicting Applicant's Mark.

8. Documents sufficient to show the actual or intended purchasers or end users, of Applicant's Goods and Services.

9. Documents sufficient to demonstrate the first use of Applicant's Mark in connection with each of Applicant's Goods and Services.

10. Documents sufficient to demonstrate the use of Applicant's Mark in connection with each of Applicant's Goods and Services from the date of first use of Applicant's Mark to the present.

11. Documents sufficient to show each type of advertising medium or promotional means You have used to promote Applicant's Goods and Services.

12. Documents supporting, refuting, or otherwise concerning Your denial of the allegation in paragraph 11 of the Notice of Opposition that "Applicant's RINGCHAT mark is highly similar to Opposer's RING Marks in overall commercial impression, connotation, appearance, and sound."

13. Documents supporting, refuting, or otherwise concerning Your denial of the allegation in paragraph 12 of the Notice of Opposition that "[t]he goods covered under Applicant's Application are similar to or highly related to Opposer's Goods and Services."

14. Documents supporting, refuting, or otherwise concerning Your denial of the allegation in paragraph 13 of the Notice of Opposition that "the goods recited in the Application and Opposer's Goods and Services sold under the RING Marks are intended to be marketed or will be marketed to overlapping classes of consumers and potential consumers and through overlapping or related channels of trade."

15. Documents supporting, refuting, or otherwise concerning Your denial of the allegation in paragraph 14 that "there are no restrictions on trade channels."

16. Documents supporting, refuting, or otherwise concerning Your denial of the allegation in paragraph 15 that "the goods recited in the Application and Opposer's Goods and

Services sold under the RING Marks are intended to be marketed or will be marketed to overlapping classes of consumers and potential consumers and through overlapping or related channels of trade.”

17. Documents supporting, refuting, or otherwise concerning Your denial of the allegation in paragraph 16 that “Applicant’s use and registration of Applicant’s Mark in connection with the goods identified in the Application are likely to cause consumers to become confused, mistaken, or deceived and to falsely suggest a connection with Amazon and/or the RING Marks, within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).”

18. Documents supporting, refuting, or otherwise concerning Your averment in paragraph 9 of Applicant’s Answer to Notice of Opposition that Applicant’s mark “is different from any of Amazon’s very weak trademarks.”

19. Documents supporting, refuting, or otherwise concerning Your assertion in paragraph 18 of Applicant’s Answer to Notice of Opposition that “Amazon is asking the USPTO to grant it exclusive use of the word “ring” in any and all classes of commerce.”

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20. Documents referred to or relied on in responding to Opposer's First Set of Interrogatories served contemporaneously herewith.

Date: October 9, 2019

AMAZON TECHNOLOGIES, INC.

/Christopher T. Varas/
Christopher T. Varas
Daniel B. Englander
Kilpatrick Townsend & Stockton, LLP
1420 Fifth Avenue, Suite 3700
Seattle, WA 98101
Phone: 206-516-3088
Facsimile: 206-623-6793
cvaras@kilpatricktownsend.com
denglander@kilpatricktownsend.com

Brittany Knutson
Kilpatrick Townsend & Stockton, LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
Phone: 202-508-5800
Facsimile: 202-508-5858
bknutson@kilpatricktownsend.com

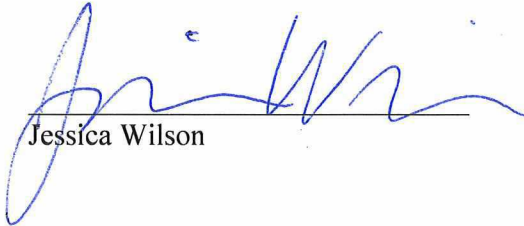
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2019, I served the foregoing **OPPOSER'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT** on the parties in said action by email service as follows:

djensen@dalejensenlaw.com
dalerjensen@gmail.com

Date: October 9, 2019



Jessica Wilson

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

AMAZON TECHNOLOGIES, INC.

Opposer,

vs.

CLOVIS AKOBONG

Applicant.

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§

Mark: RINGCHAT

- Serial No. 88141998

- Published May 14, 2019

Opposition No. 91248784

OPPOSER’S FIRST REQUESTS FOR ADMISSION TO APPLICANT

Pursuant to 37 C.F.R. § 2.116 and 2.120 and Rule 36 of the Federal Rules of Civil Procedure, Opposer Amazon Technologies, Inc. requests that Applicant Clovis Akobong admit the truth of the matters designated below within thirty (30) days of service hereof.

DEFINITIONS

Opposer incorporates by reference, as if set forth fully herein, the Definitions in Opposer’s First Set of Interrogatories to Applicant, served contemporaneously herewith.

INSTRUCTIONS

A. You are instructed to admit the truth of the following matters, or so much of the matter as is true, responding separately to each request. Pursuant to Rule 36(a)(4) of the Federal Rules of Civil Procedure and TMEP § 407.03(b), if a matter is not admitted, the answer must specifically deny the matter or state in detail why You cannot truthfully admit or deny the matter. If good faith requires that You qualify an answer or deny only a part of a matter, the answer must specify the part that is admitted and qualify or deny the rest. You may not give lack of information or knowledge as a reason for failure to admit or deny unless You state that You have made reasonable inquiry and the information known to or readily obtainable by You is

insufficient to enable You to admit or deny the matter.

B. These Requests shall be deemed to be continuing. You are under a duty to supplement, correct, or amend Your response to any of these Requests if You learn that any response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to Opposer during the discovery process or in writing.

REQUESTS

1. Admit that Applicant's Mark is highly similar to Opposer's Marks in overall commercial impression.
2. Admit that Applicant's Mark is highly similar to Opposer's Marks in connotation.
3. Admit that Applicant's Mark is highly similar to Opposer's Marks in appearance.
4. Admit that Applicant's Mark is highly similar to Opposer's Marks in sound.
5. Admit that Applicant's Goods and Services are similar to Opposer's Goods and Services.
6. Admit that Applicant's Goods and Services are highly related to Opposer's Goods and Services.
7. Admit that Opposer's Marks were well known by consumers in the United States prior to the constructive first use date of Applicant's Mark.
8. Admit that Applicant developed Applicant's Mark with the intention of creating confusion with Opposer's Marks.
9. Admit that Applicant developed Applicant's Mark with the intention of creating an association with Opposer.

10. Admit that Applicant's Goods and Services on the one hand, and Opposer's Goods and Services on the other hand, are likely to be purchased under substantially the same conditions.

11. Admit that consumers familiar with Opposer's Marks are likely to incorrectly assume that Opposer is the origin of Applicant's Goods and Services.

12. Admit that Applicant's use of Applicant's Mark is likely to cause consumers familiar with Opposer's Marks to incorrectly assume that Applicant's use is licensed or otherwise endorsed by Opposer.

