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

Proceeding no.	91272143
Party	Defendant Shanghai Zhenglang Technology Co., Ltd
Correspondence address	RITA WEEKS KILPATRICK TOWNSEND & STOCKTON LLP 1114 AVENUE OF THE AMERICAS, 21ST FLOOR NEW YORK, NY 10036 UNITED STATES Primary email: rweeks@kilpatricktownsend.com Secondary email(s): rpotter@kilpatricktownsend.com 212-775-8700
Submission	Motion for Summary Judgment  <b>Yes</b> , the Filer previously made its initial disclosures pursuant to Trademark Rule 2.120(a); OR the motion for summary judgment is based on claim or issue preclusion, or lack of jurisdiction.  The deadline for pretrial disclosures for the first testimony period as originally set or reset: <b>10/11/2022</b>
Filer's name	Rita Weeks, NY and CA bar member
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Signature	/Rita Weeks/
Date	10/10/2022
Attachments	2022.10.10 - Zhenglangs Motion for Partial Summary Judgment.pdf(216803 bytes ) 2022.10.10 - Weeks Decl in Support of Zhenglangs Motion for Partial Summary Judgment.pdf(119965 bytes ) Ex 1 to Weeks Decl - Zhenglang MSJ.pdf(176817 bytes ) Ex 2 to Weeks Decl - Zhenglang MSJ.pdf(177663 bytes ) Ex 3 to Weeks Decl - Zhenglang MSJ.pdf(209658 bytes ) Ex 4 to Weeks Decl - Zhenglang MSJ.pdf(196663 bytes ) Ex 5 to Weeks Decl - Zhenglang MSJ.pdf(199151 bytes ) Ex 6 to Weeks Decl. - Zhenglang MSJ.pdf(199175 bytes ) Ex 7 to Weeks Decl - Zehnglang MSJ.pdf(202975 bytes ) Ex 8 to Weeks Decl - Zhenglang MSJ.pdf(202759 bytes ) Ex 9 to Weeks Decl - Zhenglang MSJ.pdf(408717 bytes ) Ex 10 to Weeks Decl - Zhenglang MSJ.pdf(407204 bytes ) Ex 11 to Weeks Decl - Zhenglang MSJ.pdf(350758 bytes ) Ex 12 to Weeks Decl - Zhenglang MSJ.pdf(332288 bytes )

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD., and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,

Opposers,

v.

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**APPLICANT’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Applicant Shanghai Zhenglang Technology Co. Ltd. (“Applicant”) brings this Motion for Partial Summary Judgment on Opposers’ claim for priority and likelihood of confusion.

Opposers have alleged that registration of Applicant’s Design Mark should be refused based on likelihood of confusion with four, unregistered, common law designs alleged to be used by unknown third-parties. Opposers admit that they have not used the pleaded marks, however, and do not possess any rights in the marks. Further, Opposers admit that they do not know who owns the pleaded marks, and admit that Opposers are not in privity or in any other relationship with those third-parties. Therefore, there is no issue that Opposers lack the required proprietary interest in the marks pleaded in its Notice of Opposition, and that Opposers possess no “legitimate interest” in preventing confusion between the pleaded marks and Applicant’s Design Mark, to sustain their likelihood of confusion claim, and Applicant therefore is entitled to judgment as a matter of law on that claim.

## **I. Factual Background**

Applicant designs, develops, and distributes mobile applications and gaming software. 15 TTABVUE at pp. 20-22, Declaration of Mr. Ruihua Ji in Support of Applicant’s Opposition to Opposers’ Motion for Summary Judgment (“Ji Decl.”) ¶ 4. Applicant has advertised, offered, and distributed its mobile applications and software throughout the world, including in the United States. *Id.*, Ji Decl. ¶ 5. Applicant adopted its design mark at issue in this proceeding (Applicant’s “Design Mark”), and began using it in United States commerce on December 7, 2020. *Id.*, Ji Decl. ¶ 7; *see* specimen in TSDR app. file history for App. Ser. No. 90371133. Applicant began using its Design Mark to advertise, promote, and offer its mobile application game, “Wood Block Puzzle 3D,” that is offered to consumers through the Google Play mobile application store. 15 TTABVUE at pp. 20-22, Ji Decl. ¶ 8.

On December 10, 2020, Applicant filed a use-based application with the U.S. Patent and Trademark Office to register its Design Mark in International Class 9 for:

“Computer game programmes downloadable via the Internet; Computer game software downloadable from a global computer network; Downloadable computer game software; Downloadable computer game software for use on mobile and cellular phones; Downloadable computer programs for pre-recording sports games; Downloadable electronic game programs; Downloadable electronic game software for handheld electronic devices; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable game software; Downloadable mobile applications for booking taxis; Recorded computer application software for mobile phones, namely, software for use in electronic storage of data, for playing online games; Recorded computer game software; Recorded computer virtual reality game software; Downloadable computer game software for personal computers and home video game console” (U.S. App. Ser. No. 90371133 the “Application”).

## **II. Statement of Undisputed Material Facts**

Applicant submits the following statement of undisputed material facts that are pertinent to this Motion:

- a) Applicant designs, develops, and distributes mobile applications and gaming software. 15 TTABVUE at pp. 20-22, Declaration of Mr. Ruihua Ji in Support of Applicant’s Opposition to Opposers’ Motion for Summary Judgment (“Ji Decl.”) ¶ 4.
- b) Applicant has advertised, offered, and distributed its mobile applications and software throughout the world, including in the United States. *Id.*, Ji Decl. ¶ 5.
- c) Applicant has used its Design Mark at issue in this proceeding (contained in App. Ser. No. 90371133) to advertise, promote, and offer its mobile application game, “Wood Block Puzzle 3D,” that is offered to consumers through the Google Play mobile application store. 15 TTABVUE at pp. 20-22, Ji Decl. ¶ 8.
- d) Opposers’ main business is developing and operating mobile applications and gaming software for users worldwide. 1 TTABVUE, Notice of Opposition, ¶ 18.
- e) On December 10, 2022, Applicant filed a use-based application with the USPTO to



register this design mark, , in International Class 9 for:

“Computer game programmes downloadable via the Internet; Computer game software downloadable from a global computer network; Downloadable computer game software; Downloadable computer game software for use on mobile and cellular phones; Downloadable computer programs for pre-recording sports games; Downloadable electronic game programs; Downloadable electronic game software for handheld electronic devices; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable game software; Downloadable mobile applications for booking taxis; Recorded computer application software for mobile phones, namely, software for use in electronic storage of data, for playing online games; Recorded computer game software; Recorded computer virtual reality game software; Downloadable computer game software for personal computers and home video game console” (U.S. App. Ser. No. 90371133, the “Application”). *See* TSDR app. file history for App. Ser. No. 90371133.

- f) In its Application, Applicant alleged December 7, 2020 as its first use of the mark in commerce. *Id.*
- g) During examination, the examining attorney did not refuse registration on the grounds of likelihood of confusion with any registered marks, or cite potential likelihood of confusion with any prior-filed pending applications. *See* TSDR app. file history for App. Ser. No. 90371133.
- h) The USPTO published the Application for opposition on August 10, 2021. *Id.*

- i) On October 6, 2021, Opposers filed a Notice of Opposition against Applicant's Application, alleging claims of: (a) priority and likelihood of confusion; (b) mere descriptiveness; (c) Applicant is not the rightful owner of the mark; and (d) fraud on the USPTO. 1 TTABVUE.
- j) Regarding their priority and likelihood of confusion claim, in their Notice of Opposition, Opposers alleged that Applicant's mark should be refused registration under §2(d) of the Lanham Act "because it is confusingly similar to each of the Earlier Marks A-D, which as previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, or to cause mistake, or to deceive." 1 TTABVUE, Notice of Opposition ¶ 13.
- k) The pleaded marks described in Opposers' Notice of Opposition "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and Earlier Mark D" (hereinafter referred to as the "Pleaded Third-Party Marks") are alleged to have been used by third parties. 1 TTABVUE, Notice of Opposition, ¶¶ 5-12.
- l) On May 24, 2022, Applicant served interrogatories to each of the Opposers. Declaration of Rita Weeks in Support of Applicant's Motion for Partial Summary Judgment ("Weeks Decl.") ¶¶ 4-5; Exhibits 1-2 to Weeks Decl.
- m) Opposers served their responses to Applicant's interrogatories on July 28, 2022. Weeks Decl. ¶¶ 6-7; Exs. 3-4 to Weeks Decl.
- n) On July 28, 2022, Applicant served Requests for Admission to each of the Opposers. Weeks Decl. ¶¶ 8-9; Exs. 5-6 to Weeks Decl.
- o) On July 28, 2022, Applicant served Requests for Production of Documents and Things to each of the Opposers. Weeks Decl. ¶¶ 10-11; Exs. 7-8 to Weeks Decl.
- p) Opposers served their responses to Applicant's Requests for Admission on August 26, 2022. Weeks Decl. ¶¶ 12-13; Exs. 9-10 to Weeks Decl.
- q) Opposers served their responses to Applicant's Requests for Production of Documents and Things on August 26, 2022. Weeks Decl. ¶¶ 14-15; Exs. 11-12.
- r) Opposers have admitted that they do not own the Pleaded Third-Party Marks or any rights in them. Weeks Decl. ¶¶ 12-13; Exhibit 9 to Weeks Decl., Fuzhou Mengku Technology Co., Ltd.'s Responses to Applicant's First Set of Requests for Admission ("Fuzhou RFA Responses", answers to RFA Nos. 3, 11, 19, 27; Exhibit 10 to Weeks Decl., Hangzhou Mengku Technology Co. Ltd.'s Responses to Applicant's First Set of Requests for Admission ("Hangzhou RFA Responses"), answers to RFA Nos. 3, 11, 19, 27.

- s) Opposers have admitted that they do not own U.S. trademark registrations or pending applications for the Pleaded Third-Party Marks. Weeks Decl. ¶¶ 12-13; Exs. 9-10 to Weeks Decl., Fuzhou RFA Responses, answers to RFA Nos. 2, 10, 18, 26; Hangzhou RFA Responses, answers to RFA Nos. 2, 10, 18, 26.
- t) Opposers have admitted that they possess no documents evidencing their ownership of, or proprietary interest in, the Pleaded Third-Party Marks. Weeks Decl. ¶¶ 12-13; Exs. 9-10 to Weeks Decl., Fuzhou RFA Responses, answers to RFA Nos. 5-8; Hangzhou RFA Responses, answers to RFA Nos. 5-8.
- u) Opposers have admitted that they have not used or obtained a license to use the Pleaded Third-Party Marks. Weeks Decl. ¶¶ 12-13; Exs. 9-10 to Weeks Decl., Fuzhou RFA Responses, answers to RFA Nos. 4, 12, 20, 28; Hangzhou RFA Responses, answers to RFA Nos. 4, 12, 20, 28.
- v) Opposers have admitted that they possess no documents showing that they have used the Pleaded Third-Party Marks. Weeks Decl. ¶¶ 14-15; Exhibit 11 to Weeks Decl., Hangzhou Mengku Technology Co. Ltd.'s Responses to Applicant's First Set of Document Requests ("Hangzhou RFP Responses"), responses to Request Nos. 13-16; Fuzhou Mengku Technology Co. Ltd.'s Responses to Applicant's First Set of Document Requests ("Fuzhou RFP Responses"), responses to Request Nos. 13-16.
- w) Opposers have admitted that they possess no license agreements or other documents authorizing them to use the Pleaded Third-Party Marks. Weeks Decl. ¶¶ 14-15; Exs. 11-12 to Weeks Decl., Hangzhou RFP Responses, responses to Request Nos. 9-12; Fuzhou RFP Responses, responses to Request Nos. 9-12.
- x) Opposers have admitted that they do not know the identities of the owners of the Pleaded Third-Party Marks. Weeks Decl. ¶¶ 12-13; Exs. 9-10 to Weeks Decl., Fuzhou RFA Responses, answers to RFA Nos. 5, 13, 21, 29; Hangzhou RFA Responses, answers to RFA Nos. 5, 13, 21, 29.
- y) Opposers have admitted that no relationship exists between Opposers and the parties identified in Opposers' Notice of Opposition as "Party A" (owner of "Earlier Mark A"), "Party B" (owner of "Earlier Mark B"); "Party C" (owner of "Earlier Mark C"); and "Party D" (owner of "Earlier Mark D"). Weeks Decl. ¶¶ 12-13; Exs. 9-10 to Weeks Decl., Fuzhou RFA Responses, answers to RFA Nos. 2, 4, 6, 8; Hangzhou RFA Responses, answers to RFA Nos. 2, 4, 6, 8.
- z) Opposers have admitted that they are not in privity with the owner of the Pleaded Third-Party Marks. Weeks Decl. ¶¶ 12-13; Exs. 9-10 to Weeks Decl., Fuzhou RFA Responses, answers to RFA Nos. 7, 15, 23, 31; Hangzhou RFA Responses, answers to RFA Nos. 7, 15, 23, 31.

### **III. The Board Should Summarily Dispose of Opposer's Priority and Likelihood of Confusion Claim**

Summary judgment is appropriate “to save the time and expense of a useless trial” where, as here, “no genuine issue of material fact remains and more evidence than is already available in connection with the summary judgment motion could not reasonably be expected to change the result.” *Societe Des Produits Marnier Lapostolle v. Distillerie Moccia S.R.L.*, 10 U.S.P.Q.2d 1241 (TTAB Jan. 12, 1989), *citing Pure Gold, Inc. v. Syntex (U.S.A.) Inc.*, 739 F.2d 624, 222 USPQ 741 (Fed. Cir. 1984). A party moving for summary judgment has the burden of demonstrating the absence of any genuine dispute as to a material fact, and that it is entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). A summary judgment motion requires the Board to look beyond the pleadings and inquire as to whether there is a genuine need for trial. *See Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). Where the non-moving party will bear the burden of proof at trial on a dispositive issue, the moving party may discharge its burden by showing that there is an absence of evidence to support the non-moving party's case. *Celotex*, 477 W.S. at 324.

To prevail on a claim of priority and likelihood of confusion, an opposer must establish that: (1) it has valid proprietary rights in a mark that are prior to those of the applicant, and (2) the mark so resembles the opposer's mark as to be likely to cause confusion. *Major League Soccer, L.L.C.*, No. 91247160, 2020 WL 7260794, at \*5 (Dec. 9, 2020). Proprietary rights may arise from ownership of a prior registration, prior trademark or service mark use, prior use in advertising, prior use as a tradename, or other use sufficient to establish proprietary rights. *See Otto Roth & Co. v. Universal Foods Corp.*, 640 F.2d 1317, 1320 (C.C.P.A. 1981). Where an opposer does not own the mark for which it pleads as the basis for a likelihood of confusion claim, it must have “some other legitimate interest in preventing confusion between the pleaded mark on which it

predicates its Section 2(d) claim and the mark whose registration it opposes.” *Holmes Prod. Corp. v. Duracraft Corp.*, 30 U.S.P.Q.2d 1549 (T.T.A.B. 1994). This “other legitimate interest” is required because “[a]ny other interpretation,” the Board has explained, “could lead to the result that a business competitor who used a mark totally different from an applicant’s mark would be able to harass the applicant simply by searching the register and asserting the ground of likelihood of confusion based on any marks it happened to find there.” *Holmes Prod. Corp. v. Duracraft Corp.*, 30 U.S.P.Q.2d 1549 (T.T.A.B. 1994). Circumstances establishing the existence of a “legitimate interest” must go beyond an opposer’s status as the applicant’s competitor. *Major League Soccer, L.L.C. v. F.C. Internazionale Milano S.P.A.*, No. 91247160, 2020 WL 7260794, at \*8 (Dec. 9, 2020) (“Even though it may be in Opposer’s best interest that Applicant not register its mark, that is not the same as having a ‘legitimate interest’ in protecting the third parties’ alleged marks from a likelihood of confusion.”).

The record is clear that Opposers possess no prior proprietary rights in the Pleded Third-Party Marks (“Earlier Mark A,” “Earlier Mark B,” “Earlier Mark C,” and Earlier Mark D”) they pleaded in their Notice of Opposition towards their claim of priority and likelihood of confusion. Opposers admit that they have not used or obtained a license to use the Pleded Third-Party Marks. (Exs. 9-10 to Weeks Decl., Hangzhou RFA Responses, answers to RFA Nos. 4, 12, 20, 28; Fuzhou RFA Responses, answers to RFA Nos. 4, 12, 20, 28.) Opposers also admit that they do not own the Pleded Third-Party Marks or any rights in them, and that they do not own any U.S. trademark registrations or pending applications for the Pleded Third-Party Marks. (Exs. 9-10 to Weeks Decl., Hangzhou RFA Responses, answers to RFA Nos. 2, 3, 10, 11, 18, 19, 26, 27; Fuzhou RFA Responses, answers to RFA Nos. 2, 3, 10, 11, 18, 19, 26, 27.) Therefore, there is no genuine issue that Opposers do not own the Pleded Third-Party Marks pleaded in their Notice of Opposition.

Opposers have not asserted any interest in preventing likelihood of confusion between Applicant's Design Mark and the Pleaded Third-Party Marks. Moreover, Opposers admit that they do not know the identities of the owners of the Pleaded Third-Party Marks, that Opposers have no relationship with them, and that Opposers are not in privity with them. (Exs. 9-10 to Weeks Decl., Hangzhou RFA Responses, answers to RFA Nos. 2, 4, 5, 6, 7, 8, 3, 13, 15, 21, 23, 29, 31; Fuzhou RFA Responses, answers to RFA Nos. 2, 4, 5, 6, 7, 8, 3, 13, 15, 21, 23, 29, 31.) Therefore, no genuine issue exists that Opposers lack a legitimate interest in preventing confusion between the Pleaded Third-Party Marks on which they base their Section 2(d) claim and Applicant's Design Mark. *See Holmes Prod. Corp. v. Duracraft Corp.*, 30 U.S.P.Q.2d 1549 (T.T.A.B. 1994) (granting applicant's motion for partial summary judgment on opposer's likelihood of confusion claim because opposer did not own the registrations it pleaded as the basis for that claim and had not asserted a "legitimate interest" in preventing confusion between the pleaded third-party marks and applicant's mark); *Major League Soccer, LLC v. F.C. Internazionale Milano S.p.A.*, 2020 WL 8340222 (TTAB Dec. 9, 2020) (granting motion to dismiss opposer's likelihood of confusion claim where opposer relied on alleged prior use of third-parties and opposer had not set forth any factual allegations, that, all taken as true, constituted a legitimate interest in preventing likelihood of confusion between applicant's mark and the pleaded third party marks).

Because Opposers have already admitted that they have not used the Pleaded Third-Party Marks and do not own any legal or equitable interest in them, and Opposers plainly admit that they are not in privity with any of the owners of the Pleaded Third-Party Marks (and in fact admit that they do not even know who those owners are), Opposers cannot produce admissible evidence sufficient to create a genuine dispute that Opposers are precluded from asserting a claim of likelihood of confusion. *See Holmes Prod. Corp. v. Duracraft Corp.*, 30 U.S.P.Q.2d 1549

(T.T.A.B. 1994). Accordingly, even though it may be in Opposers' best interest that Applicant not register its Design Mark, "that is not the same as having a 'legitimate interest' in protecting the third parties' alleged marks from a likelihood of confusion." *Major League Soccer, L.L.C. v. F.C. Internazionale Milano S.P.A.*, No. 91247160, 2020 WL 7260794, at \*8 (Dec. 9, 2020). Moreover, because Opposers have admitted facts that conclusively establish that Opposers' likelihood of confusion claim based on third-party marks is legally insufficient, more evidence than is already available in connection with Applicant's Motion for Partial Summary Judgment cannot not be reasonably be expected to change the finding that Opposers lack the requisite proprietary rights, and lack some other "legitimate interest" in preventing confusion between the Pledged Third-Party Marks and Applicant's Design Mark, required to sustain its likelihood of confusion claim. *See Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 626 (Fed. Cir. 1984) (affirming Board's grant of summary judgment and agreeing with Board that the consideration of additional evidence non-movant suggested would not change the legal conclusion of no likelihood of confusion).