13. Admit that Applicant's use of Applicant's Mark has caused a substantial number of consumers to incorrectly assume that Applicant's use is licensed or otherwise endorsed by Opposer.

14. Admit that Applicant's Goods and Services and Opposer's Goods and Services are made available to consumers through the same Channels of Trade.

15. Admit that Applicant's Goods and Services and Opposer's Goods and Services are sold to consumers through the same Channels of Trade.

16. Admit that Applicant's Goods and Services are marketed to Opposer's consumers and potential consumers.

17. Admit that Applicant's Mark is confusingly similar to Opposer's Marks.

18. Admit that Opposer has never explicitly given Applicant permission to use Opposer's Marks.

19. Admit that Opposer has never implicitly given Applicant permission to use Opposer's Marks.

20. Admit that Opposer has never explicitly given Applicant permission to register Applicant's Mark.

21. Admit that Opposer has never implicitly given Applicant permission to register Applicant's Mark.

Date: October 9, 2019

AMAZON TECHNOLOGIES, INC.

/Christopher T. Varas/
Christopher T. Varas
Daniel B. Englander
Kilpatrick Townsend & Stockton, LLP
1420 Fifth Avenue, Suite 3700
Seattle, WA 98101
Phone: 206-516-3088
Facsimile: 206-623-6793
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Brittany Knutson
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607 14th Street, NW, Suite 900
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Facsimile: 202-508-5858
bknutson@kilpatricktownsend.com

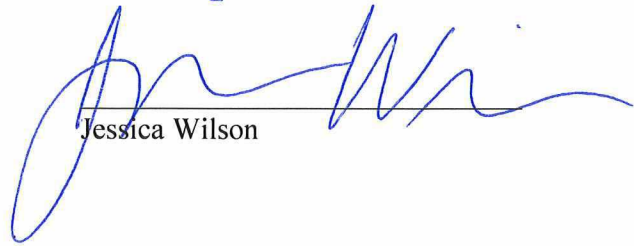
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2019, I served the foregoing **OPPOSER'S FIRST REQUESTS FOR ADMISSION TO APPLICANT** on the parties in said action by email service as follows:

djensen@dalejensenlaw.com
dalerjensen@gmail.com

Date: October 9, 2019



Jessica Wilson

EXHIBIT B

Varas, Christopher

From: Dale Jensen <dalerjensen@gmail.com>
Sent: Tuesday, November 19, 2019 4:15 AM
To: Varas, Christopher
Cc: KTS-RING; Wilson, Jessica; 1125572 - US:TM: OPP: V. CLOVIS AKOBONG ...
Subject: Re: Amazon Technologies, Inc.'s First Set of Discovery Requests to Clovis Akobong - TTAB Opposition No. 91248784 (RINGCHAT SN 88141998)

Chris,

I am going to move to withdraw from the case today over the referenced discovery and other issues. I have not been able to get any communications from my client in several weeks, which has made my continued representation untenable.

Kind Regards,

Dale

Dale R. Jensen, Attorney at Law
Dale Jensen, PLC
Main office:
606 Bull Run
Staunton, VA 24401
Charlottesville office:
2027 Woodbrook Ct, Suite 2027
Charlottesville, VA 22901
(434) 249-3874
(866) 372-0348 (fax)
djensen@dalejensenlaw.com

THIS E-MAIL MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE ADVISE BY RETURN E-MAIL AND DELETE IMMEDIATELY WITHOUT READING OR FORWARDING TO OTHERS.

On Nov 18, 2019, at 9:04 PM, Varas, Christopher <CVaras@kilpatricktownsend.com> wrote:

Dale,

I'm following up on the October 9, 2019 email below, which transmitted Amazon's first sets of discovery requests to your client Mr. Akobong. As you know, the deadline for Mr. Akobong to respond to Amazon's discovery requests was November 8, 2019. To date, we have received no response of any kind.

As a result of Mr. Akobong's failure to timely answer Amazon's requests for admissions, each of the requests is now deemed admitted. See TBMP 407.03; Fed. R. Civ. P. 36(a)(3). Please see below regarding Mr. Akobong's obligations with respect to Amazon's interrogatories and requests for production:

Interrogatories

As a result of Mr. Akobong's failure to timely respond to Amazon's First Set of Interrogatories, he has waived all objections to the merits of those requests and must provide complete responses to each of the Interrogatories. See TBMP § 405.04(a); Fed. R. Civ. P. 33(b)(4).

Requests for Production

As a result of Mr. Akobong's failure to timely respond to Amazon's First Set of Requests for Production, he has waived all objections to the merits of those requests. As to each request, Mr. Akobong must serve a written response stating: 1) that he will produce all responsive documents; or 2) that no responsive documents exist. He must also produce all of his responsive documents. See TBMP 406.04(c); Fed. R. Civ. P. 34(b)(2).

Please serve Mr. Akobong's written responses to the interrogatories and requests for production, and produce his responsive documents, no later than **November 25, 2019**. Mr. Akobong's failure to do so will leave Amazon no choice but to seek relief from the Board. Should you have any questions or require any clarification, please contact me.

Sincerely,
Chris Varas

Christopher T. Varas

Kilpatrick Townsend & Stockton LLP

Suite 3700 | 1420 Fifth Avenue | Seattle, WA 98101

office 206 516 3088 | fax 206 623 6793

cvaras@kilpatricktownsend.com | [My Profile](#) | [VCard](#)

From: Wilson, Jessica <JeWilson@kilpatricktownsend.com>

Sent: Wednesday, October 9, 2019 4:33 PM

To: djensen@dalejensenlaw.com; dalerjensen@gmail.com

Cc: Varas, Christopher <CVaras@kilpatricktownsend.com>; Knutson, Brittany <BKnutson@kilpatricktownsend.com>

Subject: Amazon Technologies, Inc.'s First Set of Discovery Requests to Clovis Akobong - TTAB Opposition No. 91248784 (RINGCHAT SN 88141998)

Dear Mr. Jensen:

Attached for service please find:

- Opposer's First Requests for Production of Documents and Things to Applicant;
- Opposer's First Requests for Admission to Applicant; and
- Opposer's First Set of Interrogatories to Applicant.

Thank you.

Sincerely,

Jessica Wilson

Assistant to Christopher Varas

<image001.png>

Jessica Wilson

Legal Secretary

Kilpatrick Townsend & Stockton LLP

Suite 3700 | 1420 Fifth Avenue | Seattle, WA 98101

Confidentiality Notice:

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This transmission, and any attachments, may contain confidential attorney-client privileged information and attorney work product. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. Please contact us immediately by return e-mail or at 404 815 6500, and destroy the original transmission and its attachments without reading or saving in any manner.

DISCLAIMER Per Treasury Department Circular 230: Any U.S. federal 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 (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

EXHIBIT C

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

AMAZON TECHNOLOGIES, INC.

Opposition No. 91248784

Opposer,

Serial No. 88141998

v.

Mark: RINGCHAT

CLOVIS AKOBONG

Applicant.

**CLOVIS AKOBONG’S RESPONSES TO THE FIRST SET OF INTERROGATORIES FROM
PLAINTIFF**

Applicant Clovis Akobong (“Akobong”) hereby responds to the First Set of Interrogatories (the “First Interrogatories”) propounded by the Opposer Amazon Technologies, Inc. (“Amazon”) as follows:

PRELIMINARY STATEMENT

Each of the following responses is made solely for the purpose of this action. Each response is subject to any and all objections to admissibility of any document or thing produced, including but not limited to the grounds of hearsay, relevance for trial, materiality, and objections under Federal Rules of Evidence (“FRE”) Rules 402-403. All substantive objections as to admissibility at trial are reserved and may be asserted at the time of trial. The responses are based upon information presently in Akobong’s possession or under its control. The fact that Akobong has responded to or objected to any specific interrogatory should not be taken as an admission that the interrogatory or response thereto constitutes admissible evidence.

No incidental or implied admissions are intended by the responses herein. The fact that Akobong has responded or objected to any request or part thereof is not intended as an admission that Akobong accepts the existence of any facts or information assumed by such request. The fact that Akobong has provided a response to a part or all of any request is not intended as a waiver by Akobong of any other objection to all or part of such request or any other request.

GENERAL OBJECTION

Akobong objects to the First Interrogatories to the extent it calls for information that is protected by a privilege, including, without limitation, the attorney-client and attorney work product privileges. In particular, without limitation, Akobong will not reveal any information or produce any documents containing any information communicated in confidence by or among Akobong and his attorneys or any such information or documents maintained in confidence by Akobong’s attorneys, including any documents that would disclose the mental impressions, conclusions, opinions, or legal theories of Akobong’s attorney(s) or other representative(s) concerning the litigation. Because the files of Akobong’s outside counsel virtually all contain either privileged attorney-client confidential communications or attorney work product, including the mental impressions, conclusions, opinions, or legal theories of Akobong’s attorney(s) or other representative(s) concerning the litigation that are privileged from discovery, Akobong will not search his counsel’s files for this purpose, as the possibility that any non-privileged documents that are relevant to any of the requests in the First Interrogatories and are not so privileged or otherwise objectionable is remote.

To the extent that any documents not maintained in counsel’s offices are sought that are privileged and/or protected attorney work product, Akobong will “describe the nature of the documents,

communications, or tangible things not produced or disclosed—and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” Fed. R. Civ. P. 26(b)(5)(A)(ii). To the extent that the First Interrogatories’ Instructions impose a greater requirement than what is required under the above Rule and related offer, Akobong objects as overbroad, unreasonable, burdensome and oppressive.

RESPONSES TO FIRST INTERROGATORIES

Subject to and without waiving the foregoing General Objection incorporated herein by this reference, Akobong specifically responds and/or objects to the individual interrogatories as follows:

INTERROGATORY 1:

Describe in detail when, where, and how You have used Applicant’s Mark, including the date of Your first use of Applicant’s Mark in connection with each of Applicant’s Goods and Services.

RESPONSE TO INTERROGATORY 1:

Akobong avers that he began selling application software for his RINGCHAT social media services in January 2019. Akobong offers downloads through Apple and Android stores. Over 3000 downloads have taken place to date. RINGCHAT has over 600 current users, each of which utilizes the trademarked software on a regular basis.

INTERROGATORY 2:

Identify the actual geographical areas in which You have advertised or intend to advertise Applicant’s Goods and Services.

RESPONSE TO INTERROGATORY 2:

Akobong offers his application software to users throughout the United States and worldwide. Akobong currently has subscribed users throughout the world.

INTERROGATORY 3:

Identify the actual geographical areas in which You have sold Applicant’s Goods and Services.

RESPONSE TO INTERROGATORY 3:

Akobong has a worldwide subscriber base.

INTERROGATORY 4:

Identify the Channels of Trade through which You have offered or intend to offer Applicant’s Goods and Services.

RESPONSE TO INTERROGATORY 4:

Akobong’s software is a social media “App” that is available through online Apple and Android stores for download to smartphones, tablets, and/or computers, etc.

INTERROGATORY 5:

Identify the typical or target customers of Applicant’s Goods and Services.

RESPONSE TO INTERROGATORY 5:

Akobong’s social media software is available and targeted to anyone desiring to share music, videos, and messages with others using the software.

INTERROGATORY 6:

Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 11

of the Notice of Opposition that “Applicant’s RINGCHAT mark is highly similar to Opposer’s RING Marks in overall commercial impression, connotation, appearance, and sound.”

RESPONSE TO INTERROGATORY 6:

Similarity depends upon many factors. None of Amazon’s marks have the phrase “chat” in them. The phrase “chat” distinguishes the commercial impression, connotation, appearance, and sound of “RINGCHAT” from any of Amazon’s trademarks. Moreover, even within the International Classes asserted by Amazon in its Opposition, there are 571 active registered trademarks that include the phrase “ring” that are owned by third parties. This huge number of marks that might otherwise be considered similar because of the word “ring” makes Amazon’s marks weak and its rights to assert those marks narrow. Such third-party use of similar marks shows that customers have been educated to distinguish between different marks on the basis of minute distinctions.

INTERROGATORY 7:

Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 12 of the Notice of Opposition that “[t]he goods covered under Applicant’s Application are similar to or highly related to Opposer’s Goods and Services.”

RESPONSE TO INTERROGATORY 7:

Akobong avers that his software is a social media application. Amazon has no asserted registrations in its Opposition that are for social media applications.

INTERROGATORY 8:

Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 13 that “[c]onsumers familiar with the RING Marks will incorrectly assume that Amazon is the origin of Applicant’s goods, or that Applicant’s use of Applicant’s Mark is somehow licensed or otherwise endorsed by Amazon, when it is not.”

RESPONSE TO INTERROGATORY 8:

See the above response to Interrogatory 6. Also, Akobong has been using his mark in commerce for social media application software for over a year and has never had anyone indicate any actual confusion with Amazon’s goods and/or services.

INTERROGATORY 9:

Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 14 of the Notice of Opposition that “[i]n the Application herein opposed, there are no restrictions on trade channels.”

RESPONSE TO INTERROGATORY 9:

As social media application software, the channels of commerce for RINGCHAT are inherently those such as “App” stores operated by such companies as Apple and Google.