#### **IV. Conclusion**

For the foregoing reasons, Applicant's Motion for Partial Summary Judgement on Opposers' priority and likelihood of confusion claim should be granted.

Dated: October 10, 2022

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Rita Weeks', is written over a horizontal line.

Rita Weeks  
Robert Potter  
KILPATRICK TOWNSEND & STOCKTON LLP

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

HANGZHOU MENGKU TECHNOLOGY CO.,  
LTD., and FUZHOU MENGKU TECHNOLOGY  
CO., LTD.,

Opposers,

v.

SHANGHAI ZHENGLANG TECHNOLOGY  
CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



CERTIFICATE OF TRANSMITTAL

I certify that on October 10, 2022, a true and correct copy of the foregoing **APPLICANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT** is being filed electronically with the TTAB and served to Opposer's counsel by electronic mail at:

*jigang.jin@jfuslaw.com;*

*qianan.li@bigcool.com*

Rita Weeks  
*Attorney for Applicant*

**UNITED STATES PATENT AND TRADEMARK OFFICE  
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HANGZHOU MENGKU TECHNOLOGY  
CO., LTD., and FUZHOU MENGKU  
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v.

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**DECLARATION OF RITA WEEKS IN SUPPORT OF  
APPLICANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Rita Weeks, hereby declare the following:

1. I am an attorney admitted to practice in California and New York. I am an attorney with Kilpatrick Townsend & Stockton LLP, counsel for applicant Shanghai Zhenglang Technology Co., Ltd., (“Applicant”) in this proceeding.
2. I have direct knowledge of the statements contained in this declaration (“Declaration”) based upon, among other things, my personal knowledge, my representation of Applicant in this matter, and my review of pleadings and discovery in this matter.
3. I submit this Declaration in support of Applicant’s Motion for Partial Summary Judgment.
4. On May 24, 2022, Applicant served interrogatories to opposer Hangzhou Mengku Technology Co., Ltd. A true and correct copy of those interrogatories as served is attached to this Declaration as Exhibit 1.

5. On May 24, 2022, Applicant served interrogatories to opposer Fuzhou Mengku Technology Co., Ltd. A true and correct copy of those interrogatories as served is attached to this Declaration as Exhibit 2.
6. On July 28, 2022, opposer Hangzhou Mengku Technology Co., Ltd. served its responses to Applicant's interrogatories. A true and correct copy of those served responses is attached to this Declaration as Exhibit 3.
7. On July 28, 2022, opposer Fuzhou Mengku Technology Co., Ltd. served its responses to Applicant's interrogatories. A true and correct copy of those served responses is attached to this Declaration as Exhibit 4.
8. On July 28, 2022, Applicant served requests for admission to opposer Hangzhou Mengku Technology Co., Ltd. A true and correct copy of those requests as served is attached to this Declaration as Exhibit 5.
9. On July 28, 2022, Applicant served requests for admission to opposer Fuzhou Mengku Technology Co., Ltd. A true and correct copy of those requests as served is attached to this Declaration as Exhibit 6.
10. On July 28, 2022, Applicant served requests for production of documents and things to opposer Hangzhou Mengku Technology Co., Ltd. A true and correct copy of those requests as served is attached to this Declaration as Exhibit 7.
11. On July 28, 2022, Applicant served requests for production of documents and things to opposer Fuzhou Mengku Technology Co., Ltd. A true and correct copy of those requests as served is attached to this Declaration as Exhibit 8.

12. On August 26, 2022, opposer Hangzhou Mengku Technology Co., Ltd. served its responses to Applicant's requests for admission. A true and correct copy of those served responses is attached to this Declaration as Exhibit 9.
13. On August 26, 2022, opposer Fuzhou Mengku Technology Co., Ltd. served its responses to Applicant's requests for admission. A true and correct copy of those served responses is attached to this Declaration as Exhibit 10.
14. On August 26, 2022, opposer Hangzhou Mengku Technology Co., Ltd. served its responses to Applicant's requests for production of documents and things. A true and correct copy of those served responses is attached to this Declaration as Exhibit 11.
15. On August 26, 2022, opposer Fuzhou Mengku Technology Co., Ltd. served its responses to Applicant's requests for production of documents and things. A true and correct copy of those served responses is attached to this Declaration as Exhibit 12.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, NY,  
on October 10, 2022



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Rita Weeks

# EXHIBIT 1

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

Hangzhou Mengku Technology Co., Ltd., and  
Fuzhou Mengku Technology Co., Ltd.

Opposer,

vs.

Shanghai Zhenglang Technology Co., Ltd.

Opposition No. 91272143

**APPLICANT SHANGHAI  
ZHENGLANG TECHNOLOGY CO.  
LTD'S FIRST SET OF  
INTERROGATORIES TO  
APPLICANT HANG ZHOU MENGKU  
TECHNOLOGY CO., LTD.**

Pursuant to Fed.R.Civ.P. Rule 33 and 37 C.F.R. § 2.120(d)(1), Applicant Shanghai Zhenglang Technology Co., Ltd (“Applicant”) hereby requests that Opposer Hangzhou Mengku Technology Co., Ltd. (“Applicant”) answer, separately and fully in writing, under oath and within 30 days from service hereof, the Interrogatories set forth below. Pursuant to Fed.R.Civ.P. Rule 26(e), the responses to these Interrogatories are to be supplemented promptly upon acquisition of further additional information.

## I. INSTRUCTIONS

If any one or more of these Interrogatories is or are objected to on the grounds of privilege, overbreadth, vagueness, or similar ground, Applicant is instructed for each such Interrogatory to answer the Interrogatory within the 30-day period as narrowed to conform with the objection. Where Applicant lacks knowledge of exact information responsive to an Interrogatory, Applicant is instructed to say so and to answer the Interrogatory to the best of her present knowledge, to supply the best available estimate of the requested information, and to explain the basis of the estimate.

Unless otherwise stated, the relevant time period for the requests below is 2019 to the present.

These Interrogatories are continuing and Applicant is hereby requested to supplement her

responses immediately whenever she acquires additional information pertinent thereto.

## II. DEFINITIONS

The following definitions are applicable to terms employed in these Interrogatories, in the Instructions accompanying these Interrogatories, and in these Definitions.

1. “Applicant” shall mean and refer to Shanghai Zhenglang Technology Co., Ltd.
2. “Opposer” shall mean and refer to Hangzhou Mengku and includes any and all of its predecessors and successors in interest, any and all of its affiliates and affiliated entities, and her partners, employees, agents, licensees, and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing.
3. The term “Complaint” refers to the notice of opposition in this proceeding filed on October 6, 2021.
4. The term “Applied for Design Mark” refers to the design mark applied for under the U.S. serial number 90371133.
5. The term “person” refers to natural persons, organizations, associations, partnerships, joint ventures, corporations, and other legal entities, and the actions taken by a person include the actions of directors, officers, owners, members, partners, joint venturers, employees or agents acting on the person’s behalf.
6. The singular includes the plural and *vice versa*; the words “and” and “or” shall be construed in both the conjunctive and disjunctive; the word “all” means “any and all;” the word “any” means “any and all.”
7. The terms “relate to,” “refer to,” “relating to,” and “referring to” should be construed in their broadest possible sense to mean relating to, concerning, referring to, regarding, containing, identifying, monitoring, constituting, reflecting, embodying, comprising, stating, dealing with, commenting on, responding to, analyzing, describing, consisting of, discussing,

evidencing, mentioning, pertaining to, citing, summarizing, or bearing any logical or factual connection with the matter discussed, as these terms are understood in the broadest sense.

8. The term “document” is used in its customary broad sense and encompasses, without limitation, all handwritten, typed, printed or otherwise visually or aurally reproduced materials, whether copies, drafts or originals, emails, electronically stored, created or transmitted documents, and regardless of whether they are privileged against discovery on any ground, or within the possession, custody or control of Applicant, or its directors, officers, employees, agents, attorneys, consultants or representatives, including but not limited to: letters, correspondence, cables, wires, telegrams, notes, memoranda, diaries, notes or records of telephone conversations, notes or records of personal conversations or interviews, interoffice and intraoffice communications of all types, drawings, plans, sketches, charts, notebooks, data, operating and maintenance manuals, operating and product specifications, photographs, movies and recordings, books, catalogs, labels, packaging, containers, tags, advertisements, promotional materials, storyboards, press releases, reports, studies, questionnaires, assignments, agreements and other official papers and legal instruments, annual reports, management reports, project reports, reports to shareholders and minutes and reports of meetings (including meetings of directors, officers, executive boards and committees), lists of persons attending meetings, bills, invoices, orders, books, records, files, published material of any kind, and microfilms of documents that may have been destroyed. Any original or copy of a document containing or having attached to it any alterations, notes, comments or other material not included in the first document shall be deemed a separate document.

9. The term “communication” shall mean and refer to the exchanging or transmittal of information by any means whatsoever and is used in its broadest sense, including, but not limited to, letters and other written correspondence, text messages, emails, communications through social media, telephone calls, instant messages, and in-person communications.

10. As used herein, the term “identify” means:

- a. as to documents, give their dates, a detailed description of the document, the author thereof, the signee thereof, and specify the person having custody or control thereof;
- b. as to natural persons, give their full name, business address (or, if not available, home address) and telephone number, employer, job title and, if employed by Applicant, their dates and regular places of employment and general duties;
- c. as to corporations, give the full name and present or last known address of the principal place of business of the corporation, identify the officers and directors of the corporation, and the state of incorporation of the corporation;
- d. as to partnerships, state whether the partnership is a general or limited partnership, identify the limited and general partners of the partnership, and state the principal place of business of the partnership; and
- e. as to joint ventures or other associations, identify all joint venturers or members of the association and state the principal place of business of the joint venture or association.

### III. INTERROGATORIES

#### INTERROGATORY NO. 1:

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party A set forth in paragraph 6 of the Complaint.

#### INTERROGATORY NO. 2:

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party A or any person identified in Interrogatory No. 1 between Opposer and/or Fuzhou Mengku Technology Co., Ltd.

INTERROGATORY NO. 3:

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party B set forth in paragraph 7 of the Complaint.

INTERROGATORY NO. 4:

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party B or any person identified in Interrogatory No. 3 between Opposer and/or Fuzhou Mengku Technology Co., Ltd.

INTERROGATORY NO. 5:

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party C set forth in paragraph 9 of the Complaint.

INTERROGATORY NO. 6:

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party C or any person identified in Interrogatory No. 5 between Opposer and/or Fuzhou Mengku Technology Co., Ltd.

INTERROGATORY NO. 7:

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party D set forth in paragraph 11 of the Complaint.

INTERROGATORY NO. 8:

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party D or any person identified in Interrogatory No. 7 between Opposer and/or Fuzhou Mengku Technology Co., Ltd.

INTERROGATORY NO. 9:

Identify any goods or services provided by Opposer and/or Fuzhou Mengku Technology Co., Ltd. which bears trademark or icons similar to the Applied for Design Mark.

INTERROGATORY NO. 10:

For the goods or services identified in Interrogatory No. 9 state the first day such goods or services were made available for customers or users in the United States.

INTERROGATORY NO. 11:

For the goods or services identified in Interrogatory No. 9 state the following separately in annual, monthly:

- 1) the total sales amount,
- 2) total amount of advertising expenditures, and
- 3) total amount of download

INTERROGATORY NO. 12:

State the revenue generated for each of the products or services identified in response to Interrogatory No. 1.

INTERROGATORY NO. 13:

Identify the most knowledgeable person(s) of the marketing, distribution, advertising, promotion, and sale of each of the products or services identified in response to Interrogatory No. 1.

INTERROGATORY NO. 14:

Identify and describe all third party marks on which Applicant intends to rely upon in this proceeding, including the following description of each such mark:

- (a) the spelling or image of the mark;
- (b) the owner of the mark, including the full name of the owner, its/his address, telephone number, email address, and website address (if any),
- (c) the date of first use of the mark,
- (d) the goods or services offered under the mark,

(e) the total units sold and the dollar value or amount thereof for the products sold under the mark,

(f) the total revenue earned or generated from the offering or sale of goods under the mark,

(g) the dollar amount and nature of advertising conducted for the mark, and

(h) the geographic area in which the products or services offered under the mark are downloaded.

INTERROGATORY NO. 15:

Identify all persons who provided information for Applicant's responses to these Interrogatories, and for Opposers' and Fuzhou Mengku's responses to Applicant's First Request for Production of Documents served concurrently herewith.

INTERROGATORY NO. 16:

Identify the 11 games offered by Opposer and geographic location(s) served by the 11 games identified in paragraph 18 of the Complaint.

INTERROGATORY NO. 17:

Identify any affirmative steps taken by Opposer and/or Fuzhou Mengku Technology Co., Ltd to offer the mobile game featuring wood block puzzle as set forth in the paragraph 19 of the Complaint.

Shan Zhu Law Group, P.C.

Dated: May 23, 2022

By: /s/Shan Zhu  
Shan Zhu  
Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD'S FIRST SET OF INTERROGATORIES TO HANGZHOU MENGKU TECHOLONGY CO., LTD** has been served upon the attorney for Applicant by emailing to [jigang.jin@jfuslaw.com](mailto:jigang.jin@jfuslaw.com) on this 24th day of May, 2022.

/s/Shan Zhu

## EXHIBIT 2

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

Hangzhou Mengku Technology Co., Ltd., and  
Fuzhou Mengku Technology Co., Ltd.

Opposer,

vs.

Shanghai Zhenglang Technology Co., Ltd.

Opposition No. 91272143

**APPLICANT SHANGHAI  
ZHENGLANG TECHNOLOGY CO.  
LTD'S FIRST SET OF  
INTERROGATORIES TO  
APPLICANT HANG ZHOU MENGKU  
TECHNOLOGY CO., LTD.**

Pursuant to Fed.R.Civ.P. Rule 33 and 37 C.F.R. § 2.120(d)(1), Applicant Shanghai Zhenglang Technology Co., Ltd (“Applicant”) hereby requests that Opposer Fuzhou Mengku Technology Co., Ltd. (“Applicant”) answer, separately and fully in writing, under oath and within 30 days from service hereof, the Interrogatories set forth below. Pursuant to Fed.R.Civ.P. Rule 26(e), the responses to these Interrogatories are to be supplemented promptly upon acquisition of further additional information.

### I. INSTRUCTIONS

If any one or more of these Interrogatories is or are objected to on the grounds of privilege, overbreadth, vagueness, or similar ground, Applicant is instructed for each such Interrogatory to answer the Interrogatory within the 30-day period as narrowed to conform with the objection. Where Applicant lacks knowledge of exact information responsive to an Interrogatory, Applicant is instructed to say so and to answer the Interrogatory to the best of her present knowledge, to supply the best available estimate of the requested information, and to explain the basis of the estimate.

Unless otherwise stated, the relevant time period for the requests below is 2019 to the present.

These Interrogatories are continuing and Applicant is hereby requested to supplement her

responses immediately whenever she acquires additional information pertinent thereto.

## II. DEFINITIONS

The following definitions are applicable to terms employed in these Interrogatories, in the Instructions accompanying these Interrogatories, and in these Definitions.

1. “Applicant” shall mean and refer to Shanghai Zhenglang Technology Co., Ltd.
2. “Opposer” shall mean and refer to Fuzhou Mengku and includes any and all of its predecessors and successors in interest, any and all of its affiliates and affiliated entities, and her partners, employees, agents, licensees, and representatives of the foregoing, and any other person acting or purporting to act on behalf of any of the foregoing.
3. The term “Complaint” refers to the notice of opposition in this proceeding filed on October 6, 2021.
4. The term “Applied for Design Mark” refers to the design mark applied for under the U.S. serial number 90371133.
5. The term “person” refers to natural persons, organizations, associations, partnerships, joint ventures, corporations, and other legal entities, and the actions taken by a person include the actions of directors, officers, owners, members, partners, joint venturers, employees or agents acting on the person’s behalf.
6. The singular includes the plural and *vice versa*; the words “and” and “or” shall be construed in both the conjunctive and disjunctive; the word “all” means “any and all;” the word “any” means “any and all.”
7. The terms “relate to,” “refer to,” “relating to,” and “referring to” should be construed in their broadest possible sense to mean relating to, concerning, referring to, regarding, containing, identifying, monitoring, constituting, reflecting, embodying, comprising, stating, dealing with, commenting on, responding to, analyzing, describing, consisting of, discussing,

evidencing, mentioning, pertaining to, citing, summarizing, or bearing any logical or factual connection with the matter discussed, as these terms are understood in the broadest sense.

8. The term “document” is used in its customary broad sense and encompasses, without limitation, all handwritten, typed, printed or otherwise visually or aurally reproduced materials, whether copies, drafts or originals, emails, electronically stored, created or transmitted documents, and regardless of whether they are privileged against discovery on any ground, or within the possession, custody or control of Applicant, or its directors, officers, employees, agents, attorneys, consultants or representatives, including but not limited to: letters, correspondence, cables, wires, telegrams, notes, memoranda, diaries, notes or records of telephone conversations, notes or records of personal conversations or interviews, interoffice and intraoffice communications of all types, drawings, plans, sketches, charts, notebooks, data, operating and maintenance manuals, operating and product specifications, photographs, movies and recordings, books, catalogs, labels, packaging, containers, tags, advertisements, promotional materials, storyboards, press releases, reports, studies, questionnaires, assignments, agreements and other official papers and legal instruments, annual reports, management reports, project reports, reports to shareholders and minutes and reports of meetings (including meetings of directors, officers, executive boards and committees), lists of persons attending meetings, bills, invoices, orders, books, records, files, published material of any kind, and microfilms of documents that may have been destroyed. Any original or copy of a document containing or having attached to it any alterations, notes, comments or other material not included in the first document shall be deemed a separate document.

9. The term “communication” shall mean and refer to the exchanging or transmittal of information by any means whatsoever and is used in its broadest sense, including, but not limited to, letters and other written correspondence, text messages, emails, communications through social media, telephone calls, instant messages, and in-person communications.

10. As used herein, the term “identify” means:

- a. as to documents, give their dates, a detailed description of the document, the author thereof, the signee thereof, and specify the person having custody or control thereof;
- b. as to natural persons, give their full name, business address (or, if not available, home address) and telephone number, employer, job title and, if employed by Applicant, their dates and regular places of employment and general duties;
- c. as to corporations, give the full name and present or last known address of the principal place of business of the corporation, identify the officers and directors of the corporation, and the state of incorporation of the corporation;
- d. as to partnerships, state whether the partnership is a general or limited partnership, identify the limited and general partners of the partnership, and state the principal place of business of the partnership; and
- e. as to joint ventures or other associations, identify all joint venturers or members of the association and state the principal place of business of the joint venture or association.

### III. INTERROGATORIES

#### INTERROGATORY NO. 1:

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party A set forth in paragraph 6 of the Complaint.

#### INTERROGATORY NO. 2:

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party A or any person identified in Interrogatory No. 1 between Opposer and/or Hangzhou Mengku Technology Co., Ltd.

INTERROGATORY NO. 3:

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party B set forth in paragraph 7 of the Complaint.

INTERROGATORY NO. 4:

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party B or any person identified in Interrogatory No. 3 between Opposer and/or Hangzhou Mengku Technology Co., Ltd.

INTERROGATORY NO. 5:

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party C set forth in paragraph 9 of the Complaint.

INTERROGATORY NO. 6:

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party C or any person identified in Interrogatory No. 5 between Opposer and/or Hangzhou Mengku Technology Co., Ltd.

INTERROGATORY NO. 7:

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party D set forth in paragraph 11 of the Complaint.

INTERROGATORY NO. 8:

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party D or any person identified in Interrogatory No. 7 between Opposer and/or Hangzhou Mengku Technology Co., Ltd.

INTERROGATORY NO. 9:

Identify any goods or services provided by Opposer and/or Hangzhou Mengku Technology Co., Ltd. which bears trademark or icons similar to the Applied for Design Mark.