INTERROGATORY 10:

Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 15 of the Notice of Opposition that “the goods recited in the Application and Opposer’s Goods and Services sold under the RING Marks are intended to be marketed or will be marketed to overlapping classes of consumers and potential consumers and through overlapping or related channels of trade.

RESPONSE TO INTERROGATORY 10:

Akobong avers that the allegation in the Notice of Opposition is unduly vague. Consequently, Akobong responds to this based upon his own interpretation of the allegation. Akobong provides his

social media application software through “App” stores operated by companies like Apple and Google. Akobong reasonably believes that Amazon markets its “ring” branded goods and services predominantly through its own website and app.

INTERROGATORY 11:

Identify all facts supporting or otherwise concerning Your denial of the allegation in paragraph 16 of the Notice of Opposition that “Applicant’s use and registration of Applicant’s Mark in connection with the goods identified in the Application are likely to cause consumers to become confused, mistaken, or deceived and to falsely suggest a connection with Amazon and/or the RING Marks, within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).”

RESPONSE TO INTERROGATORY 11:

See Akobong’s response to Interrogatory 8.

INTERROGATORY 12:

Identify all facts supporting or otherwise concerning Your averment in paragraph 9 of Applicant’s Answer to Notice of Opposition that Applicant’s mark “is different from any of Amazon’s very weak trademarks.”

RESPONSE TO INTERROGATORY 12:

See Akobong’s responses to Interrogatories 6 and 8.

INTERROGATORY 13:

Identify all facts supporting or otherwise concerning Your assertion in paragraph 18 of Applicant’s Answer to Notice of Opposition that “Amazon is asking the USPTO to grant it exclusive use of the word “ring” in any and all classes of commerce.”

RESPONSE TO INTERROGATORY 13:

Akobong avers that his RINGCHAT mark is different from any mark asserted by Amazon. This difference is more than sufficient given the widespread use of the phrase “ring” in hundreds of other marks in goods and/or services even in the classes within the scope of the Amazon registrations. In view of the huge number of marks using the phrase “ring”, Amazon is due only narrow protection and its marks are relatively weak. Amazon has no legitimate basis for opposing Akobong’s registration.

DATED: February 6, 2020

By: /s/ Dale R. Jensen
Dale R. Jensen (VSB 71109)
Dale Jensen, PLC
606 Bull Run
Staunton, VA 24401
(434) 249-3874
(866) 372-0348 facsimile
djensen@dalejensenlaw.com
Counsel for Clovis Akobong

SIGNATURE AND OATH

I declare under penalty of perjury that the factual responses herein, are based upon the information available to and deemed reliable by me, Clovis Akobong, and are true and accurate to the best of my knowledge, information, and belief.

/s/ Clovis Akobong
Clovis Akobong

CERTIFICATE OF SERVICE

I HEREBY CERTIFY under penalty of perjury under the laws of the United States of America that: I am not a party to this action, and am over the age of 21, and a member of the bar of this Court, and on this date below, I duly served upon the following persons a true and correct copy of the foregoing document by sending it by email on February 6, 2020, to counsel of record for Amazon Technologies, Inc.

DATED February 6, 2020

By: /s/ Dale R. Jensen
Dale R. Jensen (VSB 71109)
Dale Jensen, PLC
606 Bull Run
Staunton, VA 24401
(434) 249-3874
(866) 372-0348 facsimile
djensen@dalejensenlaw.com
Counsel for Clovis Akobong

EXHIBIT D



SINCE 1828

- [GAMES](#)
- [BROWSE THESAURUS](#)
- [WORD OF THE DAY](#)
- [WORDS AT PLAY](#)
- [LOG IN](#)
- [REGISTER](#)
- [settings](#)
- [SAVED WORDS](#)

chat






dictionary thesaurus [view recents](#)

[Login](#) or [Register](#)

Hello,

- [GAMES](#)
- [BROWSE THESAURUS](#)
- [WORD OF THE DAY](#)
- [WORDS AT PLAY](#)
- [SETTINGS](#)
- [SAVED WORDS](#) [view recents](#)

J.CREW

SOMETHING NEW
For you.

Shop now

chat

[verb](#)

[Save Word](#)

To save this word, you'll need to log in.

[Log In](#)

\ 'chat  \

chatted; chatting

Definition of *chat*

(Entry 1 of 2)

[intransitive verb](#)

1 : [chatter](#), [prattle](#)

2a : to talk in an informal or familiar manner

b : to take part in an online discussion in a chat room

[transitive verb](#)

chiefly British : to talk to especially : to talk lightly, glibly, or flirtatiously with —often used with *up*

chat

[noun](#)

Definition of *chat* (Entry 2 of 2)

1 : idle small talk : [chatter](#)

2 : light informal or familiar talk especially : [conversation](#)

3 [imitative] : any of several songbirds (as of the genera *Cercomela*, *Granatellus*, or *Icteria*)

4 : online discussion in a chat room also : an instance of such discussion participate in computer chats

 [Synonyms](#)  [Example Sentences](#)  [Learn More about *chat*](#)

Keep scrolling for more

Synonyms for *chat*

Synonyms: Verb

- [babble](#),
- [blab](#),
- [cackle](#),
- [chaffer](#)
- [British],
- [chatter](#),
- [chin](#)
- [slang],
- [converse](#),
- [gab](#),
- [gabble](#),
- [gas](#),
- [jabber](#),
- [jaw](#),
- [kibitz](#)

- (also [kibbitz](#)),
- [natter](#),
- [palaver](#),
- [patter](#),
- [prate](#),
- [prattle](#),
- [rap](#),
- [rattle](#),
- [run on](#),
- [schmooze](#)
- (or [shmooze](#)),
- [talk](#),
- [twitter](#),
- [visit](#)

Synonyms: Noun

- [backchat](#),
- [cackle](#),
- [causerie](#),
- [chatter](#),
- [chin music](#),
- [chin-wag](#)
- [slang],
- [chitchat](#),
- [confab](#),
- [confabulation](#),
- [gab](#),
- [gabfest](#),
- [gossip](#),
- [jangle](#),
- [jaw](#),
- [natter](#)
- [chiefly British],
- [palaver](#),
- [patter](#),
- [rap](#),
- [schmooze](#),
- [small talk](#),
- [table talk](#),
- [talk](#),
- [tête-à-tête](#)

[Visit the Thesaurus for More](#) »

Examples of *chat* in a Sentence

Verb We *chatted* about our plans for the summer. called him up to *chat*

See More  

Recent Examples on the Web: Verb Bring your church practices into your home, and spend time talking on the phone or video-*chatting* with other members of your community who are doing the same. — [Kelsey Hurwitz, *Woman's Day*, "Should I Go to Church During Coronavirus?," 18 Mar. 2020](#) Plus, Lakeview's staff counselor insists on *chatting* with him through a golden retriever avatar. — [Jennifer Ouellette, *Ars Technica*, "A tech bro opts for a digital afterlife in first trailer for Amazon's Upload," 17 Mar. 2020](#)

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'chat.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. [Send us feedback.](#)

See More 

First Known Use of *chat*

Verb

15th century, in the meaning defined at [intransitive sense 1](#)

Noun

1530, in the meaning defined at [sense 1](#)

History and Etymology for *chat*

Verb

Middle English *chatten*, short for *chatteren*

Keep scrolling for more

Learn More about *chat*

Share *chat*

[Post the Definition of chat to Facebook](#)



[Share the Definition of chat on Twitter](#)



Time Traveler for *chat*



The first known use of *chat* was in the 15th century

[See more words from the same century.](#)

Dictionary Entries near *chat*

[chastity belt](#)

[chastushka](#)

[chasuble](#)

[chat](#)

[château](#)

[château bottled](#)

[chateaubriand](#)

[See More Nearby Entries](#)

Phrases Related to *chat*

[chat line](#)

[chat up](#)

Statistics for *chat*

Last Updated

21 Mar 2020

Look-up Popularity

Top 30% of words

Cite this Entry

“Chat.” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/chat>. Accessed 2 Apr. 2020.

Style: MLA

Keep scrolling for more

More Definitions for *chat*

chat

verb



English Language Learners Definition of *chat*

(Entry 1 of 2)

: to talk with someone in a casual way

: to talk over the Internet by sending messages back and forth in a chat room

chat

noun

English Language Learners Definition of *chat* (Entry 2 of 2)

: a light and friendly conversation

: a talk held over the Internet by people using a chat room

[See the full definition for *chat* in the English Language Learners Dictionary](#)

chat

[verb](#)

\ 'chat  \

chatted; chatting

Kids Definition of *chat*

(Entry 1 of 2)

1 : to talk in a friendly way about things that are not serious

2 : to talk over the Internet by sending messages back and forth in a chat room

chat

[noun](#)

Kids Definition of *chat* (Entry 2 of 2)

1 : a light friendly conversation

2 : a talk held over the Internet by people using a chat room

Keep scrolling for more

More from Merriam-Webster on *chat*

Thesaurus: [All synonyms and antonyms for *chat*](#)

Rhyming Dictionary: [Words that rhyme with *chat*](#)

Spanish Central: [Translation of *chat*](#)

Nglish: [Translation of *chat* for Spanish Speakers](#)

Britannica English: [Translation of *chat* for Arabic Speakers](#)

Britannica.com: [Encyclopedia article about *chat*](#)

Comments on *chat*

What made you want to look up *chat*? Please tell us where you read or heard it (including the quote, if possible).

[SHOW COMMENTS](#) 

EXHIBIT E



SINCE 1828

- [GAMES](#)
- [BROWSE THESAURUS](#)
- [WORD OF THE DAY](#)
- [WORDS AT PLAY](#)
- [LOG IN](#)
- [REGISTER](#)
- [settings](#)
- [SAVED WORDS](#)



dictionary thesaurus [view recents](#)

[Login](#) or [Register](#)

Hello,

- [GAMES](#)
- [BROWSE THESAURUS](#)
- [WORD OF THE DAY](#)
- [WORDS AT PLAY](#)
- [SETTINGS](#)
- [SAVED WORDS](#) [view recents](#)



social media

noun, plural in form but singular or plural in construction

[Save Word](#)

To save this word, you'll need to log in.

[Log In](#)

Definition of *social media*

: forms of electronic communication (such as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos)

Examples of *social media* in a Sentence

Recent Examples on the Web Season 23, has announced on *social media* that he's tested positive for the coronavirus. — [oregonlive](#), "Former 'Bachelor' Colton Underwood says he's tested positive for coronavirus: 'This virus doesn't care how old or healthy you are'," 21 Mar. 2020 Yet the Trump Organization, which is also pushing to keep other properties open and promote them on *social media*, has avoided the widespread shutdowns some larger hotel chains have implemented. — [New York Times](#), "Coronavirus Live Updates: 1 in 5 Americans Will Soon Be Ordered Indoors," 21 Mar. 2020

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'social media.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. [Send us feedback](#).

See More 

First Known Use of *social media*

2004, in the meaning defined [above](#)

Keep scrolling for more

Learn More about *social media*

Share *social media*

[Post the Definition of social media to Facebook](#)



[Share the Definition of social media on Twitter](#)



Time Traveler for *social media*



The first known use of *social media* was in 2004

[See more words from the same year](#)

From the Editors at Merriam-Webster

[A New Kind of 'Social'?](#)

[A New Kind of 'Social'?](#)

[Disrupting the human interaction business](#)

Dictionary Entries near *social media*

[social life](#)

[socially](#)

[socially distance](#)

[social media](#)

[social medicine](#)

[social-minded](#)

[socialness](#)

[See More Nearby Entries](#)

Statistics for *social media*

Last Updated

23 Mar 2020

Look-up Popularity

Top 1% of lookups

Cite this Entry

“Social media.” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/social%20media>. Accessed 2 Apr. 2020.

Style: MLA

Keep scrolling for more

More Definitions for *social media*

social media

[noun](#)

English Language Learners Definition of *social media*

: forms of electronic communication (such as Web sites) through which people create online communities to share information, ideas, personal messages, etc.

Comments on *social media*

What made you want to look up *social media*? Please tell us where you read or heard it (including the quote, if possible).

[SHOW COMMENTS](#) 

WORD OF THE DAY

pleonasm 

[See Definitions and Examples](#) 

Get Word of the Day daily email!

Your email address

SUBSCRIBE

EXHIBIT F

🔍 the ring app



Cancel





Ring - Always Home

Utilities


★★★★☆ 44K

GET

 See & speak to visitors with Video Doorbells & Cameras.



 Watch the inside of your home with Ring Alarm.



 Get instant crime & safety alerts from your neighbors.






Neighbors by Ring


Join the Neighborhood

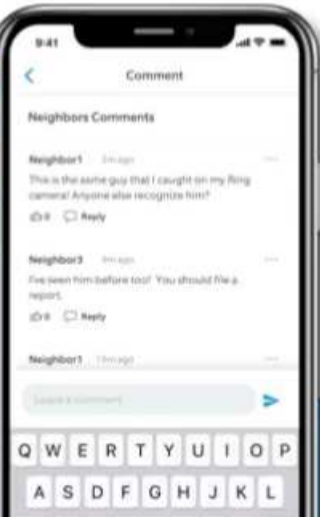
★★★★☆ 151K


GET

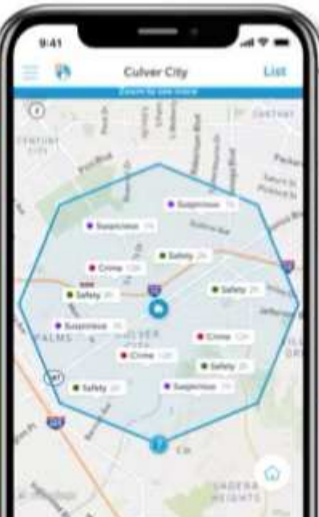
 Get instant crime and safety alerts from your Neighbors.