INTERROGATORY NO. 10:

For the goods or services identified in Interrogatory No. 9 state the first day such goods or services were made available for customers or users in the United States.

INTERROGATORY NO. 11:

For the goods or services identified in Interrogatory No. 9 state the following separately in annual, monthly:

- 1) the total sales amount,
- 2) total amount of advertising expenditures, and
- 3) total amount of download

INTERROGATORY NO. 12:

State the revenue generated for each of the products or services identified in response to Interrogatory No. 1.

INTERROGATORY NO. 13:

Identify the most knowledgeable person(s) of the marketing, distribution, advertising, promotion, and sale of each of the products or services identified in response to Interrogatory No. 1.

INTERROGATORY NO. 14:

Identify and describe all third party marks on which Applicant intends to rely upon in this proceeding, including the following description of each such mark:

- (a) the spelling or image of the mark;
- (b) the owner of the mark, including the full name of the owner, its/his address, telephone number, email address, and website address (if any),
- (c) the date of first use of the mark,
- (d) the goods or services offered under the mark,

(e) the total units sold and the dollar value or amount thereof for the products sold under the mark,

(f) the total revenue earned or generated from the offering or sale of goods under the mark,

(g) the dollar amount and nature of advertising conducted for the mark, and

(h) the geographic area in which the products or services offered under the mark are downloaded.

INTERROGATORY NO. 15:

Identify all persons who provided information for Applicant's responses to these Interrogatories, and for Opposers' and Hangzhou Mengku's responses to Applicant's First Request for Production of Documents served concurrently herewith.

INTERROGATORY NO. 16:

Identify the 11 games offered by Opposer and geographic location(s) served by the 11 games identified in paragraph 18 of the Complaint.

INTERROGATORY NO. 17:

Identify any affirmative steps taken by Opposer and/or Hangzhou Mengku Technology Co., Ltd to offer the mobile game featuring wood block puzzle as set forth in the paragraph 19 of the Complaint.

Shan Zhu Law Group, P.C.

Dated: May 23, 2022

By: /s/Shan Zhu  
Shan Zhu  
Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD'S FIRST SET OF INTERROGATORIES TO HANGZHOU MENGKU TECHOLONGY CO., LTD** has been served upon the attorney for Applicant by emailing to [jigang.jin@jfuslaw.com](mailto:jigang.jin@jfuslaw.com) on this 24th day of May, 2022.

/s/Shan Zhu

## EXHIBIT 3

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

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD. and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,  
Opposers,

- against -

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,  
Applicant.

**Cancellation No. 91272143**

**OPPOSER HANGZHOU MENGKU  
TECHNOLOGY CO., LTD.'S  
RESPONSES TO APPLICANT  
SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.'S FIRST SET  
OF INTERROGATORIES NOS. 1-17**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Opposer HANGZHOU MENGKU TECHNOLOGY CO., LTD. ("Opposer" or "MENGKU") hereby responds as follows to Applicant SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD. ("Applicant" or "ZHENGLANG")'s First Set of Interrogatories (Nos. 1-17).

#### **GENERAL RESPONSES**

1. Opposer's Responses to Applicant's First Set of Interrogatories (Nos. 1-17) are made to the best of Opposer's present knowledge, information, and belief. These responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Opposer's recollection, are subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Opposer's further discovery or investigation. Opposer reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to Applicant's First Set of

Interrogatories but discovered subsequent to the date of this response, including, but not limited to, any such information or documents obtained in discovery herein.

2. Opposer's responses and objections are made subject to and in accordance with the TTAB's Standard Protective Order<sup>1</sup>.

3. Opposer reserves all objections or other questions as to the competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Opposer's answers herein and any document or thing identified or provided in response to Applicant's interrogatories.

4. Opposer reserves the right to object on any ground at any time to such other or supplemental interrogatories as Applicant may at any time propound involving or relating to the subject matter of these interrogatories.

5. Because discovery is still ongoing, Opposer reserves the right to supplement its responses as more information becomes available or is recollected.

### **GENERAL OBJECTIONS**

1. Opposer makes the following general objections, whether or not separately set forth in response to each interrogatory, to each instruction, definition, and interrogatory made in Applicant's First Set of Interrogatories.

2. Opposer objects generally to interrogatories 1 through 17, inclusive, insofar as any such interrogatory seeks information or production of documents protected by the attorney-client privilege or the work product doctrine. Such information or documents shall not be provided in response to Applicant's interrogatories and any inadvertent disclosure or production thereof shall

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<sup>1</sup> Available at [https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order\\_02052020.pdf](https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order_02052020.pdf).

not be deemed a waiver of any privilege with respect to such information or documents or of any work product immunity which may attach thereto.

3. Opposer objects to interrogatories 1 through 17, inclusive, insofar as any such interrogatory seeks production of confidential, proprietary and/or trade secret information.

4. Opposer objects to interrogatories 1 through 17, inclusive, insofar as any such interrogatory is compound and, therefore, constitutes multiple interrogatories.

5. Opposer objects to the interrogatories, definitions, and instructions to the extent that they are unreasonably vague, overly broad, unduly burdensome, cumulative, and duplicative, and seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to the interrogatories, definitions, and instructions to the extent that they seek to impose burdens or obligations upon Opposer beyond what is prescribed and/or required by applicable law and rules.

7. Opposer objects to the interrogatories, definitions, and instructions to the extent that the information sought by Applicant is contained in documents that are already in Applicant's possession, custody or control, or are equally available to Applicant.

8. Opposer objects to the definition of "relating to" or "relate to" and all interrogatories incorporating these terms, to the extent that the definition is overly broad, vague, ambiguous, and unintelligible, requires subjective judgment on the part of Opposer and its attorneys, and would require a conclusion or opinion of counsel in violation of the attorney work product doctrine.

9. Opposer objects to the definition of "you" and "your" and all interrogatories incorporating these terms as overly broad, unduly burdensome, harassing and oppressive, to the extent that the definition purports to identify and seek information from entities outside of

Opposer's possession, custody, or control that are not parties to this litigation. Opposer further objects that this definition purports to require Opposer to respond on behalf of separate legal entities or persons other than itself and over which it does not have control.

## **SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES**

### **INTERROGATORY NO. 1:**

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party A set forth in paragraph 6 of the Complaint.

### **RESPONSE TO INTERROGATORY NO. 1:**

Opposer does not have any information responsive to this request.

### **INTERROGATORY NO. 2:**

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party A or any person identified in Interrogatory No. 1 between Opposer and/or Fuzhou Mengku Technology Co., Ltd.

### **RESPONSE TO INTERROGATORY NO. 2:**

There is no relationship between Party A and Opposer.

### **INTERROGATORY NO. 3:**

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party B set forth in paragraph 7 of the Complaint.

### **RESPONSE TO INTERROGATORY NO. 3:**

Opposer does not have any information responsive to this request.

### **INTERROGATORY NO. 4:**

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party B or any person identified in Interrogatory No. 3 between Opposer and/or Fuzhou Mengku Technology Co., Ltd.

### **RESPONSE TO INTERROGATORY NO. 4:**

There is no relationship between Party B and Opposer.

**INTERROGATORY NO. 5:**

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party C set forth in paragraph 9 of the Complaint.

**RESPONSE TO INTERROGATORY NO. 5:**

Opposer does not have any information responsive to this request.

**INTERROGATORY NO. 6:**

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party C or any person identified in Interrogatory No. 5 between Opposer and/or Fuzhou Mengku Technology Co., Ltd.

**RESPONSE TO INTERROGATORY NO. 6:**

There is no relationship between Party C and Opposer.

**INTERROGATORY NO. 7:**

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party D set forth in paragraph 11 of the Complaint.

**RESPONSE TO INTERROGATORY NO. 7:**

Opposer does not have any information responsive to this request.

**INTERROGATORY NO. 8:**

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party D or any person identified in Interrogatory No. 7 between Opposer and/or Fuzhou Mengku Technology Co., Ltd.

**RESPONSE TO INTERROGATORY NO. 8:**

There is no relationship between Party D and Opposer.

**INTERROGATORY NO. 9:**

Identify any goods or services provided by Opposer and/or Fuzhou Mengku Technology Co., Ltd. which bears trademark or icons similar to the Applied for Design Mark.

**RESPONSE TO INTERROGATORY NO. 9:**

Opposer objects to this request on the ground that it calls for legal opinion or legal conclusion. Without waiving the above objections, Opposer also objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

**INTERROGATORY NO. 10:**

For the goods or services identified in Interrogatory No. 9 state the first day such goods or services were made available for customers or users in the United States.

**RESPONSE TO INTERROGATORY NO. 10:**

Opposer objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

**INTERROGATORY NO. 11:**

For the goods or services identified in Interrogatory No. 9 state the following separately in annual, monthly:

- 1) the total sales amount,
- 2) total amount of advertising expenditures, and
- 3) total amount of download

**RESPONSE TO INTERROGATORY NO. 11:**

Opposer objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

**INTERROGATORY NO. 12:**

State the revenue generated for each of the products or services identified in response to Interrogatory No. 1.

**RESPONSE TO INTERROGATORY NO. 12:**

Opposer has no responsive information.

**INTERROGATORY NO. 13:**

Identify the most knowledgeable person(s) of the marketing, distribution, advertising, promotion, and sale of each of the products or services identified in response to Interrogatory No. 1.

**RESPONSE TO INTERROGATORY NO. 13:**

Opposer has no responsive information.

**INTERROGATORY NO. 14:**

Identify and describe all third party marks on which Applicant intends to rely upon in this proceeding, including the following description of each such mark:

- (a) the spelling or image of the mark;
- (b) the owner of the mark, including the full name of the owner, its/his address, telephone number, email address, and website address (if any),
- (c) the date of first use of the mark,
- (d) the goods or services offered under the mark,
- (e) the total units sold and the dollar value or amount thereof for the products sold under the mark,
- (f) the total revenue earned or generated from the offering or sale of goods under the
- (g) the dollar amount and nature of advertising conducted for the mark, and
- (h) the geographic area in which the products or services offered under the mark are downloaded.

**RESPONSE TO INTERROGATORY NO. 14:**

Opposer does not intend to rely on third-party mark in this proceeding.

**INTERROGATORY NO. 15:**

Identify all persons who provided information for Applicant's responses to these Interrogatories, and for Opposers' and Fuzhou Mengku's responses to Applicant's First Request for Production of Documents served concurrently herewith.

**RESPONSE TO INTERROGATORY NO. 15:**

Opposer objects to this interrogatory on the ground that the Applicant has never served any request for production of documents in this case. Without waiving the above objections, Opposer responds: Qianan Li.

**INTERROGATORY NO. 16:**

Identify the 11 games offered by Opposer and geographic location(s) served by the 11 games identified in paragraph 18 of the Complaint.

**RESPONSE TO INTERROGATORY NO. 16:**

Opposer objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

**INTERROGATORY NO. 17:**

Identify any affirmative steps taken by Opposer and/or Fuzhou Mengku Technology Co., Ltd to offer the mobile game featuring wood block puzzle as set forth in the paragraph 19 of the Complaint.

**RESPONSE TO INTERROGATORY NO. 17:**

Opposer objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

Dated: July 28, 2022

Respectfully submitted,

By: Jigang Jin

Jigang Jin  
JIN LAW FIRM  
P.O. Box 1937  
Union City, CA 94587  
Telephone: (408) 220-4350  
E-mail: [jigang.jin@jfuslaw.com](mailto:jigang.jin@jfuslaw.com)  
Attorney for Opposer

## **CERTIFICATE OF SERVICE**

I, Jigang Jin, hereby certify that on July 28, 2022, the foregoing document was served by email to Applicant's counsel of record.

Date: July 28, 2022

By: Jigang Jin  
Jigang Jin

**VERIFICATION FOR OPPOSER HANGZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD'S FIRST SET OF INTERROGATORIES NOS. 1-17**

I, Qianan Li, declare:

I am the CEO of Hangzhou Mengku Technology Co., Ltd. ("Mengku") and am duly authorized to sign this Verification on Mengku's behalf.

I have read the foregoing document titled OPPOSER HANGZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD'S FIRST SET OF INTERROGATORIES NOS. 1-17 ("Responses") and know the contents thereof. The Responses set forth therein, subject to inadvertent or undiscovered errors, are based on, and are necessarily limited by, the records and information still in existence, presently recollected, and thus far discovered in the course of preparing these Responses.

Mengku reserves the right to supplement or amend the Responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available.

Subject to the limitations set forth here, OPPOSER HANGZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD'S FIRST SET OF INTERROGATORIES NOS. 1-17 are true and correct to the best of my knowledge, information, and belief.

July 28, 2022

Date July 28, 2022

Qianan Li

Qianan Li, CEO  
Hangzhou Mengku Technology Co., Ltd.

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

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD. and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,  
Opposers,

- against -

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,  
Applicant.

**Cancellation No. 91272143**

**OPPOSER FUZHOU MENGKU  
TECHNOLOGY CO., LTD.'S  
RESPONSES TO APPLICANT  
SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.'S FIRST SET  
OF INTERROGATORIES NOS. 1-17**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Opposer FUZHOU MENGKU TECHNOLOGY CO., LTD. ("Opposer" or "MENGKU") hereby responses as follows to Applicant SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD. ("Applicant" or "ZHENGLANG")'s First Set of Interrogatories (Nos. 1-17).

**GENERAL RESPONSES**

1. Opposer's Responses to Applicant's First Set of Interrogatories (Nos. 1-17) are made to the best of Opposer's present knowledge, information, and belief. These responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Opposer's recollection, are subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Opposer's further discovery or investigation. Opposer reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to Applicant's First Set of

Interrogatories but discovered subsequent to the date of this response, including, but not limited to, any such information or documents obtained in discovery herein.

2. Opposer's responses and objections are made subject to and in accordance with the TTAB's Standard Protective Order<sup>1</sup>.

3. Opposer reserves all objections or other questions as to the competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Opposer's answers herein and any document or thing identified or provided in response to Applicant's interrogatories.

4. Opposer reserves the right to object on any ground at any time to such other or supplemental interrogatories as Applicant may at any time propound involving or relating to the subject matter of these interrogatories.

5. Because discovery is still ongoing, Opposer reserves the right to supplement its responses as more information becomes available or is recollected.

### **GENERAL OBJECTIONS**

1. Opposer makes the following general objections, whether or not separately set forth in response to each interrogatory, to each instruction, definition, and interrogatory made in Applicant's First Set of Interrogatories.

2. Opposer objects generally to interrogatories 1 through 17, inclusive, insofar as any such interrogatory seeks information or production of documents protected by the attorney-client privilege or the work product doctrine. Such information or documents shall not be provided in response to Applicant's interrogatories and any inadvertent disclosure or production thereof shall

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<sup>1</sup> Available at [https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order\\_02052020.pdf](https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order_02052020.pdf).

not be deemed a waiver of any privilege with respect to such information or documents or of any work product immunity which may attach thereto.

3. Opposer objects to interrogatories 1 through 17, inclusive, insofar as any such interrogatory seeks production of confidential, proprietary and/or trade secret information.

4. Opposer objects to interrogatories 1 through 17, inclusive, insofar as any such interrogatory is compound and, therefore, constitutes multiple interrogatories.

5. Opposer objects to the interrogatories, definitions, and instructions to the extent that they are unreasonably vague, overly broad, unduly burdensome, cumulative, and duplicative, and seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to the interrogatories, definitions, and instructions to the extent that they seek to impose burdens or obligations upon Opposer beyond what is prescribed and/or required by applicable law and rules.

7. Opposer objects to the interrogatories, definitions, and instructions to the extent that the information sought by Applicant is contained in documents that are already in Applicant's possession, custody or control, or are equally available to Applicant.

8. Opposer objects to the definition of "relating to" or "relate to" and all interrogatories incorporating these terms, to the extent that the definition is overly broad, vague, ambiguous, and unintelligible, requires subjective judgment on the part of Opposer and its attorneys, and would require a conclusion or opinion of counsel in violation of the attorney work product doctrine.

9. Opposer objects to the definition of "you" and "your" and all interrogatories incorporating these terms as overly broad, unduly burdensome, harassing and oppressive, to the extent that the definition purports to identify and seek information from entities outside of

Opposer's possession, custody, or control that are not parties to this litigation. Opposer further objects that this definition purports to require Opposer to respond on behalf of separate legal entities or persons other than itself and over which it does not have control.

## **SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES**

### **INTERROGATORY NO. 1:**

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party A set forth in paragraph 6 of the Complaint.

### **RESPONSE TO INTERROGATORY NO. 1:**

Opposer does not have any information responsive to this request.

### **INTERROGATORY NO. 2:**

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party A or any person identified in Interrogatory No. 1 between Opposer and/or Hangzhou Mengku Technology Co., Ltd.

### **RESPONSE TO INTERROGATORY NO. 2:**

There is no relationship between Party A and Opposer.

### **INTERROGATORY NO. 3:**

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party B set forth in paragraph 7 of the Complaint.

### **RESPONSE TO INTERROGATORY NO. 3:**

Opposer does not have any information responsive to this request.

### **INTERROGATORY NO. 4:**

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party B or any person identified in Interrogatory No. 3 between Opposer and/or Hangzhou Mengku Technology Co., Ltd.

### **RESPONSE TO INTERROGATORY NO. 4:**

There is no relationship between Party B and Opposer.

**INTERROGATORY NO. 5:**

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party C set forth in paragraph 9 of the Complaint.

**RESPONSE TO INTERROGATORY NO. 5:**

Opposer does not have any information responsive to this request.

**INTERROGATORY NO. 6:**

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party C or any person identified in Interrogatory No. 5 between Opposer and/or Hangzhou Mengku Technology Co., Ltd.

**RESPONSE TO INTERROGATORY NO. 6:**

There is no relationship between Party C and Opposer.

**INTERROGATORY NO. 7:**

Identify the name(s), address(es), phone number(s), email(s), and/or other contact of Party D set forth in paragraph 11 of the Complaint.

**RESPONSE TO INTERROGATORY NO. 7:**

Opposer does not have any information responsive to this request.

**INTERROGATORY NO. 8:**

Identify relationship, if any, including without limitation contractual, and/or business relationship between the Party D or any person identified in Interrogatory No. 7 between Opposer and/or Hangzhou Mengku Technology Co., Ltd.

**RESPONSE TO INTERROGATORY NO. 8:**

There is no relationship between Party D and Opposer.

**INTERROGATORY NO. 9:**

Identify any goods or services provided by Opposer and/or Hangzhou Mengku Technology Co., Ltd. which bears trademark or icons similar to the Applied for Design Mark.

**RESPONSE TO INTERROGATORY NO. 9:**

Opposer objects to this request on the ground that it calls for legal opinion or legal conclusion. Without waiving the above objections, Opposer also objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

**INTERROGATORY NO. 10:**

For the goods or services identified in Interrogatory No. 9 state the first day such goods or services were made available for customers or users in the United States.

**RESPONSE TO INTERROGATORY NO. 10:**

Opposer objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

**INTERROGATORY NO. 11:**

For the goods or services identified in Interrogatory No. 9 state the following separately in annual, monthly:

- 1) the total sales amount,
- 2) total amount of advertising expenditures, and
- 3) total amount of download

**RESPONSE TO INTERROGATORY NO. 11:**

Opposer objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

**INTERROGATORY NO. 12:**

State the revenue generated for each of the products or services identified in response to Interrogatory No. 1.

**RESPONSE TO INTERROGATORY NO. 12:**

Opposer has no responsive information.

**INTERROGATORY NO. 13:**

Identify the most knowledgeable person(s) of the marketing, distribution, advertising, promotion, and sale of each of the products or services identified in response to Interrogatory No. 1.

**RESPONSE TO INTERROGATORY NO. 13:**

Opposer has no responsive information.