 Stay connected and share alerts with your neighbors.



 Define the radius around your Neighborhood for a birds eye view of crimes.




Today



Games



Apps



Arcade



Search

My apps

Shop

Games

Family

Editors' Choice

Account

Payment methods

My subscriptions

Redeem

Buy gift card

My wishlist

My Play activity

Parent Guide



Ring - Always Home

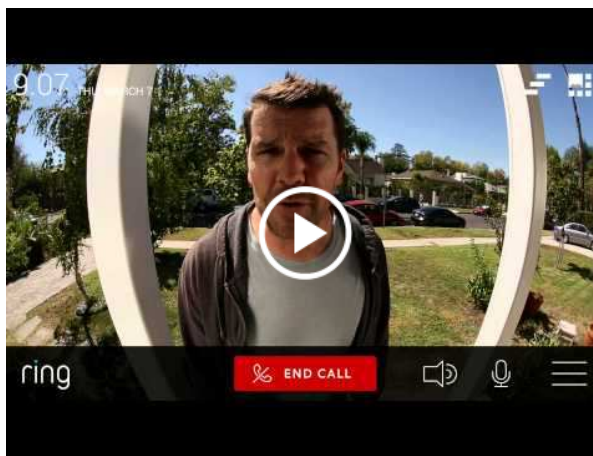
Ring.com Communication

★★★★★ 46,386

Everyone

Add to Wishlist

Install



See & speak to visitors with Video Doorbells & Security Cameras.

Wa you nev



Neighborhood security starts here. Join millions of Americans and use the Ring app to get real time crime and safety alerts from your Neighbors. It's a neighborhood watch for the digital age that creates a ring of security around your neighborhood.

Also, if you have Ring cameras, use the Ring app to watch over your home from your phone.

REVIEWS

Review Policy

3.9



46,386 total



Sonny Chiba

★★★★★ March 14, 2020

48

At first this app worked fine, I've had it for approximately 4 months. Now it takes a very long time to connect to the camera when I want to view live view, and when someone rings the bell. Also, it'll notify me when a car driving pass my house but, sometimes won't notify me when someone walks up to...

Full Review



Greg Cole

Like icon



★★★★★ March 10, 2020



47

Adequate, but seriously needs work. 1) Need a way to turn off while charging. 2) It needs to be charged frequently, like every couple weeks because we live closer to a busy street. Even on the least sensitive setting it is going of every few minute. 3) Why doesn't the app give me a notice when the b...

[Full Review](#)

Aaron Rothrock
★★★★★ March 14, 2020



76

Never would be able to catch anyone in the act. Takes forever to load live video. Get a notification, click on it to view, then sit and wait for it to "activate device" and then load video. By that time, nothing is happening. Video also glitches every time. Video quality is okay, when it's working. ...

[Full Review](#)

Karen Rice
★★★★★ March 10, 2020



55

I've only had this thing for maybe 5 months now. It's getting worse and worse. It's not only seizing up the app from being able to see things live as they're happening, now it's freezing my entire phone to where I have to turn it off and back on to get it to keep working. I have Xfinity internet and...

[Full Review](#)[READ ALL REVIEWS](#)

WHAT'S NEW

Enjoy a fresh new Ring app update, including bug fixes and improvements.

Your feedback helps us make the Ring app better for everyone. Send suggestions to help@ring.com

ADDITIONAL INFORMATION

Updated

March 6, 2020

Size

108M

Installs

5,000,000+

Current Version

3.23.0

Requires Android

5.0 and up

Content Rating

Everyone


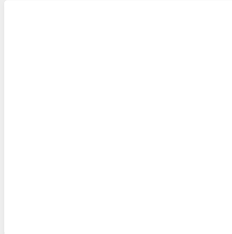
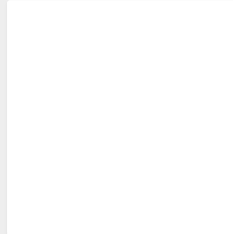
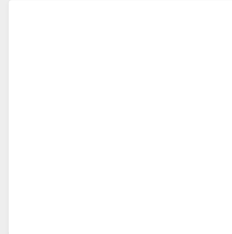
[Learn More](#)**Permissions**[View details](#)**Report**[Flag as inappropriate](#)**Offered By**

Ring.com


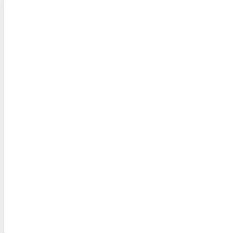
Developer[Visit website](#)help@ring.com[Privacy Policy](#)

Similar

See more

 <p>Wemo Belkin ★★★★☆</p>	 <p>Rapid Ring Ring.com ★★★★☆</p>	 <p>Pilot Flying J Pilot Flying J ★★★★☆</p>	 <p>ecobee ecobee inc. ★★★★☆</p>
--	--	---	---

More by Ring.com

 <p>Neighbors by Ring Ring.com ★★★★☆</p>	 <p>Rapid Ring Ring.com ★★★★☆</p>
---	--

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Account

Payment methods

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Redeem

Buy gift card

My wishlist

My Play activity

Parent Guide



Neighbors by Ring

Ring.com News & Magazines

★★★★★ 29,447

Teen

Add to Wishlist

Install



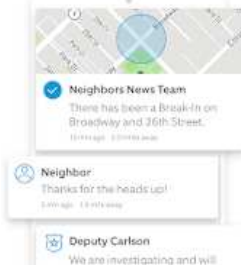
Get instant crime and safety alerts from your Neighbors



Customize your neighborhood to get alerts that matter



Stay connected and share alerts about suspicious activity



Work with law enforcement and local agencies to reduce crime



Get real-time crime and safety alerts from your neighbors and local law enforcement.

Millions of Americans are already using Neighbors, so download the app and see what's really happening in your Neighborhood.

Neighbors is more than an app, it's the power of your community coming together to keep you safe

READ MORE

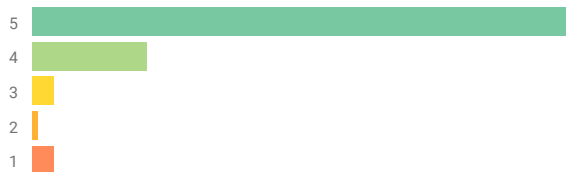
REVIEWS

Review Policy

4.6



29,447 total



Jake Husser

★★★★★ March 12, 2020



36



Its been better than nothing but....the lag between a motion alert and me being able to see the live video is too long! 15 seconds sometimes. I can get down stairs and check myself

Neighbors by Ring - Apps on Google Play

that quickly. This makes it a failure as a security device but still good recording device, as long as there is motion ...

[Full Review](#)



Derrick Chambers

★★★★★ March 15, 2020



5

Very Informative App and that's Very Important. What would make this app better. If you guys would promote this app through commercials letting citizens know how very important the Information that's being delivered is important to every community and that the app should be on every home screen on e...

[Full Review](#)



Guadalupe Cuevas

★★★★★ March 14, 2020



8

Pretty good app. Keeps ur updated about what's going on near u especially if its not the best area. My neighborhood has been having issues and I'm thankful this app helped me decide to sell my place.



Frances Garcia

★★★★★ March 2, 2020



77

There needs to be an 1. Option to add the date and time that these events happen, sometimes the posts occur earlier and are posted later. 2. Option to edit, sometimes words are misspelled because we cannot edit them. 3. Option to verify whether the neighborhood is accurate that is shown on the map. ...

[Full Review](#)

[READ ALL REVIEWS](#)

WHAT'S NEW

This new update contains:

Neighborly Moments: In addition to sharing crime and safety posts with your neighbors, you can now share a new category of posts. Neighborly Moments allow you to share acts of kindness in your area and help your community celebrate them together.

Bug fixes and performance enhancements.

[READ MORE](#)

ADDITIONAL INFORMATION

Updated

March 17, 2020

Size

19M

Installs

1,000,000+

Current Version

3.7.0

Requires Android

5.0 and up

Content Rating

Teen

[Learn More](#)

Interactive Elements

Users Interact

Permissions

[View details](#)

Report

[Flag as inappropriate](#)

Offered By

Ring.com

Developer



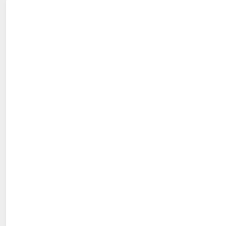

[Visit website](#)

neighbors@ring.com

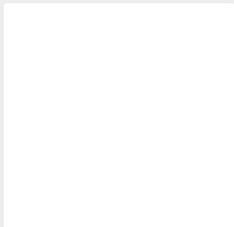
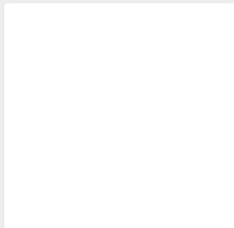
[Privacy Policy](#)

Similar

See more

 <p>Brunswick County S OCV, LLC</p> <p>★★★★★</p>	 <p>DoorBird Bird Home Automation</p> <p>★★★★★</p>	 <p>PulsePoint Respon PulsePoint Foundation</p> <p>★★★★★</p>	 <p>P3 Tips Anderson Software</p> <p>★★★★★</p>
---	---	--	---

More by Ring.com

 <p>Ring - Always Hom Ring.com</p> <p>★★★★★</p>	 <p>Rapid Ring Ring.com</p> <p>★★★★★</p>
---	--

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EXHIBIT G

Generated on: This page was generated by TSDR on 2020-04-02 15:23:46 EDT

Mark: RING OF HONOR

RING OF HONOR

US Serial Number: 78795652

Application Filing Date: Jan. 20, 2006

US Registration Number: 3393156

Registration Date: Mar. 04, 2008

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Feb. 23, 2018

Publication Date: Jan. 02, 2007

Notice of Allowance Date: Mar. 27, 2007

Mark Information

Mark Literal Elements: RING OF HONOR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Providing facilities for sports exhibitions

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 23, 1975

Use in Commerce: Nov. 07, 1976

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Dallas Cowboys Football Club, Ltd.

Composed of: JWW Corporation, a Texas Corporation

Owner Address: One Cowboys Way
Frisco, TEXAS UNITED STATES 75034

Legal Entity Type: LIMITED PARTNERSHIP

State or Country TEXAS
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kevin G. Smith

Docket Number: S10422

Attorney Primary Email Address: tm@sughrue.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Kevin G. Smith

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVE., NW
SUITE 800
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20037-3213

Phone: 202-293-7060

Fax: 202-293-7860

Correspondent e-mail: tm@sughrue.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 16, 2019	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 16, 2019	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 23, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 23, 2018	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Feb. 23, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Feb. 23, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Feb. 02, 2018	TEAS SECTION 8 & 9 RECEIVED	
Mar. 04, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Mar. 10, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 10, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Feb. 14, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	68335
Mar. 04, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Feb. 14, 2014	TEAS SECTION 8 & 15 RECEIVED	
Mar. 04, 2008	REGISTERED-PRINCIPAL REGISTER	
Jan. 27, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Jan. 27, 2008	ASSIGNED TO LIE	77312
Dec. 14, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 20, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 20, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 20, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 14, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Nov. 14, 2007	NON-FINAL ACTION E-MAILED	
Nov. 14, 2007	SU - NON-FINAL ACTION - WRITTEN	81097
Oct. 31, 2007	STATEMENT OF USE PROCESSING COMPLETE	64657
Oct. 16, 2007	USE AMENDMENT FILED	64657
Oct. 16, 2007	TEAS STATEMENT OF USE RECEIVED	
Aug. 29, 2007	EXTENSION 1 GRANTED	98765
Aug. 29, 2007	EXTENSION 1 FILED	98765
Aug. 29, 2007	TEAS EXTENSION RECEIVED	
Mar. 27, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 02, 2007	PUBLISHED FOR OPPOSITION	

Dec. 13, 2006	NOTICE OF PUBLICATION	
Nov. 14, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Jul. 24, 2006	ASSIGNED TO LIE	70138
Jul. 17, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 14, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	70824
Jun. 27, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	70824
Jun. 27, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 03, 2006	NON-FINAL ACTION E-MAILED	6325
Jun. 03, 2006	NON-FINAL ACTION WRITTEN	81097
Jun. 02, 2006	ASSIGNED TO EXAMINER	81097
Jan. 26, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 23, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Dallas Cowboys Football Club, Ltd.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [4207/0852](#)

Pages: 10

Date Recorded: May 17, 2010

Supporting Documents: [assignment-tm-4207-0852.pdf](#)

Assignor

Name: [DALLAS COWBOYS FOOTBALL CLUB, LTD](#)

Execution Date: Apr. 08, 2010

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: TEXAS

Assignee

Name: [BANK OF AMERICA, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 100 NORTH TRYON STREET
BANK OF AMERICA CORPORATE CENTER
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

Correspondent Address: FOUR TIMES SQUARE
ATTN: MATTHEW FAGIN, ESQ.
NEW YORK, NY 10036