**INTERROGATORY NO. 14:**

Identify and describe all third party marks on which Applicant intends to rely upon in this proceeding, including the following description of each such mark:

- (a) the spelling or image of the mark;
- (b) the owner of the mark, including the full name of the owner, its/his address, telephone number, email address, and website address (if any),
- (c) the date of first use of the mark,
- (d) the goods or services offered under the mark,
- (e) the total units sold and the dollar value or amount thereof for the products sold under the mark,
- (f) the total revenue earned or generated from the offering or sale of goods under the
- (g) the dollar amount and nature of advertising conducted for the mark, and
- (h) the geographic area in which the products or services offered under the mark are downloaded.

**RESPONSE TO INTERROGATORY NO. 14:**

Opposer does not intend to rely on third-party mark in this proceeding.

**INTERROGATORY NO. 15:**

Identify all persons who provided information for Applicant's responses to these Interrogatories, and for Opposers' and Hangzhou Mengku's responses to Applicant's First Request for Production of Documents served concurrently herewith.

**RESPONSE TO INTERROGATORY NO. 15:**

Opposer objects to this interrogatory on the ground that the Applicant has never served any request for production of documents in this case. Without waiving the above objections, Opposer responds: Qianan Li.

**INTERROGATORY NO. 16:**

Identify the 11 games offered by Opposer and geographic location(s) served by the 11 games identified in paragraph 18 of the Complaint.

**RESPONSE TO INTERROGATORY NO. 16:**

Opposer objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

**INTERROGATORY NO. 17:**

Identify any affirmative steps taken by Opposer and/or Hangzhou Mengku Technology Co., Ltd to offer the mobile game featuring wood block puzzle as set forth in the paragraph 19 of the Complaint.

**RESPONSE TO INTERROGATORY NO. 17:**

Opposer objects to this request on the ground that it seeks information not relevant to the Opposition proceeding and is not calculated to the discovery of admissible evidence.

Dated: July 28, 2022

Respectfully submitted,

By: Jigang Jin

Jigang Jin  
JIN LAW FIRM  
P.O. Box 1937  
Union City, CA 94587  
Telephone: (408) 220-4350  
E-mail: [jigang.jin@jfuslaw.com](mailto:jigang.jin@jfuslaw.com)  
Attorney for Opposer

## **CERTIFICATE OF SERVICE**

I, Jigang Jin, hereby certify that on July 28, 2022, the foregoing document was served by email to Applicant's counsel of record.

Date: July 28, 2022

By: Jigang Jin  
Jigang Jin

**VERIFICATION FOR OPPOSER FUZHOU MENGKU TECHNOLOGY CO., LTD.'S  
RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD'S  
FIRST SET OF INTERROGATORIES NOS. 1-17**

I, Qianan Li, declare:

I am the CEO of Fuzhou Mengku Technology Co., Ltd. ("Mengku") and am duly authorized to sign this Verification on Mengku's behalf.

I have read the foregoing document titled OPPOSER FUZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD'S FIRST SET OF INTERROGATORIES NOS. 1-17 ("Responses") and know the contents thereof. The Responses set forth therein, subject to inadvertent or undiscovered errors, are based on, and are necessarily limited by, the records and information still in existence, presently recollected, and thus far discovered in the course of preparing these Responses.

Mengku reserves the right to supplement or amend the Responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available.

Subject to the limitations set forth here, OPPOSER FUZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD'S FIRST SET OF INTERROGATORIES NOS. 1-17 are true and correct to the best of my knowledge, information, and belief.

July 28, 2022

Date July 28, 2022

Qianan Li

Qianan Li, CEO  
Fuzhou Mengku Technology Co., Ltd.

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD., and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,

Opposers,

v.

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO  
OPPOSER HANGZHOU MENGKU TECHNOLOGY CO. LTD. (1-68)**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. §§ 2.116 and 2.120, applicant Shanghai Zhenglang Technology Co., Ltd. ("Applicant") requests that opposer Hangzhou Mengku Technology Co., Ltd. ("Opposer") admit the truth of the matters designated below within thirty days (30) after service of these requests.

**INSTRUCTIONS AND DEFINITIONS**

1. "Earlier Mark A" refers to the mark cited in Opposers' Notice of Opposition by that same name as basis for Opposers' likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as "Party A." See Notice of Opposition ¶¶ 5-6.



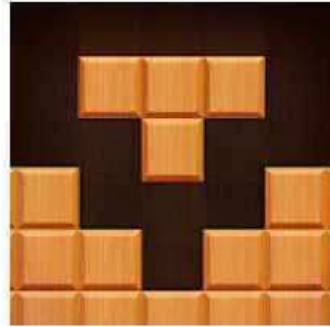
The Earlier Mark A

2. “Earlier Mark B” refers to the mark cited in Opposers’ Notice of Opposition by that same name as basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party B.” See Notice of Opposition ¶¶ 7-8.



The Earlier Mark B

3. “Earlier Mark C” refers to the mark cited in Opposers’ Notice of Opposition by that same name as basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party C.” See Notice of Opposition ¶¶ 9-10.



The Earlier Mark C

4. “Earlier Mark D” refers to the mark cited in Opposers’ Notice of Opposition by that same name as basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party D.” See Notice of Opposition ¶¶ 11-12.



The Earlier Mark D

5. “Opposers” refers to Hangzhou Mengku Technology Co., Ltd. and Fuzhou Mengku Technology Co., Ltd., the opposers in U.S. Trademark Opposition Proceeding No. 91272143, both singularly and collectively, and all of their present and former owners, officers, directors, employees, agents, attorneys, accounts, consultants, corporate parents, affiliates, subsidiaries, or other persons or entities acting on their behalf.

6. If Opposer does not admit a matter, its response must specifically deny it, or state in detail why Opposer cannot truthfully admit or deny it.

7. If Opposer qualifies an answer or denies only part of a matter, its response must specify the part admitted and qualify or deny the rest.
8. Opposer may not give lack of information or knowledge as the reason for failure to admit or deny, unless Opposer has made a reasonable inquiry and the information Opposer knows or can readily obtain is insufficient to enable Opposer to admit or deny.

### **REQUESTS FOR ADMISSION**

#### Regarding “Earlier Mark A”



The Earlier Mark A

- 1) The mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A” is not registered as a trademark with the U.S. Patent and Trademark Office and is not the subject of any pending application.
- 2) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A.”
- 3) Opposers do not own the mark or any rights in the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A.”
- 4) Opposers have not used or obtained a license to use the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A.”

- 5) Opposers do not know the identity of the owner of the mark referenced in their Notice of Opposition as “Earlier Mark A,” which person or entity is also referenced in the Notice of Opposition as “Party A.”
- 6) Opposers have no relationship with the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A,” which person or entity is also referenced in the Notice of Opposition as “Party A.”
- 7) Opposers are not in privity with the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A,” which person or entity is also referenced in the Notice of Opposition as “Party A.”
- 8) Opposers’ interest in protecting the mark cited referenced in Opposers’ Notice of Opposition as “Earlier Mark A” from a likelihood of confusion with Applicant’s design mark contained in Application Serial No. 90371133 is limited to Opposers’ status as competitors of Applicant.

Regarding “Earlier Mark B”



The Earlier Mark B

- 9) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark B" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.
- 10) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposer's Notice of Opposition as "Earlier Mark B."
- 11) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."
- 12) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."
- 13) Opposers do not know the identity of the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."
- 14) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."
- 15) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."
- 16) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

Regarding "Earlier Mark C"



The Earlier Mark C

- 17) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark C" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.
- 18) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."
- 19) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."
- 20) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."
- 21) Opposers do not know the identity of the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."
- 22) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."

- 23) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."
- 24) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

Regarding "Earlier Mark D"



The Earlier Mark D

- 25) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark D" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.
- 26) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 27) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 28) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

- 29) Opposers do not know the identity of the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."
- 30) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."
- 31) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."
- 32) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

Other topics

- 33) Opposers did not review the legal requirements to file a Notice of Opposition based on likelihood of confusion pursuant to 15 U.S.C. § 1052(d) prior to filing the Notice of Opposition in this proceeding.
- 34) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they did not own a U.S. trademark registration or pending U.S. trademark application for any of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D."
- 35) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they had not used any of the marks, or obtained a license to use any of the marks, cited

in the Notice of Opposition which are referred to as “Earlier Mark A,” “Earlier Mark B,” “Earlier Mark C,” and “Earlier Mark D.”

36) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they did not know the identity of any the owners of the marks cited in the Notice of Opposition which are referred to as “Earlier Mark A,” “Earlier Mark B,” “Earlier Mark C,” and “Earlier Mark D,” whose owners are referred to as “Party A,” “Party B,” “Party C,” and “Party D,” respectively.

37) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they had no relationship with any of the owners of the marks cited in the Notice of Opposition which are referred to as “Earlier Mark A,” “Earlier Mark B,” “Earlier Mark C,” and “Earlier Mark D,” who are referred to as “Party A,” “Party B,” “Party C,” and “Party C,” respectively.

38) Opposers have no knowledge of the state of mind of Applicant’s counsel who filed Applicant’s Application Serial No. 90371133 on the date that it was filed.

39) Opposers have no knowledge to the extent which Applicant’s counsel who filed Applicant’s Application Serial No. 90371133 understood the significance of the statements within the Declaration contained in the application on the date filed.

40) Opposers have no knowledge of whether Applicant’s counsel who filed Applicant’s Application Serial No. 90371133 made any inquiries regarding the accuracy of the statements contained in the application before it was filed.

41) Opposers do not know whether Applicant’s counsel who filed Applicant’s Application Serial No. 90371133 knew it contained any allegedly false material representations of fact when it was filed.

- 42) Opposers have no evidence that Applicant's counsel who filed Applicant's Application Serial No. 90371133 engaged in conduct that constitutes reckless disregard of the truth or falsity of the statements contained in the application at the time he filed it.
- 43) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90670738 (which matured into U.S. Trademark Registration No. 6704950).
- 44) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 6704950.
- 45) Opposers were not aware of U.S. Trademark Application Serial No. 90670738 at the time they filed their Notice of Opposition in this proceeding.
- 46) The mark that is the subject of U.S. Trademark Registration No. 6704950 is merely descriptive of one or more of its registered goods and services, namely, "[v]ideo game cartridges; Downloadable video game programs," and "[e]ntertainment services, namely, providing online video games," within the meaning of 15 U.S.C. § 1052(e)(1).
- 47) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90670731 (which matured into U.S. Trademark Registration No. 6704948).
- 48) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 6704948.
- 49) Opposers were not aware of U.S. Trademark Application Serial No. 90670731 at the time they filed their Notice of Opposition in this proceeding.
- 50) The graphic portion of the mark that is the subject of U.S. Trademark Registration No. 6704948, which is defined to include the entire substance of the mark except for the stylized word "Tetris," is merely descriptive of one or more of its registered goods and services, namely, "[v]ideo game cartridges; downloadable video game programs," and

“[e]ntertainment services, namely, providing online video games,” within the meaning of 15 U.S.C. § 1052(e)(1).

51) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 3886177.

52) Opposers were not aware of U.S. Trademark Registration No. 3886177 at the time they filed its Notice of Opposition in this proceeding.

53) The mark that is the subject of U.S. Trademark Registration No. 3886177 is merely descriptive of “computer game software” (the goods for which it is registered) within the meaning of 15 U.S.C. § 1052(e)(1).

54) Opposers have not filed a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90876853.

55) The mark that is the subject of U.S. Trademark Application Serial No. 90/876853 is merely descriptive for one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer screen saver software, downloadable; Computer screen saver software, recorded on computer media; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer software for application and database integration; Downloadable computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable emoticons for mobile phones; Downloadable graphics for mobile phones; Downloadable mobile applications for booking taxis; Downloadable mobile applications for downloading and reading electronic publications on portable electronic

devices; Downloadable music files; Downloadable ring tones for mobile phones; Memory cards for video game machines; Recorded computer gaming software for recreational game playing purposes; Recorded computer operating programs; Recorded computer operating system software; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

56) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 88924154.

57) The mark that is the subject of U.S. Trademark Application Serial No. 88924154 is merely descriptive of one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer application software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; Downloadable computer game software; Downloadable computer programs for video and computer games; Memory cards for video game machines; Recorded computer anti-virus software; Recorded computer game software; Recorded computer programs for word processing; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

58) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90331351.

59) The mark that is the subject of U.S. Trademark Application Serial No. 90331351 is merely descriptive of one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer application software for mobile phones, portable media players, handheld computers, namely, software for use in

database management, use in electronic storage of data; Downloadable computer game software; Downloadable computer programs for video and computer games; Memory cards for video game machines; Recorded computer anti-virus software; Recorded computer game software; Recorded computer programs for word processing; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

60) Opposers have not filed a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90876841.

61) The mark that is the subject of U.S. Trademark Application Serial No. 90876841 is merely descriptive for one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer screen saver software, downloadable; Computer screen saver software, recorded on computer media; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer software for application and database integration; Downloadable computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable emoticons for mobile phones; Downloadable graphics for mobile phones; Downloadable mobile applications for booking taxis; Downloadable mobile applications for downloading and reading electronic publications on portable electronic devices; Downloadable music files; Downloadable ring tones for mobile phones; Memory cards for video game machines; Recorded computer gaming software for recreational game

playing purposes; Recorded computer operating programs; Recorded computer operating system software; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

62) The specimen submitted by Applicant for its U.S. Trademark Application Serial No. 90371133, a copy of which is attached as Exhibit VI to Opposers’ Notice of Opposition, is a true and accurate copy of a screenshot of the Google Play mobile application website showing use of Applicant’s mark that is the subject of U.S. Trademark Application Serial No. 90371133 captured on December 8, 2020.

63) Opposers are currently using the icon shown below for their “Block Puzzlejoy” game offered on the Google Play mobile application store at

<https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.blockpuzzlejoy>:

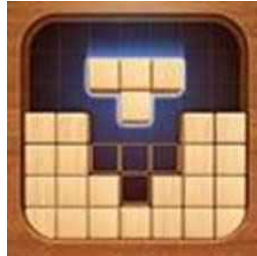


64) The icon Opposers are currently using for their “Block Puzzlejoy” game offered on the Google Play mobile application store at

<https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.blockpuzzlejoy>, shown below for reference, is merely descriptive of computer game software within the meaning of 15 U.S.C. § 1052(e)(1).



65) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[d]ownloadable computer programs for pre-recording sports games."



66) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[d]ownloadable mobile applications for booking taxis."



67) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[r]ecorded computer virtual reality game software."



68) The U.S. Patent and Trademark Office has not refused registration to Applicant's U.S. Trademark Application Serial No. 90371133 on the grounds that the mark is merely descriptive.

Dated: July 28, 2022

KILPATRICK TOWNSEND & STOCKTON LLP



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*Attorneys for Applicant*

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD., and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,

Opposers,

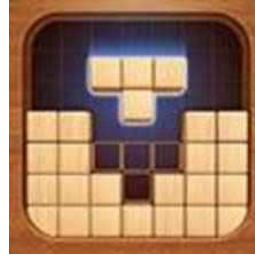
v.

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**CERTIFICATE OF SERVICE**

I certify that on July 28, 2022, I served a true copy of the foregoing **APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER HANGZHOU MENGKU TECHNOLOGY CO. LTD. (1-68)** to Opposers' counsel by electronic mail at:

*jigang.jin@jfuslaw.com;*

*qianan.li@bigcool.com*

A handwritten signature in blue ink, appearing to read 'Rita Weeks', written over a horizontal line.

Rita Weeks  
*Attorney for Applicant*

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD., and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,

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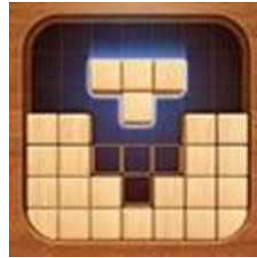
v.

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO  
OPPOSER FUZHOU MENGKU TECHNOLOGY CO. LTD. (1-68)**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and 37 C.F.R. §§ 2.116 and 2.120, applicant Shanghai Zhenglang Technology Co., Ltd. ("Applicant") requests that opposer Fuzhou Mengku Technology Co., Ltd. ("Opposer") admit the truth of the matters designated below within thirty days (30) after service of these requests.

**INSTRUCTIONS AND DEFINITIONS**

1. "Earlier Mark A" refers to the mark cited in Opposers' Notice of Opposition by that same name as basis for Opposers' likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as "Party A." See Notice of Opposition ¶¶ 5-6.



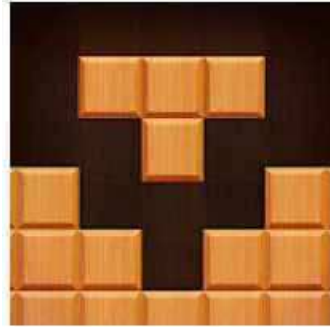
The Earlier Mark A

2. “Earlier Mark B” refers to the mark cited in Opposers’ Notice of Opposition by that same name as basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party B.” See Notice of Opposition ¶¶ 7-8.



The Earlier Mark B

3. “Earlier Mark C” refers to the mark cited in Opposers’ Notice of Opposition by that same name as basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party C.” See Notice of Opposition ¶¶ 9-10.



The Earlier Mark C

4. “Earlier Mark D” refers to the mark cited in Opposers’ Notice of Opposition by that same name as basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party D.” See Notice of Opposition ¶¶ 11-12.



The Earlier Mark D

5. “Opposers” refers to Fuzhou Mengku Technology Co., Ltd. and Hangzhou Mengku Technology Co., Ltd., the opposers in U.S. Trademark Opposition Proceeding No. 91272143, both singularly and collectively, and all of their present and former owners, officers, directors, employees, agents, attorneys, accounts, consultants, corporate parents, affiliates, subsidiaries, or other persons or entities acting on their behalf.

6. If Opposer does not admit a matter, its response must specifically deny it, or state in detail why Opposer cannot truthfully admit or deny it.

7. If Opposer qualifies an answer or denies only part of a matter, its response must specify the part admitted and qualify or deny the rest.
8. Opposer may not give lack of information or knowledge as the reason for failure to admit or deny, unless Opposer has made a reasonable inquiry and the information Opposer knows or can readily obtain is insufficient to enable Opposer to admit or deny.

### **REQUESTS FOR ADMISSION**

#### Regarding “Earlier Mark A”



The Earlier Mark A

- 1) The mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A” is not registered as a trademark with the U.S. Patent and Trademark Office and is not the subject of any pending application.
- 2) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A.”
- 3) Opposers do not own the mark or any rights in the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A.”
- 4) Opposers have not used or obtained a license to use the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A.”

- 5) Opposers do not know the identity of the owner of the mark referenced in their Notice of Opposition as “Earlier Mark A,” which person or entity is also referenced in the Notice of Opposition as “Party A.”
- 6) Opposers have no relationship with the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A,” which person or entity is also referenced in the Notice of Opposition as “Party A.”
- 7) Opposers are not in privity with the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark A,” which person or entity is also referenced in the Notice of Opposition as “Party A.”
- 8) Opposers’ interest in protecting the mark cited referenced in Opposers’ Notice of Opposition as “Earlier Mark A” from a likelihood of confusion with Applicant’s design mark contained in Application Serial No. 90371133 is limited to Opposers’ status as competitors of Applicant.

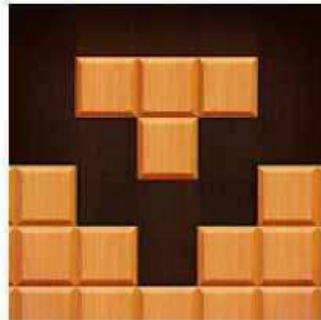
Regarding “Earlier Mark B”



The Earlier Mark B

- 9) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark B" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.
- 10) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposer's Notice of Opposition as "Earlier Mark B."
- 11) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."
- 12) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."
- 13) Opposers do not know the identity of the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."
- 14) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."
- 15) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."
- 16) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

Regarding “Earlier Mark C”



The Earlier Mark C

- 17) The mark referenced in Opposers’ Notice of Opposition as “Earlier Mark C” is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.
- 18) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark C.”
- 19) Opposers do not own the mark or any rights in the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark C.”
- 20) Opposers have not used or obtained a license to use the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark C.”
- 21) Opposers do not know the identity of the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark C,” which person or entity is also referenced in the Notice of Opposition as “Party C.”
- 22) Opposers have no relationship with the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark C,” which person or entity is also referenced in the Notice of Opposition as “Party C.”