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2020-04-02 15:26:32 EDT

Mark: RING OF FIRE

RING OF FIRE

US Serial Number: 85645919

Application Filing Date: Jun. 07, 2012

US Registration Number: 4463474

Registration Date: Jan. 07, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jan. 07, 2014

Publication Date: Jul. 30, 2013

Notice of Allowance Date: Sep. 24, 2013

Mark Information

Mark Literal Elements: RING OF FIRE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: specially designed flashlights for mounting to firearms

International Class(es): 011 - Primary Class

U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 2009

Use in Commerce: Feb. 2009

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Richard E. Swan

Owner Address: 171 West Street
E. Bridgewater, MASSACHUSETTS UNITED STATES 02379

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: DAVID JOSEPHS

Docket Number: A042 T02662-

Attorney Primary cac@barjos.com

Attorney Email Yes

Email Address:

Authorized:

Correspondent

Correspondent DAVID JOSEPHS

Name/Address: BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER ST FL 5
PROVIDENCE, RHODE ISLAND UNITED STATES 02903-3926

Phone: 401-273-4446

Fax: 401-273-4447

Correspondent e-mail: cac@barjos.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 07, 2019	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Oct. 27, 2015	REVIEW OF CORRESPONDENCE COMPLETE - INFORMATION MADE OF RECORD	89122
Oct. 26, 2015	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Jan. 07, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 06, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 05, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	73797
Dec. 04, 2013	ASSIGNED TO LIE	73797
Nov. 29, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 07, 2013	STATEMENT OF USE PROCESSING COMPLETE	69302
Oct. 03, 2013	USE AMENDMENT FILED	69302
Nov. 07, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Oct. 03, 2013	TEAS STATEMENT OF USE RECEIVED	
Sep. 24, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 30, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2013	PUBLISHED FOR OPPOSITION	
Jul. 10, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 27, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Jun. 26, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 25, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 25, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 25, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 25, 2013	EXAMINERS AMENDMENT -WRITTEN	67443
Apr. 15, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 15, 2013	NON-FINAL ACTION E-MAILED	6325
Apr. 15, 2013	NON-FINAL ACTION WRITTEN	67443
Mar. 28, 2013	LIE CHECKED SUSP - TO ATTY FOR ACTION	67287
Mar. 25, 2013	ASSIGNED TO LIE	67287
Sep. 25, 2012	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 25, 2012	LETTER OF SUSPENSION E-MAILED	6332
Sep. 25, 2012	SUSPENSION LETTER WRITTEN	67443
Sep. 24, 2012	ASSIGNED TO EXAMINER	67443
Jun. 18, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 05, 2013

Generated on: This page was generated by TSDR on 2020-04-02 15:27:48 EDT

Mark: RINGS OF SATURN

RINGS OF SATURN

US Serial Number: 85906238

Application Filing Date: Apr. 16, 2013

US Registration Number: 5291221

Registration Date: Sep. 19, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 19, 2017

Publication Date: Jul. 29, 2014

Notice of Allowance Date: Sep. 23, 2014

Mark Information

Mark Literal Elements: RINGS OF SATURN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: game software for gaming machines, namely, slot machines and video lottery terminals

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 07, 2017

Use in Commerce: Jul. 07, 2017

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: HIGH 5 GAMES, LLC

Owner Address: ONE WORLD TRADE CENTER
NEW YORK, NEW YORK UNITED STATES 10007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Candice Osnato

Attorney Primary trademark@high5games.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent HIGH 5 GAMES, LLC
Name/Address: One World Trade Center, 59th Floor
New York, NEW YORK UNITED STATES 10007

Phone: 2123583836

Correspondent e- trademark@high5games.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 26, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 26, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 04, 2017	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 19, 2017	REGISTERED-PRINCIPAL REGISTER	
Aug. 16, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 15, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 14, 2017	ASSIGNED TO EXAMINER	83698
Aug. 05, 2017	STATEMENT OF USE PROCESSING COMPLETE	70565
Jul. 11, 2017	USE AMENDMENT FILED	70565
Jul. 11, 2017	TEAS STATEMENT OF USE RECEIVED	
Mar. 15, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 14, 2017	EXTENSION 5 GRANTED	70565
Mar. 08, 2017	EXTENSION 5 FILED	70565
Mar. 13, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Mar. 08, 2017	TEAS EXTENSION RECEIVED	
Oct. 18, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 17, 2016	EXTENSION 4 GRANTED	61813
Sep. 19, 2016	EXTENSION 4 FILED	61813
Sep. 19, 2016	TEAS EXTENSION RECEIVED	
Aug. 24, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 23, 2016	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 22, 2016	EXTENSION 3 GRANTED	61813
Mar. 08, 2016	EXTENSION 3 FILED	61813
Mar. 08, 2016	TEAS EXTENSION RECEIVED	
Oct. 06, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 05, 2015	EXTENSION 2 GRANTED	61813
Sep. 23, 2015	EXTENSION 2 FILED	61813
Sep. 23, 2015	TEAS EXTENSION RECEIVED	
Apr. 28, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 14, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 13, 2015	EXTENSION 1 GRANTED	61813
Mar. 09, 2015	EXTENSION 1 FILED	61813

Apr. 09, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Mar. 09, 2015	TEAS EXTENSION RECEIVED	
Feb. 11, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 23, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 29, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 29, 2014	PUBLISHED FOR OPPOSITION	
Jul. 09, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 26, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Jun. 26, 2014	ASSIGNED TO LIE	70997
Jun. 10, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 05, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 04, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 04, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jun. 04, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 28, 2014	NOTIFICATION OF FINAL REFUSAL EMAILED	
Feb. 28, 2014	FINAL REFUSAL E-MAILED	
Feb. 28, 2014	FINAL REFUSAL WRITTEN	90289
Feb. 07, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 06, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 06, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 06, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 06, 2013	NON-FINAL ACTION E-MAILED	6325
Aug. 06, 2013	NON-FINAL ACTION WRITTEN	90289
Jul. 31, 2013	ASSIGNED TO EXAMINER	90289
Apr. 23, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 19, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 15, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: HIGH 5 GAMES, LLC

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [5860/0125](#)

Pages: 9

Date Recorded: Aug. 19, 2016

Supporting Documents: [assignment-tm-5860-0125.pdf](#)

Assignor

Name: [PTT, LLC D/B/A HIGH 5 GAMES](#)

Execution Date: Jan. 13, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [HIGH 5 GAMES, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: ONE WORLD TRADE CENTER
NEW YORK, NEW YORK 10007

Correspondent

Correspondent Name: CANDICE HEBDEN OSNATO

Correspondent ONE WORLD TRADE CENTER, 58TH FLOOR
Address: NEW YORK, NY 10007

Domestic Representative - Not Found