- 23) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."
- 24) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

Regarding "Earlier Mark D"



The Earlier Mark D

- 25) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark D" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.
- 26) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 27) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 28) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

- 29) Opposers do not know the identity of the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."
- 30) Opposers have no relationship with the owner of the mark referenced in Oppose Rs's Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."
- 31) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."
- 32) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

Other topics

- 33) Opposers did not review the legal requirements to file a Notice of Opposition based on likelihood of confusion pursuant to 15 U.S.C. § 1052(d) prior to filing the Notice of Opposition in this proceeding.
- 34) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they did not own a U.S. trademark registration or pending U.S. trademark application for any of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D."
- 35) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they had not used any of the marks, or obtained a license to use any of the marks, cited

in the Notice of Opposition which are referred to as “Earlier Mark A,” “Earlier Mark B,” “Earlier Mark C,” and “Earlier Mark D.”

36) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they did not know the identity of any the owners of the marks cited in the Notice of Opposition which are referred to as “Earlier Mark A,” “Earlier Mark B,” “Earlier Mark C,” and “Earlier Mark D,” whose owners are referred to as “Party A,” “Party B,” “Party C,” and “Party D,” respectively.

37) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they had no relationship with any of the owners of the marks cited in the Notice of Opposition which are referred to as “Earlier Mark A,” “Earlier Mark B,” “Earlier Mark C,” and “Earlier Mark D,” who are referred to as “Party A,” “Party B,” “Party C,” and “Party C,” respectively.

38) Opposers have no knowledge of the state of mind of Applicant’s counsel who filed Applicant’s Application Serial No. 90371133 on the date that it was filed.

39) Opposers have no knowledge to the extent which Applicant’s counsel who filed Applicant’s Application Serial No. 90371133 understood the significance of the statements within the Declaration contained in the application on the date filed.

40) Opposers have no knowledge of whether Applicant’s counsel who filed Applicant’s Application Serial No. 90371133 made any inquiries regarding the accuracy of the statements contained in the application before it was filed.

41) Opposers do not know whether Applicant’s counsel who filed Applicant’s Application Serial No. 90371133 knew it contained any allegedly false material representations of fact when it was filed.

- 42) Opposers have no evidence that Applicant's counsel who filed Applicant's Application Serial No. 90371133 engaged in conduct that constitutes reckless disregard of the truth or falsity of the statements contained in the application at the time he filed it.
- 43) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90670738 (which matured into U.S. Trademark Registration No. 6704950).
- 44) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 6704950.
- 45) Opposers were not aware of U.S. Trademark Application Serial No. 90670738 at the time they filed their Notice of Opposition in this proceeding.
- 46) The mark that is the subject of U.S. Trademark Registration No. 6704950 is merely descriptive of one or more of its registered goods and services, namely, "[v]ideo game cartridges; Downloadable video game programs," and "[e]ntertainment services, namely, providing online video games," within the meaning of 15 U.S.C. § 1052(e)(1).
- 47) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90670731 (which matured into U.S. Trademark Registration No. 6704948).
- 48) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 6704948.
- 49) Opposers were not aware of U.S. Trademark Application Serial No. 90670731 at the time they filed their Notice of Opposition in this proceeding.
- 50) The graphic portion of the mark that is the subject of U.S. Trademark Registration No. 6704948, which is defined to include the entire substance of the mark except for the stylized word "Tetris," is merely descriptive of one or more of its registered goods and services, namely, "[v]ideo game cartridges; downloadable video game programs," and

“[e]ntertainment services, namely, providing online video games,” within the meaning of 15 U.S.C. § 1052(e)(1).

51) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 3886177.

52) Opposers were not aware of U.S. Trademark Registration No. 3886177 at the time they filed its Notice of Opposition in this proceeding.

53) The mark that is the subject of U.S. Trademark Registration No. 3886177 is merely descriptive of “computer game software” (the goods for which it is registered) within the meaning of 15 U.S.C. § 1052(e)(1).

54) Opposers have not filed a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90876853.

55) The mark that is the subject of U.S. Trademark Application Serial No. 90/876853 is merely descriptive for one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer screen saver software, downloadable; Computer screen saver software, recorded on computer media; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer software for application and database integration; Downloadable computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable emoticons for mobile phones; Downloadable graphics for mobile phones; Downloadable mobile applications for booking taxis; Downloadable mobile applications for downloading and reading electronic publications on portable electronic

devices; Downloadable music files; Downloadable ring tones for mobile phones; Memory cards for video game machines; Recorded computer gaming software for recreational game playing purposes; Recorded computer operating programs; Recorded computer operating system software; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

56) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 88924154.

57) The mark that is the subject of U.S. Trademark Application Serial No. 88924154 is merely descriptive of one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer application software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; Downloadable computer game software; Downloadable computer programs for video and computer games; Memory cards for video game machines; Recorded computer anti-virus software; Recorded computer game software; Recorded computer programs for word processing; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

58) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90331351.

59) The mark that is the subject of U.S. Trademark Application Serial No. 90331351 is merely descriptive of one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer application software for mobile phones, portable media players, handheld computers, namely, software for use in

database management, use in electronic storage of data; Downloadable computer game software; Downloadable computer programs for video and computer games; Memory cards for video game machines; Recorded computer anti-virus software; Recorded computer game software; Recorded computer programs for word processing; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

60) Opposers have not filed a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90876841.

61) The mark that is the subject of U.S. Trademark Application Serial No. 90876841 is merely descriptive for one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer screen saver software, downloadable; Computer screen saver software, recorded on computer media; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer software for application and database integration; Downloadable computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable emoticons for mobile phones; Downloadable graphics for mobile phones; Downloadable mobile applications for booking taxis; Downloadable mobile applications for downloading and reading electronic publications on portable electronic devices; Downloadable music files; Downloadable ring tones for mobile phones; Memory cards for video game machines; Recorded computer gaming software for recreational game

playing purposes; Recorded computer operating programs; Recorded computer operating system software; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

62) The specimen submitted by Applicant for its U.S. Trademark Application Serial No. 90371133, a copy of which is attached as Exhibit VI to Opposers’ Notice of Opposition, is a true and accurate copy of a screenshot of the Google Play mobile application website showing use of Applicant’s mark that is the subject of U.S. Trademark Application Serial No. 90371133 captured on December 8, 2020.

63) Opposers are currently using the icon shown below for their “Block Puzzlejoy” game offered on the Google Play mobile application store at

<https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.blockpuzzlejoy>:



64) The icon Opposers are currently using for their “Block Puzzlejoy” game offered on the Google Play mobile application store at

<https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.blockpuzzlejoy>, shown below for reference, is merely descriptive of computer game software within the meaning of 15 U.S.C. § 1052(e)(1).



65) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[d]ownloadable computer programs for pre-recording sports games."



66) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[d]ownloadable mobile applications for booking taxis."



67) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[r]ecorded computer virtual reality game software."



68) The U.S. Patent and Trademark Office has not refused registration to Applicant's U.S. Trademark Application Serial No. 90371133 on the grounds that the mark is merely descriptive.

Dated: July 28, 2022

KILPATRICK TOWNSEND & STOCKTON LLP



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Rita Weeks

Robert Potter

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New York, New York 10036

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*Attorneys for Applicant*

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

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TECHNOLOGY CO., LTD.,

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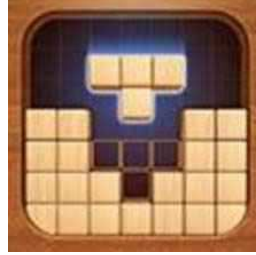
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TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**CERTIFICATE OF SERVICE**

I certify that on July 28, 2022, I served a true copy of the foregoing **APPLICANT'S FIRST SET OF REQUESTS FOR ADMISSION TO OPPOSER FUZHOU MENGKU TECHNOLOGY CO. LTD. (1-68)** to Opposers' counsel by electronic mail at:

*jigang.jin@jfuslaw.com;*

*qianan.li@bigcool.com*



Rita Weeks  
*Attorney for Applicant*

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

HANGZHOU MENGKU TECHNOLOGY  
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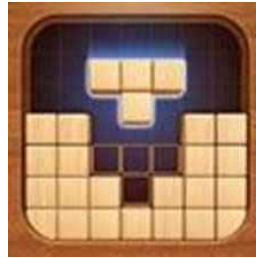
v.

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TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
AND THINGS TO OPPOSER HANGZHOU MENGKU TECHNOLOGY CO., LTD.**

**(1-42)**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. §§ 2.116 and 2.120, applicant Shanghai Zhenglang Technology Co., Ltd. (“Applicant”) requests that opposer Hangzhou Mengku Technology Co., Ltd. (“Opposer”) produce the documents and things identified below within thirty (30) days of service of these Requests for inspection and copying at the office of Kilpatrick Townsend & Stockton LLP, 1114 Avenue of the Americas, Suite 2100, New York, New York 10022, or at such other place agreed upon by counsel.

**INSTRUCTIONS AND DEFINITIONS**

1. “Earlier Mark A” refers to the mark cited in Opposers’ Notice of Opposition by that same name as the basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party A.” See Notice of Opposition ¶¶ 5-6.



The Earlier Mark A

2. “Earlier Mark B” refers to the mark cited in Opposers’ Notice of Opposition by that same name as the basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party B.” See Notice of Opposition ¶¶ 7-8.



The Earlier Mark B

3. “Earlier Mark C” refers to the mark cited in Opposers’ Notice of Opposition by that same name as the basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party C.” See Notice of Opposition ¶¶ 9-10.



The Earlier Mark C

4. “Earlier Mark D” refers to the mark cited in Opposers’ Notice of Opposition by that same name as the basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party D.” See Notice of Opposition ¶¶ 11-12.



The Earlier Mark D

5. “Opposers” refers to Hangzhou Mengku Technology Co., Ltd. and Fuzhou Mengku Technology Co., Ltd., the opposers in U.S. Trademark Opposition Proceeding No. 91272143, both singularly and collectively, and all of their present and former owners, officers, directors,

employees, agents, attorneys, accounts, consultants, corporate parents, affiliates, subsidiaries, or other persons or entities acting on their behalf.

6. “Documents” is used in the broadest sense of Rule 34 of the Federal Rules of Civil Procedure and encompasses all manner of recordation, including written and electronically stored information (and accompanying metadata), and tangible things.

7. “Communications” means every manner of correspondence, contact, discussion, disclosure, transmittal of information, or exchange of information, whether person-to-person, in a group, orally, in writing, by telephone, by email, by other electronic transmission, by mail, by personal delivery, or otherwise.

8. Opposer is requested to produce all documents that are in its possession, custody, or control, or the possession, custody, or control of any of Opposers’ representatives, including persons consulted concerning any factual matter or matters of opinion relating to any of the facts or issues involved in this case; such persons include attorneys with whom Opposers have consulted unless Opposers claim such documents are privileged or otherwise protected from disclosure.

9. If Opposer withholds any responsive documents by claiming they are privileged communications, attorney-work product, or otherwise protected from disclosure, Opposer must expressly identify the privilege claimed and describe specifically each withheld document in a privilege log in a manner that, without revealing information that is itself privileged or protected, will enable Applicant and the Board to assess the applicability of the privilege or protection.

10. All questions regarding the meaning or interpretation of these Requests should be directed to the undersigned counsel.

## **DOCUMENTS AND THINGS REQUESTED**

- 1) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."
- 2) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."
- 3) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."
- 4) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 5) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."
- 6) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."
- 7) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."
- 8) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 9) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."
- 10) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."
- 11) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

- 12) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 13) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."
- 14) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."
- 15) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."
- 16) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 17) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."
- 18) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."
- 19) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."
- 20) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."

- 21) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."
- 22) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."
- 23) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."
- 24) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 25) All communications regarding Applicant's U.S. Application Serial No. 90/670,738 and the design mark that is the subject of that application.
- 26) All documents and communications concerning Applicant, its U.S. trademark registrations and applications, and its use of any trademarks.
- 27) All documents and communications concerning Applicant's use of any icons for mobile game applications.
- 28) All documents concerning any inquiries made by Applicant's counsel in advance of filing U.S. Trademark Application Serial No. 90371133 regarding the accuracy of the statements contained in the application.
- 29) Documents concerning any false material representations of fact made when filing U.S. Trademark Application Serial No. 90371133.
- 30) All documents and communications concerning Opposers' knowledge of U.S. Trademark Registration No. 6704950.
- 31) All documents and communications concerning Opposers' knowledge of U.S. Trademark Registration No. 6704948.

- 32) All documents and communications concerning Opposers' knowledge of U.S. Trademark Registration No. 3886177.
- 33) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 90876853.
- 34) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 88924154.
- 35) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 90331351.
- 36) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 90876841.
- 37) Documents identifying U.S. trademark registrations or pending applications for marks Opposers contend to be confusingly similar to Applicant's mark that is the subject of U.S. Trademark Application Serial No. 90371133.
- 38) Documents supporting Opposers' allegation in Paragraph 3 of their Notice of Opposition that "the Opposed Mark is merely descriptive under § 2(e) of the Trademark Act because it immediately conveys the knowledge of 'wood block puzzle' computer or mobile game – a type of computer or mobile game featuring wooden blocks." See Notice of Opposition ¶ 3.
- 39) Documents supporting Opposers' allegation in Paragraph 14 of their Notice of Opposition that "registration of the Opposed Mark should be refused because Applicant is not (and was not, at the time of the filing of the Application) the rightful owner of the Opposed Mark, given it is nearly identical to the Earlier Mark A." See Notice of Opposition ¶ 14.

40) All Documents supporting Opposers' allegation in Paragraph 15 of their Notice of Opposition that "Applicant committed fraud during the prosecution of the Application." See Notice of Opposition ¶ 15.

41) All Documents supporting Opposers' allegation in Paragraph 19 of their Notice of Opposition that "Opposers intend to offer a mobile game featuring wood block puzzles." See Notice of Opposition ¶ 19.

42) All Documents supporting Opposers' allegation in Paragraph 19 of their Notice of Opposition that "Opposers face threat of trademark infringement actions from Applicant if the Opposed Mark is registered as a federal trademark." See Notice of Opposition ¶ 19.

Dated: July 28, 2022

KILPATRICK TOWNSEND & STOCKTON LLP

A handwritten signature in blue ink, appearing to read "Rita Weeks", is written above a horizontal line.

Rita Weeks  
Robert Potter  
1114 Avenue of the Americas, 21st Floor  
New York, New York 10036  
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*rweeks@kilpatricktownsend.com*  
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*Attorneys for Applicant*

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD., and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,

Opposers,

v.

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**CERTIFICATE OF SERVICE**

I certify that on July 28, 2022, I served a true copy of the foregoing **APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS TO OPPOSER HANGZHOU MENGKU TECHNOLOGY CO., LTD. (1-42)** to Opposers' counsel by electronic mail at:

*jigang.jin@jfuslaw.com;*

*qianan.li@bigcool.com*

Rita Weeks  
*Attorney for Applicant*

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD., and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,

Opposers,

v.

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
AND THINGS TO OPPOSER FUZHOU MENGKU TECHNOLOGY CO., LTD.**  
**(1-42)**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and 37 C.F.R. §§ 2.116 and 2.120, applicant Shanghai Zhenglang Technology Co., Ltd. (“Applicant”) requests that opposer Fuzhou Mengku Technology Co., Ltd. (“Opposer”) produce the documents and things identified below within thirty (30) days of service of these Requests for inspection and copying at the office of Kilpatrick Townsend & Stockton LLP, 1114 Avenue of the Americas, Suite 2100, New York, New York 10022, or at such other place agreed upon by counsel.

**INSTRUCTIONS AND DEFINITIONS**

1. “Earlier Mark A” refers to the mark cited in Opposers’ Notice of Opposition by that same name as the basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party A.” See Notice of Opposition ¶¶ 5-6.



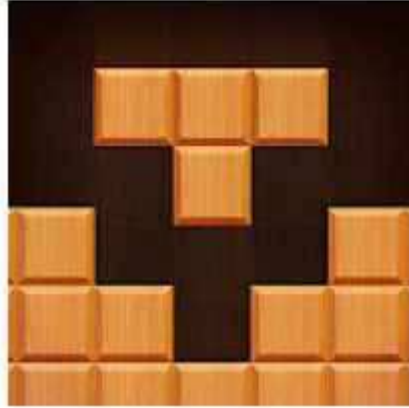
The Earlier Mark A

2. “Earlier Mark B” refers to the mark cited in Opposers’ Notice of Opposition by that same name as the basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party B.” See Notice of Opposition ¶¶ 7-8.



The Earlier Mark B

3. “Earlier Mark C” refers to the mark cited in Opposers’ Notice of Opposition by that same name as the basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party C.” See Notice of Opposition ¶¶ 9-10.



The Earlier Mark C

4. “Earlier Mark D” refers to the mark cited in Opposers’ Notice of Opposition by that same name as the basis for Opposers’ likelihood of confusion claim, represented to appear as shown below, and represented to be used by a person or entity referred to as “Party D.” See Notice of Opposition ¶¶ 11-12.



The Earlier Mark D

5. “Opposers” refers to Fuzhou Mengku Technology Co., Ltd. and Hangzhou Mengku Technology Co., Ltd., the opposers in U.S. Trademark Opposition Proceeding No. 91272143, both singularly and collectively, and all of their present and former owners, officers, directors,

employees, agents, attorneys, accounts, consultants, corporate parents, affiliates, subsidiaries, or other persons or entities acting on their behalf.

6. “Documents” is used in the broadest sense of Rule 34 of the Federal Rules of Civil Procedure and encompasses all manner of recordation, including written and electronically stored information (and accompanying metadata), and tangible things.

7. “Communications” means every manner of correspondence, contact, discussion, disclosure, transmittal of information, or exchange of information, whether person-to-person, in a group, orally, in writing, by telephone, by email, by other electronic transmission, by mail, by personal delivery, or otherwise.

8. Opposer is requested to produce all documents that are in its possession, custody, or control, or the possession, custody, or control of any of Opposers’ representatives, including persons consulted concerning any factual matter or matters of opinion relating to any of the facts or issues involved in this case; such persons include attorneys with whom Opposers have consulted unless Opposers claim such documents are privileged or otherwise protected from disclosure.

9. If Opposer withholds any responsive documents by claiming they are privileged communications, attorney-work product, or otherwise protected from disclosure, Opposer must expressly identify the privilege claimed and describe specifically each withheld document in a privilege log in a manner that, without revealing information that is itself privileged or protected, will enable Applicant and the Board to assess the applicability of the privilege or protection.

10. All questions regarding the meaning or interpretation of these Requests should be directed to the undersigned counsel.

## **DOCUMENTS AND THINGS REQUESTED**

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- 4) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."
- 5) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."
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- 17) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."
- 18) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."
- 19) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."
- 20) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."

- 21) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."
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- 26) All documents and communications concerning Applicant, its U.S. trademark registrations and applications, and its use of any trademarks.
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- 32) All documents and communications concerning Opposers' knowledge of U.S. Trademark Registration No. 3886177.
- 33) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 90876853.
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- 37) Documents identifying U.S. trademark registrations or pending applications for marks Opposers contend to be confusingly similar to Applicant's mark that is the subject of U.S. Trademark Application Serial No. 90371133.
- 38) Documents supporting Opposers' allegation in Paragraph 3 of their Notice of Opposition that "the Opposed Mark is merely descriptive under § 2(e) of the Trademark Act because it immediately conveys the knowledge of 'wood block puzzle' computer or mobile game – a type of computer or mobile game featuring wooden blocks." See Notice of Opposition ¶ 3.
- 39) Documents supporting Opposers' allegation in Paragraph 14 of their Notice of Opposition that "registration of the Opposed Mark should be refused because Applicant is not (and was not, at the time of the filing of the Application) the rightful owner of the Opposed Mark, given it is nearly identical to the Earlier Mark A." See Notice of Opposition ¶ 14.

40) All Documents supporting Opposers' allegation in Paragraph 15 of their Notice of Opposition that "Applicant committed fraud during the prosecution of the Application." See Notice of Opposition ¶ 15.

41) All Documents supporting Opposers' allegation in Paragraph 19 of their Notice of Opposition that "Opposers intend to offer a mobile game featuring wood block puzzles." See Notice of Opposition ¶ 19.

42) All Documents supporting Opposers' allegation in Paragraph 19 of their Notice of Opposition that "Opposers face threat of trademark infringement actions from Applicant if the Opposed Mark is registered as a federal trademark." See Notice of Opposition ¶ 19.

Dated: July 28, 2022

KILPATRICK TOWNSEND & STOCKTON LLP

A handwritten signature in blue ink, appearing to read "Rita Weeks", is written above a horizontal line.

Rita Weeks  
Robert Potter  
1114 Avenue of the Americas, 21st Floor  
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*Attorneys for Applicant*

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD., and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,

Opposers,

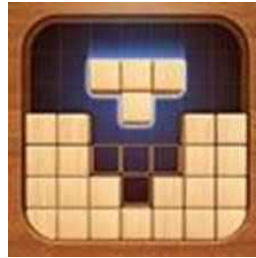
v.

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Mark: App. Ser. No. 90371133



**CERTIFICATE OF SERVICE**

I certify that on July 28, 2022, I served a true copy of the foregoing **APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS TO OPPOSER FUZHOU MENGKU TECHNOLOGY CO., LTD. (1-42)** to Opposers' counsel by electronic mail at:

*jigang.jin@jfuslaw.com;*

*qianan.li@bigcool.com*

Rita Weeks  
*Attorney for Applicant*

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

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD. and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,  
Opposers,

- against -

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,  
Applicant.

**Opposition No. 91272143**

**OPPOSER HANGZHOU MENGKU  
TECHNOLOGY CO., LTD.'S  
RESPONSES TO APPLICANT  
SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.'S FIRST SET  
OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Opposer HANGZHOU MENGKU TECHNOLOGY CO., LTD. ("Opposer") hereby responses as follows to Applicant SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD. ("Applicant")'s First Set of Requests for Admission (Nos. 1-68).

**GENERAL RESPONSES**

1. Opposer's Responses to Applicant's First Set of Requests for Admission (Nos. 1-68) are made to the best of Opposer's present knowledge, information, and belief. These responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Opposer's recollection, are subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Opposer's further discovery or investigation. Opposer reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to

Applicant's First Set of Requests for Admission but discovered subsequent to the date of this response, including, but not limited to, any such information or documents obtained in discovery herein.

2. Opposer's responses and objections are made subject to and in accordance with the TTAB's Standard Protective Order<sup>1</sup>.

3. Opposer reserves all objections or other questions as to the competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Opposer's answers herein and any document or thing identified or provided in response to Applicant's Requests for Admission.

4. Opposer reserves the right to object on any ground at any time to such other or supplemental requests for admission as Applicant may at any time propound involving or relating to the subject matter of these Requests.

5. Because discovery is still ongoing, Opposer reserves the right to supplement its responses as more information becomes available or is recollected.

### **GENERAL OBJECTIONS**

1. Opposer makes the following general objections, whether or not separately set forth in response to each request, to each instruction, definition, and request made in Applicant's First Set of Requests for Admission.

2. Opposer objects generally to Requests for Admission 1 through 68, inclusive, insofar as any such request seeks information or production of documents protected by the attorney-client privilege or the work product doctrine. Such information or documents shall not be provided in

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<sup>1</sup> Available at [https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order\\_02052020.pdf](https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order_02052020.pdf).

response to Applicant's request and any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege with respect to such information or documents or of any work product immunity which may attach thereto.

3. Opposer objects to Requests for Admission 1 through 68, inclusive, insofar as any such request seeks production of confidential, proprietary and/or trade secret information.

4. Opposer objects to Requests for Admission 1 through 68, inclusive, insofar as any such request is compound and, therefore, constitutes multiple requests.

5. Opposer objects to the Requests for Admission, 1 through 68, inclusive, definitions, and instructions to the extent that they are unreasonably vague, overly broad, unduly burdensome, cumulative, and duplicative, and seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to the Requests for Admission, 1 through 68, inclusive, definitions, and instructions to the extent that they seek to impose burdens or obligations upon Opposer beyond what is prescribed and/or required by applicable law and rules.

7. Opposer objects to the Requests for Admission, 1 through 68, inclusive, definitions, and instructions to the extent that the information sought by Applicant is contained in documents that are already in Applicant's possession, custody or control, or are equally available to Applicant.

8. Opposer objects to the definition or use of "relating to" or "relate to" and all Requests for Admission incorporating these terms, to the extent that the definition is overly broad, vague, ambiguous, and unintelligible, requires subjective judgment on the part of Opposer and its attorneys, and would require a conclusion or opinion of counsel in violation of the attorney work product doctrine.

9. Opposer objects to the definition of "Opposer," "you" and "your" and all Requests for Admission incorporating these terms as overly broad, unduly burdensome, harassing and oppressive, to the extent that the definition purports to identify and seek information from entities outside of Opposer's possession, custody, or control that are not parties to this litigation. Opposer further objects that this definition purports to require Opposer to respond on behalf of separate legal entities or persons other than itself and over which it does not have control.

10. Opposer objects to each Request for Admission to the extent it requires a legal conclusion, or requires subjective judgment on the part of Opposer and its attorneys, and would require a conclusion or opinion of counsel in violation of the attorney work product doctrine.

#### **SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION**

1) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark A" is not registered as a trademark with the U.S. Patent and Trademark Office and is not the subject of any pending application.

**Opposer's Objection and Response:** Opposer objects to this Request for Admission (hereinafter "RFA") on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground that it is unduly burdensome. Opposer also objects to this RFA on the ground that it is being used as a discovery tool in lieu of other more reasonable means of obtaining the same information, e.g., ordering a search report from a search company. Without waiving the foregoing objections, Opposer notes that, unlike searching a word mark, searching a design mark in USPTO's trademark database is labor intensive and, by the nature of the searching tools available, requires an exhaustive review of all design marks to reach the conclusion that a particular design mark cannot be found. Thus, Opposer cannot truthfully admit or deny it.

2) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Admitted.

3) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer admits that it does not own any exclusive ownership or rights over "Earlier Mark A" but denies the RFA on the ground that Opposer has right to use the "Earlier Mark A" or part of it to the extent the mark is descriptive with respect to block puzzle type of games.

4) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer admits that it has not used or obtained a license to use "Earlier Mark A" but denies the RFA to the extent it assumes that a license is needed for using "Earlier Mark A," particularly if "Earlier Mark A" is descriptive with respect to block puzzle type of games.

5) Opposers do not know the identity of the owner of the mark referenced in their Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."

**Opposer's Objection and Response:** Admitted.

6) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

7) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."

**Opposer's Objection and Response:** Admitted.

8) Opposers' interest in protecting the mark cited referenced in Opposers' Notice of Opposition as "Earlier Mark A" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

**Opposer's Objection and Response:** Denied.

9) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark B" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground that it is unduly burdensome. Opposer also objects to this RFA on the ground that it is being used as a discovery tool in lieu of other more reasonable means of obtaining the same information, e.g., ordering a search report from a search company. Without waiving the foregoing objections, Opposer notes that, unlike searching a word mark, searching a design mark in USPTO's trademark database is labor intensive and, by the nature of the searching tools available, requires an exhaustive review of all design marks to reach the conclusion that a particular design mark cannot be found. Thus, Opposer cannot truthfully admit or deny it.

10) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposer's Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Admitted.

11) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer admits that it does not own any exclusive ownership or rights over "Earlier Mark B" but denies the RFA on the ground that Opposer has right to use the "Earlier Mark B" or part of it to the extent the mark is descriptive with respect to block puzzle type of games.

12) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer admits that it has not used or obtained a license to use "Earlier Mark B" but denies the RFA to the extent it assumes that a license is needed for using "Earlier Mark B," particularly if "Earlier Mark B" is descriptive with respect to block puzzle type of games.

13) Opposers do not know the identity of the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."

**Opposer's Objection and Response:** Admitted.

14) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

15) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."

**Opposer's Objection and Response:** Admitted.

16) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

**Opposer's Objection and Response:** Denied.

17) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark C" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground that it is unduly burdensome. Opposer also objects to this RFA on the ground that it is being used as a discovery tool in lieu of other more reasonable means of obtaining the same information, e.g., ordering a search report from a search company. Without waiving the foregoing objections, Opposer notes that, unlike searching a word mark, searching a design mark in USPTO's trademark database is labor intensive and, by the nature of the searching tools available, requires an exhaustive review of all design marks to reach the conclusion that a particular design mark cannot be found. Thus, Opposer cannot truthfully admit or deny it.

18) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Admitted.

19) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer admits that it does not own any exclusive ownership or rights over "Earlier Mark C" but denies the RFA on the ground that Opposer has

right to use the "Earlier Mark C" or part of it to the extent the mark is descriptive with respect to block puzzle type of games.

20) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer admits that it has not used or obtained a license to use "Earlier Mark C" but denies the RFA to the extent it assumes that a license is needed for using "Earlier Mark C," particularly if "Earlier Mark C" is descriptive with respect to block puzzle type of games.

21) Opposers do not know the identity of the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."

**Opposer's Objection and Response:** Admitted.

22) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

23) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."

**Opposer's Objection and Response:** Admitted.

24) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of

Applicant.

**Opposer's Objection and Response:** Denied.

25) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark D" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground that it is unduly burdensome. Opposer also objects to this RFA on the ground that it is being used as a discovery tool in lieu of other more reasonable means of obtaining the same information, e.g., ordering a search report from a search company. Without waiving the foregoing objections, Opposer notes that, unlike searching a word mark, searching a design mark in USPTO's trademark database is labor intensive and, by the nature of the searching tools available, requires an exhaustive review of all design marks to reach the conclusion that a particular design mark cannot be found. Thus, Opposer cannot truthfully admit or deny it.

26) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Admitted.

27) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer admits that it does not own any exclusive ownership or rights over "Earlier Mark D" but denies the RFA on the ground that Opposer has right to use the "Earlier Mark D" or part of it to the extent the mark is descriptive with respect to block puzzle type of games.

28) Opposers have not used or obtained a license to use the mark referenced in Opposers'

Notice of Opposition as “Earlier Mark D.”

**Opposer's Objection and Response:** Opposer admits that it has not used or obtained a license to use "Earlier Mark D" but denies the RFA to the extent it assumes that a license is needed for using "Earlier Mark D," particularly if "Earlier Mark D" is descriptive with respect to block puzzle type of games.

29) Opposers do not know the identity of the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark D,” which person or entity is also referenced in the Notice of Opposition as “Party D.”

**Opposer's Objection and Response:** Admitted.

30) Opposers have no relationship with the owner of the mark referenced in Oppose Rs’s Notice of Opposition as “Earlier Mark D,” which person or entity is also referenced in the Notice of Opposition as “Party D.”

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

31) Opposers are not in privity with the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark D,” which person or entity is also referenced in the Notice of Opposition as “Party D.”

**Opposer's Objection and Response:** Admitted.

32) Opposers’ interest in protecting the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark D” from a likelihood of confusion with Applicant’s design mark contained in Application Serial No. 90371133 is limited to Opposers’ status as competitors of Applicant.

**Opposer's Objection and Response:** Denied.

33) Opposers did not review the legal requirements to file a Notice of Opposition based on

likelihood of confusion pursuant to 15 U.S.C. § 1052(d) prior to filing the Notice of Opposition in this proceeding.

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground the phrase "legal requirements" is not defined and ambiguous. Opposer further objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Without waiving the foregoing objections, Opposer denies this RFA.

34) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they did not own a U.S. trademark registration or pending U.S. trademark application for any of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Without waiving the foregoing objections, Opposer admits that it did not own a U.S. trademark registration or pending U.S. trademark application for any of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D" when filed the Notice of Opposition but denies the remaining part of the RFA.

35) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they had not used any of the marks, or obtained a license to use any of the marks, cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Without waiving the

foregoing objections, Opposer admits that it has not used or obtained a license to use "Earlier Mark A" through "Earlier Mark D" but denies the RFA to the extent it assumes that a license is needed, particularly if these earlier marks are descriptive with respect to block puzzle type of games.

36) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they did not know the identity of any the owners of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D," whose owners are referred to as "Party A," "Party B," "Party C," and "Party D," respectively.

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Without waiving the foregoing objections, Opposer admits that it did not know the identity of any the owners of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D," but denies the remaining portion of the RFA.

37) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they had no relationship with any of the owners of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D," who are referred to as "Party A," "Party B," "Party C," and "Party C," respectively.

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Opposer further objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

38) Opposers have no knowledge of the state of mind of Applicant's counsel who filed Applicant's Application Serial No. 90371133 on the date that it was filed.

**Opposer's Objection and Response:** Denied. Opposer notes that the state of mind of Applicant's counsel Jonathan G. Morton may be proved and inferred from facts, particularly in light of the fact that Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

39) Opposers have no knowledge to the extent which Applicant's counsel who filed Applicant's Application Serial No. 90371133 understood the significance of the statements within the Declaration contained in the application on the date filed.

**Opposer's Objection and Response:** Denied. Opposer notes that Applicant's counsel Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

40) Opposers have no knowledge of whether Applicant's counsel who filed Applicant's Application Serial No. 90371133 made any inquiries regarding the accuracy of the statements contained in the application before it was filed.

**Opposer's Objection and Response:** Denied. Opposer notes that Applicant's counsel Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

41) Opposers do not know whether Applicant's counsel who filed Applicant's Application Serial No. 90371133 knew it contained any allegedly false material representations of fact when it was filed.

**Opposer's Objection and Response:** Denied. Opposer notes that Applicant's counsel Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

42) Opposers have no evidence that Applicant's counsel who filed Applicant's Application Serial No. 90371133 engaged in conduct that constitutes reckless disregard of the truth or falsity of the statements contained in the application at the time he filed it.

**Opposer's Objection and Response:** Denied. Opposer notes that Applicant's counsel Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

43) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90670738 (which matured into U.S. Trademark Registration No. 6704950).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

44) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 6704950.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

45) Opposers were not aware of U.S. Trademark Application Serial No. 90670738 at the time they filed their Notice of Opposition in this proceeding.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer was aware of a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

46) The mark that is the subject of U.S. Trademark Registration No. 6704950 is merely descriptive of one or more of its registered goods and services, namely, “[v]ideo game cartridges; Downloadable video game programs,” and “[e]ntertainment services, namely, providing online video games,” within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

47) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90670731 (which matured into U.S. Trademark Registration No. 6704948).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

48) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 6704948.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of

Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

49) Opposers were not aware of U.S. Trademark Application Serial No. 90670731 at the time they filed their Notice of Opposition in this proceeding.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer was aware of a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

50) The graphic portion of the mark that is the subject of U.S. Trademark Registration No. 6704948, which is defined to include the entire substance of the mark except for the stylized word "Tetris," is merely descriptive of one or more of its registered goods and services, namely, "[v]ideo game cartridges; downloadable video game programs," and "[e]ntertainment services, namely, providing online video games," within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

51) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 3886177.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

52) Opposers were not aware of U.S. Trademark Registration No. 3886177 at the time they filed its Notice of Opposition in this proceeding.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer was aware of a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

53) The mark that is the subject of U.S. Trademark Registration No. 3886177 is merely descriptive of “computer game software” (the goods for which it is registered) within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

54) Opposers have not filed a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90876853.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

55) The mark that is the subject of U.S. Trademark Application Serial No. 90/876853 is merely descriptive for one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer screen saver software, downloadable; Computer screen saver software, recorded on computer media; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer software for application and database integration; Downloadable computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files;

Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable emoticons for mobile phones; Downloadable graphics for mobile phones; Downloadable mobile applications for booking taxis; Downloadable mobile applications for downloading and reading electronic publications on portable electronic devices; Downloadable music files; Downloadable ring tones for mobile phones; Memory cards for video game machines; Recorded computer gaming software for recreational game playing purposes; Recorded computer operating programs; Recorded computer operating system software; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

56) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 88924154.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

57) The mark that is the subject of U.S. Trademark Application Serial No. 88924154 is merely descriptive of one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer application software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; Downloadable computer game software; Downloadable computer programs for video and computer games; Memory cards for video game machines; Recorded computer anti-virus software; Recorded computer game software; Recorded computer programs for word processing; Video game cartridges,”

within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

58) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90331351.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

59) The mark that is the subject of U.S. Trademark Application Serial No. 90331351 is merely descriptive of one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer application software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; Downloadable computer game software; Downloadable computer programs for video and computer games; Memory cards for video game machines; Recorded computer anti-virus software; Recorded computer game software; Recorded computer programs for word processing; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

60) Opposers have not filed a Notice of Opposition against the mark in U.S. Trademark

Application Serial No. 90876841.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

61) The mark that is the subject of U.S. Trademark Application Serial No. 90876841 is merely descriptive for one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer screen saver software, downloadable; Computer screen saver software, recorded on computer media; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer software for application and database integration; Downloadable computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable emoticons for mobile phones; Downloadable graphics for mobile phones; Downloadable mobile applications for booking taxis; Downloadable mobile applications for downloading and reading electronic publications on portable electronic devices; Downloadable music files; Downloadable ring tones for mobile phones; Memory cards for video game machines; Recorded computer gaming software for recreational game playing purposes; Recorded computer operating programs; Recorded computer operating system software; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

62) The specimen submitted by Applicant for its U.S. Trademark Application Serial No.

90371133, a copy of which is attached as Exhibit VI to Opposers' Notice of Opposition, is a true and accurate copy of a screenshot of the Google Play mobile application website showing use of Applicant's mark that is the subject of U.S. Trademark Application Serial No. 90371133 captured on December 8, 2020.

**Opposer's Objection and Response:** Opposer admits that the specimen submitted by Applicant for its U.S. Trademark Application Serial No. 90371133 purports to be a printout of a Google Play webpage on December 8, 2020 that shows the subject matter application but denies the remaining portion of the RFA.

63) Opposers are currently using the icon shown below for their "Block Puzzlejoy" game offered on the Google Play mobile application store at

<https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.blockpuzzlejoy>:



**Opposer's Objection and Response:** Admitted.

64) The icon Opposers are currently using for their "Block Puzzlejoy" game offered on the Google Play mobile application store at

<https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.blockpuzzlejoy>, shown below for reference, is merely descriptive of computer game software within the meaning of 15 U.S.C. § 1052(e)(1).



**Opposer's Objection and Response:** Opposer objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether Opposer's icon is descriptive.

65) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[d]ownloadable computer programs for pre-recording sports games."



**Opposer's Objection and Response:** Denied.

66) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[d]ownloadable mobile applications for booking taxis."



**Opposer's Objection and Response:** Admitted.

67) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[r]ecorded computer virtual reality game software."



**Opposer's Objection and Response:** Denied.

68) The U.S. Patent and Trademark Office has not refused registration to Applicant's U.S. Trademark Application Serial No. 90371133 on the grounds that the mark is merely descriptive.

**Opposer's Objection and Response:** Admitted.

Dated: August 26, 2022

Respectfully submitted,

By: Jigang Jin

Jigang Jin  
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Attorney for Opposers

## CERTIFICATE OF SERVICE

I, Jigang Jin, hereby certify that on August 26, 2022, the foregoing document was served by email, to Applicant's counsel of record.

Date: 8/26/2022

By: Jigang Jin  
Jigang Jin

## VERIFICATION

I, Qianan Li, declare:

I am the CEO of Hangzhou Mengku Technology Co., Ltd. ("Mengku") and am duly authorized to sign this Verification on Mengku's behalf.

I have read the foregoing document titled HANGZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD.'S FIRST SET OF REQUESTS FOR ADMISSION NOS. 1-68 ("Responses") and know the contents thereof. The Responses set forth therein, subject to inadvertent or undiscovered errors, are based on, and are necessarily limited by, the records and information still in existence, presently recollected, and thus far discovered in the course of preparing these Responses.

Mengku reserves the right to supplement or amend the Responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available.

Subject to the limitations set forth here, HANGZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD.'S FIRST SET OF REQUESTS FOR ADMISSION NOS. 1-68 are true and correct to the best of my knowledge, information, and belief.

August 26, 2022

Date

Qianan Li

Qianan Li, CEO  
Hangzhou Mengku Technology Co., Ltd.

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

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD. and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,  
Opposers,

- against -

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,  
Applicant.

**Opposition No. 91272143**

**OPPOSER FUZHOU MENGKU  
TECHNOLOGY CO., LTD.'S  
RESPONSES TO APPLICANT  
SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.'S FIRST SET  
OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Opposer FUZHOU MENGKU TECHNOLOGY CO., LTD. ("Opposer") hereby responses as follows to Applicant SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD. ("Applicant")'s First Set of Requests for Admission (Nos. 1-68).

**GENERAL RESPONSES**

1. Opposer's Responses to Applicant's First Set of Requests for Admission (Nos. 1-68) are made to the best of Opposer's present knowledge, information, and belief. These responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Opposer's recollection, are subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Opposer's further discovery or investigation. Opposer reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to

Applicant's First Set of Requests for Admission but discovered subsequent to the date of this response, including, but not limited to, any such information or documents obtained in discovery herein.

2. Opposer's responses and objections are made subject to and in accordance with the TTAB's Standard Protective Order<sup>1</sup>.

3. Opposer reserves all objections or other questions as to the competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Opposer's answers herein and any document or thing identified or provided in response to Applicant's Requests for Admission.

4. Opposer reserves the right to object on any ground at any time to such other or supplemental requests for admission as Applicant may at any time propound involving or relating to the subject matter of these Requests.

5. Because discovery is still ongoing, Opposer reserves the right to supplement its responses as more information becomes available or is recollected.

### **GENERAL OBJECTIONS**

1. Opposer makes the following general objections, whether or not separately set forth in response to each request, to each instruction, definition, and request made in Applicant's First Set of Requests for Admission.

2. Opposer objects generally to Requests for Admission 1 through 68, inclusive, insofar as any such request seeks information or production of documents protected by the attorney-client privilege or the work product doctrine. Such information or documents shall not be provided in

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<sup>1</sup> Available at [https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order\\_02052020.pdf](https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order_02052020.pdf).

response to Applicant's request and any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege with respect to such information or documents or of any work product immunity which may attach thereto.

3. Opposer objects to Requests for Admission 1 through 68, inclusive, insofar as any such request seeks production of confidential, proprietary and/or trade secret information.

4. Opposer objects to Requests for Admission 1 through 68, inclusive, insofar as any such request is compound and, therefore, constitutes multiple requests.

5. Opposer objects to the Requests for Admission, 1 through 68, inclusive, definitions, and instructions to the extent that they are unreasonably vague, overly broad, unduly burdensome, cumulative, and duplicative, and seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to the Requests for Admission, 1 through 68, inclusive, definitions, and instructions to the extent that they seek to impose burdens or obligations upon Opposer beyond what is prescribed and/or required by applicable law and rules.

7. Opposer objects to the Requests for Admission, 1 through 68, inclusive, definitions, and instructions to the extent that the information sought by Applicant is contained in documents that are already in Applicant's possession, custody or control, or are equally available to Applicant.

8. Opposer objects to the definition or use of "relating to" or "relate to" and all Requests for Admission incorporating these terms, to the extent that the definition is overly broad, vague, ambiguous, and unintelligible, requires subjective judgment on the part of Opposer and its attorneys, and would require a conclusion or opinion of counsel in violation of the attorney work product doctrine.

9. Opposer objects to the definition of "Opposer," "you" and "your" and all Requests for Admission incorporating these terms as overly broad, unduly burdensome, harassing and oppressive, to the extent that the definition purports to identify and seek information from entities outside of Opposer's possession, custody, or control that are not parties to this litigation. Opposer further objects that this definition purports to require Opposer to respond on behalf of separate legal entities or persons other than itself and over which it does not have control.

10. Opposer objects to each Request for Admission to the extent it requires a legal conclusion, or requires subjective judgment on the part of Opposer and its attorneys, and would require a conclusion or opinion of counsel in violation of the attorney work product doctrine.

#### **SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION**

1) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark A" is not registered as a trademark with the U.S. Patent and Trademark Office and is not the subject of any pending application.

**Opposer's Objection and Response:** Opposer objects to this Request for Admission (hereinafter "RFA") on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground that it is unduly burdensome. Opposer also objects to this RFA on the ground that it is being used as a discovery tool in lieu of other more reasonable means of obtaining the same information, e.g., ordering a search report from a search company. Without waiving the foregoing objections, Opposer notes that, unlike searching a word mark, searching a design mark in USPTO's trademark database is labor intensive and, by the nature of the searching tools available, requires an exhaustive review of all design marks to reach the conclusion that a particular design mark cannot be found. Thus, Opposer cannot truthfully admit or deny it.

2) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Admitted.

3) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer admits that it does not own any exclusive ownership or rights over "Earlier Mark A" but denies the RFA on the ground that Opposer has right to use the "Earlier Mark A" or part of it to the extent the mark is descriptive with respect to block puzzle type of games.

4) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer admits that it has not used or obtained a license to use "Earlier Mark A" but denies the RFA to the extent it assumes that a license is needed for using "Earlier Mark A," particularly if "Earlier Mark A" is descriptive with respect to block puzzle type of games.

5) Opposers do not know the identity of the owner of the mark referenced in their Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."

**Opposer's Objection and Response:** Admitted.

6) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

7) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."

**Opposer's Objection and Response:** Admitted.

8) Opposers' interest in protecting the mark cited referenced in Opposers' Notice of Opposition as "Earlier Mark A" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

**Opposer's Objection and Response:** Denied.

9) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark B" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground that it is unduly burdensome. Opposer also objects to this RFA on the ground that it is being used as a discovery tool in lieu of other more reasonable means of obtaining the same information, e.g., ordering a search report from a search company. Without waiving the foregoing objections, Opposer notes that, unlike searching a word mark, searching a design mark in USPTO's trademark database is labor intensive and, by the nature of the searching tools available, requires an exhaustive review of all design marks to reach the conclusion that a particular design mark cannot be found. Thus, Opposer cannot truthfully admit or deny it.

10) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposer's Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Admitted.

11) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer admits that it does not own any exclusive ownership or rights over "Earlier Mark B" but denies the RFA on the ground that Opposer has right to use the "Earlier Mark B" or part of it to the extent the mark is descriptive with respect to block puzzle type of games.

12) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer admits that it has not used or obtained a license to use "Earlier Mark B" but denies the RFA to the extent it assumes that a license is needed for using "Earlier Mark B," particularly if "Earlier Mark B" is descriptive with respect to block puzzle type of games.

13) Opposers do not know the identity of the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."

**Opposer's Objection and Response:** Admitted.

14) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

15) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."

**Opposer's Objection and Response:** Admitted.

16) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of Applicant.

**Opposer's Objection and Response:** Denied.

17) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark C" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground that it is unduly burdensome. Opposer also objects to this RFA on the ground that it is being used as a discovery tool in lieu of other more reasonable means of obtaining the same information, e.g., ordering a search report from a search company. Without waiving the foregoing objections, Opposer notes that, unlike searching a word mark, searching a design mark in USPTO's trademark database is labor intensive and, by the nature of the searching tools available, requires an exhaustive review of all design marks to reach the conclusion that a particular design mark cannot be found. Thus, Opposer cannot truthfully admit or deny it.

18) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Admitted.

19) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer admits that it does not own any exclusive ownership or rights over "Earlier Mark C" but denies the RFA on the ground that Opposer has

right to use the "Earlier Mark C" or part of it to the extent the mark is descriptive with respect to block puzzle type of games.

20) Opposers have not used or obtained a license to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer admits that it has not used or obtained a license to use "Earlier Mark C" but denies the RFA to the extent it assumes that a license is needed for using "Earlier Mark C," particularly if "Earlier Mark C" is descriptive with respect to block puzzle type of games.

21) Opposers do not know the identity of the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."

**Opposer's Objection and Response:** Admitted.

22) Opposers have no relationship with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

23) Opposers are not in privity with the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."

**Opposer's Objection and Response:** Admitted.

24) Opposers' interest in protecting the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C" from a likelihood of confusion with Applicant's design mark contained in Application Serial No. 90371133 is limited to Opposers' status as competitors of

Applicant.

**Opposer's Objection and Response:** Denied.

25) The mark referenced in Opposers' Notice of Opposition as "Earlier Mark D" is not registered as a trademark with the U.S. Patent and Trademark Office or the subject of any pending application.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground that it is unduly burdensome. Opposer also objects to this RFA on the ground that it is being used as a discovery tool in lieu of other more reasonable means of obtaining the same information, e.g., ordering a search report from a search company. Without waiving the foregoing objections, Opposer notes that, unlike searching a word mark, searching a design mark in USPTO's trademark database is labor intensive and, by the nature of the searching tools available, requires an exhaustive review of all design marks to reach the conclusion that a particular design mark cannot be found. Thus, Opposer cannot truthfully admit or deny it.

26) Opposers do not own a U.S. trademark registration or pending application for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Admitted.

27) Opposers do not own the mark or any rights in the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer admits that it does not own any exclusive ownership or rights over "Earlier Mark D" but denies the RFA on the ground that Opposer has right to use the "Earlier Mark D" or part of it to the extent the mark is descriptive with respect to block puzzle type of games.

28) Opposers have not used or obtained a license to use the mark referenced in Opposers'

Notice of Opposition as “Earlier Mark D.”

**Opposer's Objection and Response:** Opposer admits that it has not used or obtained a license to use "Earlier Mark D" but denies the RFA to the extent it assumes that a license is needed for using "Earlier Mark D," particularly if "Earlier Mark D" is descriptive with respect to block puzzle type of games.

29) Opposers do not know the identity of the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark D,” which person or entity is also referenced in the Notice of Opposition as “Party D.”

**Opposer's Objection and Response:** Admitted.

30) Opposers have no relationship with the owner of the mark referenced in Oppose Rs’s Notice of Opposition as “Earlier Mark D,” which person or entity is also referenced in the Notice of Opposition as “Party D.”

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

31) Opposers are not in privity with the owner of the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark D,” which person or entity is also referenced in the Notice of Opposition as “Party D.”

**Opposer's Objection and Response:** Admitted.

32) Opposers’ interest in protecting the mark referenced in Opposers’ Notice of Opposition as “Earlier Mark D” from a likelihood of confusion with Applicant’s design mark contained in Application Serial No. 90371133 is limited to Opposers’ status as competitors of Applicant.

**Opposer's Objection and Response:** Denied.

33) Opposers did not review the legal requirements to file a Notice of Opposition based on

likelihood of confusion pursuant to 15 U.S.C. § 1052(d) prior to filing the Notice of Opposition in this proceeding.

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground the phrase "legal requirements" is not defined and ambiguous. Opposer further objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Without waiving the foregoing objections, Opposer denies this RFA.

34) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they did not own a U.S. trademark registration or pending U.S. trademark application for any of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Without waiving the foregoing objections, Opposer admits that it did not own a U.S. trademark registration or pending U.S. trademark application for any of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D" when filed the Notice of Opposition but denies the remaining part of the RFA.

35) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they had not used any of the marks, or obtained a license to use any of the marks, cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Without waiving the

foregoing objections, Opposer admits that it has not used or obtained a license to use "Earlier Mark A" through "Earlier Mark D" but denies the RFA to the extent it assumes that a license is needed, particularly if these earlier marks are descriptive with respect to block puzzle type of games.

36) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they did not know the identity of any the owners of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D," whose owners are referred to as "Party A," "Party B," "Party C," and "Party D," respectively.

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Without waiving the foregoing objections, Opposer admits that it did not know the identity of any the owners of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D," but denies the remaining portion of the RFA.

37) At the time Opposers filed the Notice of Opposition in this proceeding, Opposers knew that they had no relationship with any of the owners of the marks cited in the Notice of Opposition which are referred to as "Earlier Mark A," "Earlier Mark B," "Earlier Mark C," and "Earlier Mark D," who are referred to as "Party A," "Party B," "Party C," and "Party C," respectively.

**Opposer's Objection and Response:** Opposer objects to the RFA on the ground that it is irrelevant to this proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA to the extent that it seeks information protected by the Attorney-Client privilege or the Attorney Work Product doctrine. Opposer further objects to the RFA on the ground that the term "relationship" is not defined and could include any type of relationship, e.g., competitor-relationship; and, on that basis, Opposer denies the RFA.

38) Opposers have no knowledge of the state of mind of Applicant's counsel who filed Applicant's Application Serial No. 90371133 on the date that it was filed.

**Opposer's Objection and Response:** Denied. Opposer notes that the state of mind of Applicant's counsel Jonathan G. Morton may be proved and inferred from facts, particularly in light of the fact that Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

39) Opposers have no knowledge to the extent which Applicant's counsel who filed Applicant's Application Serial No. 90371133 understood the significance of the statements within the Declaration contained in the application on the date filed.

**Opposer's Objection and Response:** Denied. Opposer notes that Applicant's counsel Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

40) Opposers have no knowledge of whether Applicant's counsel who filed Applicant's Application Serial No. 90371133 made any inquiries regarding the accuracy of the statements contained in the application before it was filed.

**Opposer's Objection and Response:** Denied. Opposer notes that Applicant's counsel Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

41) Opposers do not know whether Applicant's counsel who filed Applicant's Application Serial No. 90371133 knew it contained any allegedly false material representations of fact when it was filed.

**Opposer's Objection and Response:** Denied. Opposer notes that Applicant's counsel Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

42) Opposers have no evidence that Applicant's counsel who filed Applicant's Application Serial No. 90371133 engaged in conduct that constitutes reckless disregard of the truth or falsity of the statements contained in the application at the time he filed it.

**Opposer's Objection and Response:** Denied. Opposer notes that Applicant's counsel Mr. Morton was just recently sanctioned by the USPTO for, among other offenses, his failure to properly conduct pre-filing inquiries reasonable under the circumstances and for aiding and assisting unauthorized legal practice. A copy of the USPTO's sanction of Mr. Morton is available at <https://foiadocuments.uspto.gov/oed/Morton-Final-Order-D2022-07.pdf>.

43) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90670738 (which matured into U.S. Trademark Registration No. 6704950).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

44) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 6704950.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

45) Opposers were not aware of U.S. Trademark Application Serial No. 90670738 at the time they filed their Notice of Opposition in this proceeding.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer was aware of a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

46) The mark that is the subject of U.S. Trademark Registration No. 6704950 is merely descriptive of one or more of its registered goods and services, namely, “[v]ideo game cartridges; Downloadable video game programs,” and “[e]ntertainment services, namely, providing online video games,” within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

47) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90670731 (which matured into U.S. Trademark Registration No. 6704948).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

48) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 6704948.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of

Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

49) Opposers were not aware of U.S. Trademark Application Serial No. 90670731 at the time they filed their Notice of Opposition in this proceeding.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer was aware of a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

50) The graphic portion of the mark that is the subject of U.S. Trademark Registration No. 6704948, which is defined to include the entire substance of the mark except for the stylized word "Tetris," is merely descriptive of one or more of its registered goods and services, namely, "[v]ideo game cartridges; downloadable video game programs," and "[e]ntertainment services, namely, providing online video games," within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

51) Opposers have not filed a Petition to Cancel U.S. Trademark Registration No. 3886177.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

52) Opposers were not aware of U.S. Trademark Registration No. 3886177 at the time they filed its Notice of Opposition in this proceeding.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer was aware of a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

53) The mark that is the subject of U.S. Trademark Registration No. 3886177 is merely descriptive of “computer game software” (the goods for which it is registered) within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

54) Opposers have not filed a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90876853.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

55) The mark that is the subject of U.S. Trademark Application Serial No. 90/876853 is merely descriptive for one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer screen saver software, downloadable; Computer screen saver software, recorded on computer media; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer software for application and database integration; Downloadable computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files;

Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable emoticons for mobile phones; Downloadable graphics for mobile phones; Downloadable mobile applications for booking taxis; Downloadable mobile applications for downloading and reading electronic publications on portable electronic devices; Downloadable music files; Downloadable ring tones for mobile phones; Memory cards for video game machines; Recorded computer gaming software for recreational game playing purposes; Recorded computer operating programs; Recorded computer operating system software; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

56) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 88924154.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

57) The mark that is the subject of U.S. Trademark Application Serial No. 88924154 is merely descriptive of one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer application software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; Downloadable computer game software; Downloadable computer programs for video and computer games; Memory cards for video game machines; Recorded computer anti-virus software; Recorded computer game software; Recorded computer programs for word processing; Video game cartridges,”

within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

58) Opposers did not file a Notice of Opposition against the mark in U.S. Trademark Application Serial No. 90331351.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

59) The mark that is the subject of U.S. Trademark Application Serial No. 90331351 is merely descriptive of one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer application software for mobile phones, portable media players, handheld computers, namely, software for use in database management, use in electronic storage of data; Downloadable computer game software; Downloadable computer programs for video and computer games; Memory cards for video game machines; Recorded computer anti-virus software; Recorded computer game software; Recorded computer programs for word processing; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

60) Opposers have not filed a Notice of Opposition against the mark in U.S. Trademark

Application Serial No. 90876841.

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Whether Opposer has filed a Notice of Opposition or Petitioner of Cancellation against a mark that's not the subject matter of this proceeding is completely irrelevant to the claims and defenses of either party in this proceeding.

61) The mark that is the subject of U.S. Trademark Application Serial No. 90876841 is merely descriptive for one or more of its applied-for goods, namely, “[c]omputer operating programs, recorded; Computer screen saver software, downloadable; Computer screen saver software, recorded on computer media; Computer software platforms, recorded, for application development, web hosting, database management; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer software for application and database integration; Downloadable computer software for use in the encryption and decryption of digital files, including audio, video, text, binary, still images, graphics and multimedia files; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable emoticons for mobile phones; Downloadable graphics for mobile phones; Downloadable mobile applications for booking taxis; Downloadable mobile applications for downloading and reading electronic publications on portable electronic devices; Downloadable music files; Downloadable ring tones for mobile phones; Memory cards for video game machines; Recorded computer gaming software for recreational game playing purposes; Recorded computer operating programs; Recorded computer operating system software; Video game cartridges,” within the meaning of 15 U.S.C. § 1052(e)(1).

**Opposer's Objection and Response:** Opposer objects to this RFA on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether a trademark is descriptive.

62) The specimen submitted by Applicant for its U.S. Trademark Application Serial No.

90371133, a copy of which is attached as Exhibit VI to Opposers' Notice of Opposition, is a true and accurate copy of a screenshot of the Google Play mobile application website showing use of Applicant's mark that is the subject of U.S. Trademark Application Serial No. 90371133 captured on December 8, 2020.

**Opposer's Objection and Response:** Opposer admits that the specimen submitted by Applicant for its U.S. Trademark Application Serial No. 90371133 purports to be a printout of a Google Play webpage on December 8, 2020 that shows the subject matter application but denies the remaining portion of the RFA.

63) Opposers are currently using the icon shown below for their "Block Puzzlejoy" game offered on the Google Play mobile application store at

<https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.blockpuzzlejoy>:



**Opposer's Objection and Response:** Admitted.

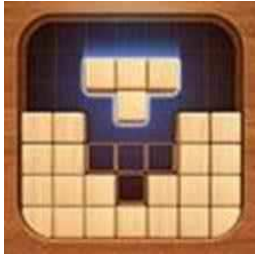
64) The icon Opposers are currently using for their "Block Puzzlejoy" game offered on the Google Play mobile application store at

<https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.blockpuzzlejoy>, shown below for reference, is merely descriptive of computer game software within the meaning of 15 U.S.C. § 1052(e)(1).



**Opposer's Objection and Response:** Opposer objects to this RFA on the ground it requests Opposer to make an ultimate conclusion on the issue of whether Opposer's icon is descriptive.

65) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[d]ownloadable computer programs for pre-recording sports games."



**Opposer's Objection and Response:** Denied.

66) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[d]ownloadable mobile applications for booking taxis."



**Opposer's Objection and Response:** Admitted.

67) The design mark contained in Applicant's U.S. Trademark Application Serial No. 90371133, shown below for reference, does not depict "[r]ecorded computer virtual reality game software."



**Opposer's Objection and Response:** Denied.

68) The U.S. Patent and Trademark Office has not refused registration to Applicant's U.S. Trademark Application Serial No. 90371133 on the grounds that the mark is merely descriptive.

**Opposer's Objection and Response:** Admitted.

Dated: August 26, 2022

Respectfully submitted,

By: Jigang Jin

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Attorney for Opposers

**CERTIFICATE OF SERVICE**

I, Jigang Jin, hereby certify that on August 26, 2022 the foregoing document was served by email, to Applicant's counsel of record.

Date: 8/26/2022

By: Jigang Jin  
Jigang Jin

## VERIFICATION

I, Qianan Li, declare:

I am the CEO of Fuzhou Mengku Technology Co., Ltd. ("Mengku") and am duly authorized to sign this Verification on Mengku's behalf.

I have read the foregoing document titled FUZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD.'S FIRST SET OF REQUESTS FOR ADMISSION NOS. 1-68 ("Responses") and know the contents thereof. The Responses set forth therein, subject to inadvertent or undiscovered errors, are based on, and are necessarily limited by, the records and information still in existence, presently recollected, and thus far discovered in the course of preparing these Responses.

Mengku reserves the right to supplement or amend the Responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available.

Subject to the limitations set forth here, FUZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD.'S FIRST SET OF REQUESTS FOR ADMISSION NOS. 1-68 are true and correct to the best of my knowledge, information, and belief.

August 26, 2022

Date

Qianan Li

Qianan Li, CEO  
Fuzhou Mengku Technology Co., Ltd.

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

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD. and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,  
Opposers,

- against -

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,  
Applicant.

**Cancellation No. 91272143**

**OPPOSER HANGZHOU MENGKU  
TECHNOLOGY CO., LTD.'S  
RESPONSES TO APPLICANT  
SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.'S FIRST SET  
OF DOCUMENT REQUESTS**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Opposer HANGZHOU MENGKU TECHNOLOGY CO., LTD. ("Opposer" or "MENGKU") hereby responses as follows to Applicant SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD. ("Applicant" or "ZHENGLANG")'s First Set of Requests for Production of Documents (Nos. 1-42).

**GENERAL RESPONSES**

1. Opposer's Responses to Applicant's First Set of Requests for Production of Documents (Nos. 1-42) are made to the best of Opposer's present knowledge, information, and belief. These responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Opposer's recollection, are subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Opposer's further discovery or investigation. Opposer reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to

Applicant's First Set of Requests for Production of Documents but discovered subsequent to the date of this response, including, but not limited to, any such information or documents obtained in discovery herein.

2. Opposer's responses and objections are made subject to and in accordance with the TTAB's Standard Protective Order<sup>1</sup>.

3. Opposer reserves all objections or other questions as to the competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Opposer's answers herein and any document or thing identified or provided in response to Applicant's Requests for Production of Documents.

4. Opposer reserves the right to object on any ground at any time to such other or supplemental Requests for Production of Documents as Applicant may at any time propound involving or relating to the subject matter of these Requests for Production of Documents.

5. Because discovery is still ongoing, Opposer reserves the right to supplement its responses as more information becomes available or is recollected.

### **GENERAL OBJECTIONS**

1. Opposer makes the following general objections, whether or not separately set forth in response to each interrogatory, to each instruction, definition, and interrogatory made in Applicant's First Set of Requests for Production of Documents.

2. Opposer objects generally to Requests for Production of Documents 1 through 42, inclusive, insofar as any such interrogatory seeks information or production of documents protected by the attorney-client privilege or the work product doctrine. Such information or

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<sup>1</sup> Available at [https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order\\_02052020.pdf](https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order_02052020.pdf).

documents shall not be provided in response to Applicant's Requests for Production of Documents and any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege with respect to such information or documents or of any work product immunity which may attach thereto.

3. Opposer objects to Requests for Production of Documents 1 through 42, inclusive, insofar as any such interrogatory seeks production of confidential, proprietary and/or trade secret information.

4. Opposer objects to Requests for Production of Documents 1 through 42, inclusive, insofar as any such interrogatory is compound and, therefore, constitutes multiple Requests for Production of Documents.

5. Opposer objects to the Requests for Production of Documents, definitions, and instructions to the extent that they are unreasonably vague, overly broad, unduly burdensome, cumulative, and duplicative, and seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to the Requests for Production of Documents, definitions, and instructions to the extent that they seek to impose burdens or obligations upon Opposer beyond what is prescribed and/or required by applicable law and rules.

7. Opposer objects to the Requests for Production of Documents, definitions, and instructions to the extent that the information sought by Applicant is contained in documents that are already in Applicant's possession, custody or control, or are equally available to Applicant.

8. Opposer objects to the definition of "relating to" or "relate to" and all Requests for Production of Documents incorporating these terms, to the extent that the definition is overly broad, vague, ambiguous, and unintelligible, requires subjective judgment on the part of Opposer

and its attorneys, and would require a conclusion or opinion of counsel in violation of the attorney work product doctrine.

9. Opposer objects to the definition of "you" and "your" and all Requests for Production of Documents incorporating these terms as overly broad, unduly burdensome, harassing and oppressive, to the extent that the definition purports to identify and seek information from entities outside of Opposer's possession, custody, or control that are not parties to this litigation. Opposer further objects that this definition purports to require Opposer to respond on behalf of separate legal entities or persons other than itself and over which it does not have control.

#### **SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

1) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer objects to this Request for Production of Documents (hereinafter "RFP") on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is unduly burdensome. Opposer further objects to this RFP on the ground that it seeks public information that's equally available to Applicant. Opposer has no responsive documents.

2) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is unduly burdensome. Opposer further objects to this RFP on the

ground that it seeks public information that's equally available to Applicant. Opposer has no responsive documents.

3) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is unduly burdensome. Opposer further objects to this RFP on the ground that it seeks public information that's equally available to Applicant. Opposer has no responsive documents.

4) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is unduly burdensome. Opposer further objects to this RFP on the ground that it seeks public information that's equally available to Applicant. Opposer has no responsive documents.

5) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

6) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

7) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

8) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

9) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

10) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not

reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

11) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

12) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

13) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

14) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

15) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

16) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

17) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that the term "relationship" is not defined and could include any types of relationship, e.g., competitor-relationship. Opposer has no responsive documents.

18) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that the term "relationship" is not defined and could include any types of relationship, e.g., competitor-relationship. Opposer has no responsive documents.

19) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that the term "relationship" is not defined and could include any types of relationship, e.g., competitor-relationship. Opposer has no responsive documents.

20) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that the term "relationship" is not defined and could include any types of relationship, e.g., competitor-relationship. Opposer has no responsive documents.

21) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer further objects to this RFP to the extent it seeks information and documents protected by the Attorney-Client Privilege and/or Work Product Doctrine. Opposer has no responsive documents.

22) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer further objects to this RFP to the extent it seeks information and documents protected by the Attorney-Client Privilege and/or Work Product Doctrine. Opposer has no responsive documents.

23) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer further objects to this RFP to the extent it seeks information and documents protected by the Attorney-Client Privilege and/or Work Product Doctrine. Opposer has no responsive documents.

24) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer further objects to this RFP to the extent it seeks information and documents protected by the Attorney-Client Privilege and/or Work Product Doctrine. Opposer has no responsive documents.

25) All communications regarding Applicant's U.S. Application Serial No. 90/670,738 and the design mark that is the subject of that application.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer further objects to

this RFP to the extent it seeks information and documents protected by the Attorney-Client Privilege and/or Work Product Doctrine. Opposer has no responsive documents.

26) All documents and communications concerning Applicant, its U.S. trademark registrations and applications, and its use of any trademarks.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer further objects to this RFP to the extent it seeks information and documents protected by the Attorney-Client Privilege and/or Work Product Doctrine.

27) All documents and communications concerning Applicant's use of any icons for mobile game applications.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer further objects to this RFP to the extent it seeks information and documents protected by the Attorney-Client Privilege and/or Work Product Doctrine.

28) All documents concerning any inquiries made by Applicant's counsel in advance of filing U.S. Trademark Application Serial No. 90371133 regarding the accuracy of the statements contained in the application.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that the sought information and documents are already in Applicant's possession. Opposer has no responsive documents.

29) Documents concerning any false material representations of fact made when filing U.S. Trademark Application Serial No. 90371133.

**Opposer's Objection and Response:** Oppose has produced responsive documents in its possession.

30) All documents and communications concerning Opposers' knowledge of U.S. Trademark Registration No. 6704950.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

31) All documents and communications concerning Opposers' knowledge of U.S. Trademark Registration No. 6704948.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

32) All documents and communications concerning Opposers' knowledge of U.S. Trademark Registration No. 3886177.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

33) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 90876853.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

34) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 88924154.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

35) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 90331351.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

36) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 90876841.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

37) Documents identifying U.S. trademark registrations or pending applications for marks Opposers contend to be confusingly similar to Applicant's mark that is the subject of U.S. Trademark Application Serial No. 90371133.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is overly broad and unduly burdensome and is not reasonably calculated to the discovery of admissible evidence.

38) Documents supporting Opposers' allegation in Paragraph 3 of their Notice of Opposition that "the Opposed Mark is merely descriptive under § 2(e) of the Trademark Act because it immediately conveys the knowledge of 'wood block puzzle' computer or mobile game – a type of computer or mobile game featuring wooden blocks." See Notice of Opposition ¶ 3.

**Opposer's Objection and Response:** Opposer has produced responsive documents in its possession.

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Dated: August 26, 2022

Respectfully submitted,

By: Jigang Jin

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Attorney for Opposers

## CERTIFICATE OF SERVICE

I, Jigang Jin, hereby certify that on August 26, 2022August 26, 2022, the foregoing document was served by email to Applicant's counsel of record.

Date: 8/26/2022

By: Jigang Jin  
Jigang Jin

## VERIFICATION

I, Qianan Li, declare:

I am the CEO of Hangzhou Mengku Technology Co., Ltd. ("Mengku") and am duly authorized to sign this Verification on Mengku's behalf.

I have read the foregoing document titled HANGZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENT ("Responses") and know the contents thereof. The Responses set forth therein, subject to inadvertent or undiscovered errors, are based on, and are necessarily limited by, the records and information still in existence, presently recollected, and thus far discovered in the course of preparing these Responses.

Mengku reserves the right to supplement or amend the Responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available.

Subject to the limitations set forth here, HANGZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENT are true and correct to the best of my knowledge, information, and belief.

August 26, 2022

Date

Qianan Li

Qianan Li, CEO  
Hangzhou Mengku Technology Co., Ltd.

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

HANGZHOU MENGKU TECHNOLOGY  
CO., LTD. and FUZHOU MENGKU  
TECHNOLOGY CO., LTD.,  
Opposers,

- against -

SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD.,  
Applicant.

**Cancellation No. 91272143**

**OPPOSER FUZHOU MENGKU  
TECHNOLOGY CO., LTD.'S  
RESPONSES TO APPLICANT  
SHANGHAI ZHENGLANG  
TECHNOLOGY CO., LTD'S FIRST SET  
OF DOCUMENT REQUESTS**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Opposer FUZHOU MENGKU TECHNOLOGY CO., LTD. ("Opposer" or "MENGKU") hereby responses as follows to Applicant SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD. ("Applicant" or "ZHENGLANG")'s First Set of Requests for Production of Documents (Nos. 1-42).

**GENERAL RESPONSES**

1. Opposer's Responses to Applicant's First Set of Requests for Production of Documents (Nos. 1-42) are made to the best of Opposer's present knowledge, information, and belief. These responses are at all times subject to such additional or different information that discovery or further investigation may disclose and, while based on the present state of Opposer's recollection, are subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Opposer's further discovery or investigation. Opposer reserves the right to make any use of, or to introduce at any hearing and at trial, information and/or documents responsive to

Applicant's First Set of Requests for Production of Documents but discovered subsequent to the date of this response, including, but not limited to, any such information or documents obtained in discovery herein.

2. Opposer's responses and objections are made subject to and in accordance with the TTAB's Standard Protective Order<sup>1</sup>.

3. Opposer reserves all objections or other questions as to the competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Opposer's answers herein and any document or thing identified or provided in response to Applicant's Requests for Production of Documents.

4. Opposer reserves the right to object on any ground at any time to such other or supplemental Requests for Production of Documents as Applicant may at any time propound involving or relating to the subject matter of these Requests for Production of Documents.

5. Because discovery is still ongoing, Opposer reserves the right to supplement its responses as more information becomes available or is recollected.

### **GENERAL OBJECTIONS**

1. Opposer makes the following general objections, whether or not separately set forth in response to each interrogatory, to each instruction, definition, and interrogatory made in Applicant's First Set of Requests for Production of Documents.

2. Opposer objects generally to Requests for Production of Documents 1 through 42, inclusive, insofar as any such interrogatory seeks information or production of documents protected by the attorney-client privilege or the work product doctrine. Such information or

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<sup>1</sup> Available at [https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order\\_02052020.pdf](https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order_02052020.pdf).

documents shall not be provided in response to Applicant's Requests for Production of Documents and any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege with respect to such information or documents or of any work product immunity which may attach thereto.

3. Opposer objects to Requests for Production of Documents 1 through 42, inclusive, insofar as any such interrogatory seeks production of confidential, proprietary and/or trade secret information.

4. Opposer objects to Requests for Production of Documents 1 through 42, inclusive, insofar as any such interrogatory is compound and, therefore, constitutes multiple Requests for Production of Documents.

5. Opposer objects to the Requests for Production of Documents, definitions, and instructions to the extent that they are unreasonably vague, overly broad, unduly burdensome, cumulative, and duplicative, and seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to the Requests for Production of Documents, definitions, and instructions to the extent that they seek to impose burdens or obligations upon Opposer beyond what is prescribed and/or required by applicable law and rules.

7. Opposer objects to the Requests for Production of Documents, definitions, and instructions to the extent that the information sought by Applicant is contained in documents that are already in Applicant's possession, custody or control, or are equally available to Applicant.

8. Opposer objects to the definition of "relating to" or "relate to" and all Requests for Production of Documents incorporating these terms, to the extent that the definition is overly broad, vague, ambiguous, and unintelligible, requires subjective judgment on the part of Opposer

and its attorneys, and would require a conclusion or opinion of counsel in violation of the attorney work product doctrine.

9. Opposer objects to the definition of "you" and "your" and all Requests for Production of Documents incorporating these terms as overly broad, unduly burdensome, harassing and oppressive, to the extent that the definition purports to identify and seek information from entities outside of Opposer's possession, custody, or control that are not parties to this litigation. Opposer further objects that this definition purports to require Opposer to respond on behalf of separate legal entities or persons other than itself and over which it does not have control.

#### **SPECIFIC OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

1) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer objects to this Request for Production of Documents (hereinafter "RFP") on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is unduly burdensome. Opposer further objects to this RFP on the ground that it seeks public information that's equally available to Applicant. Opposer has no responsive documents.

2) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is unduly burdensome. Opposer further objects to this RFP on the

ground that it seeks public information that's equally available to Applicant. Opposer has no responsive documents.

3) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is unduly burdensome. Opposer further objects to this RFP on the ground that it seeks public information that's equally available to Applicant. Opposer has no responsive documents.

4) Copies of U.S. trademark registrations or pending applications for the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is unduly burdensome. Opposer further objects to this RFP on the ground that it seeks public information that's equally available to Applicant. Opposer has no responsive documents.

5) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

6) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

7) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

8) Documents evidencing Opposers' ownership of, or proprietary interest in, the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

9) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

10) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not

reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

11) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

12) Copies of license agreements or other documents authorizing Opposers to use the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

13) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

14) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

15) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

16) Documents showing Opposers' use of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer has no responsive documents.

17) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A," which person or entity is also referenced in the Notice of Opposition as "Party A."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that the term "relationship" is not defined and could include any types of relationship, e.g., competitor-relationship. Opposer has no responsive documents.

18) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark B," which person or entity is also referenced in the Notice of Opposition as "Party B."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that the term "relationship" is not defined and could include any types of relationship, e.g., competitor-relationship. Opposer has no responsive documents.

19) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark C," which person or entity is also referenced in the Notice of Opposition as "Party C."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that the term "relationship" is not defined and could include any types of relationship, e.g., competitor-relationship. Opposer has no responsive documents.

20) Documents showing the relationship between Opposers and the owner of the mark referenced in Opposers' Notice of Opposition as "Earlier Mark D," which person or entity is also referenced in the Notice of Opposition as "Party D."

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that the term "relationship" is not defined and could include any types of relationship, e.g., competitor-relationship. Opposer has no responsive documents.

21) All communications regarding the mark referenced in Opposers' Notice of Opposition as "Earlier Mark A."

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25) All communications regarding Applicant's U.S. Application Serial No. 90/670,738 and the design mark that is the subject of that application.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer further objects to

this RFP to the extent it seeks information and documents protected by the Attorney-Client Privilege and/or Work Product Doctrine. Opposer has no responsive documents.

26) All documents and communications concerning Applicant, its U.S. trademark registrations and applications, and its use of any trademarks.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding, not proportional to the needs of this proceeding, and is not reasonably calculated to the discovery of admissible evidence. Opposer further objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer further objects to this RFP to the extent it seeks information and documents protected by the Attorney-Client Privilege and/or Work Product Doctrine.

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**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

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32) All documents and communications concerning Opposers' knowledge of U.S. Trademark Registration No. 3886177.

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33) All documents and communications concerning Opposers' knowledge of U.S. Trademark Application Serial No. 90876853.

**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

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**Opposer's Objection and Response:** Opposer objects to this RFP on the ground that it is irrelevant to the current proceeding and is not reasonably calculated to the discovery of admissible evidence.

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**Opposer's Objection and Response:** Opposer objects to the RFP on the ground that it is overly broad and unduly burdensome, is not reasonably calculated to the discovery of admissible evidence, and is not proportional to the needs of this proceeding. Opposer has produced responsive documents in its possession.

Dated: August 26, 2022

Respectfully submitted,

By: Jigang Jin

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Attorney for Opposers

**CERTIFICATE OF SERVICE**

I, Jigang Jin, hereby certify that on August 26, 2022, the foregoing document was served by email to Applicant's counsel of record.

Date: 8/26/2022

By: Jigang Jin  
Jigang Jin

## VERIFICATION

I, Qianan Li, declare:

I am the CEO of FUZHOU Mengku Technology Co., Ltd. ("Mengku") and am duly authorized to sign this Verification on Mengku's behalf.

I have read the foregoing document titled FUZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENT ("Responses") and know the contents thereof. The Responses set forth therein, subject to inadvertent or undiscovered errors, are based on, and are necessarily limited by, the records and information still in existence, presently recollected, and thus far discovered in the course of preparing these Responses.

Mengku reserves the right to supplement or amend the Responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available.

Subject to the limitations set forth here, FUZHOU MENGKU TECHNOLOGY CO., LTD.'S RESPONSES TO APPLICANT SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD.'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENT are true and correct to the best of my knowledge, information, and belief.

August 26, 2022

Date

Qianan Li

Qianan Li, CEO  
Fuzhou Mengku Technology Co., Ltd.