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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91281389
Party	Defendant Shanghai Zhenglang Technology Co., Ltd.
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Submission	Motion for Summary Judgment Yes , 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: 10/16/2023
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**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

HANGZHOU MENGKU TECHNOLOGY,
CO., LTD.,

Opposer,

v.

SHANGHAI ZHENGLANG
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91281389 (Parent)

Mark: App. Ser. No. 90866064



Consolidated with:

Opp. No. 91281390 (Child)

App. Ser. No. 90868193



APPLICANT’S MOTION FOR SUMMARY JUDGMENT

Applicant Shanghai Zhenglang Technology Co. Ltd. (“Applicant”) brings this Motion for Summary Judgment on Opposer’s claims for descriptiveness under Section 2(e) of the Lanham Act and likelihood of confusion under Section 2(d) of the Lanham Act.

Opposer has alleged that registration of Applicant’s Design Marks should be refused because they are merely descriptive of “solitaire games.” But Applicant’s Design Marks do not cover “solitaire games”—they cover computer game programs and downloadable game software. Opposer has not produced any evidence that Applicant’s Design Marks are merely descriptive of the particular goods identified in the Application Serial Nos. 90866064 and 90868193. Because no rational trier of fact could find that Applicant’s Design Marks are merely descriptive of “downloadable game software” or the other goods in Class 9 identified in Application Serial Nos. 90866064 and 90868193, Applicant therefore is entitled to judgment as a matter of law on Opposer’s Section 2(e) claim.

Opposer has also alleged that registration of Applicant's Design Marks should be refused based in part on a likelihood of confusion with a single, unregistered, common law design. Opposer has not produced any evidence that it owns the design, or any evidence that it used the design prior to Applicant's constructive priority date. A proprietary interest and priority of use are both essential elements of the likelihood of confusion claim pleaded in Opposer's Notice of Opposition. Because no rational trier of fact could find that Opposer has either a proprietary interest in or priority of use for its unregistered design, there is no genuine issue remaining for trial as to Opposer's likelihood of confusion claim. Applicant therefore is entitled to judgment as a matter of law on Opposer's Section 2(d) claim.

Because both claims pleaded in Opposer's Notice of Opposition fail as a matter of law, Applicant respectfully submits that there is no genuine issue remaining for trial, Applicant's Motion for Summary Judgment should be granted, and this Opposition should be dismissed in its entirety.

I. Background

Applicant designs, develops, and distributes mobile applications and gaming software. Declaration of Mr. Ruihua Ji in Support of Applicant's 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. ¶¶ 5–6. Applicant adopted its design marks at issue in this proceeding (Applicant's "Design Marks"), and began using them in United States commerce to advertise, promote, and offer its mobile application game, "Solitaire Ocean," that is offered to consumers through the Google Play mobile application store. Ji Decl. ¶ 7; *see also* specimens in TSDR app. file history for App. Ser. Nos. 90866064 and 90868193.

On August 4, 2021, Applicant filed a use-based application with the U.S. Patent and Trademark Office to register the design mark pictured below in International Class 9 for the goods indicated below:



“Computer game programmes downloadable via the Internet; Computer game software downloadable from a global computer network; Downloadable computer application software for mobile phones, namely, software for use in database management, use in electronic storage of data, for playing online games; Downloadable computer game programmes; Downloadable computer game programs; Downloadable computer game software; Downloadable computer game software for personal computers and home video game consoles; Downloadable computer game software for use on mobile and cellular phones; Downloadable electronic game programs; Downloadable electronic game software; Downloadable electronic game software for handheld electronic devices; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable game software; Recorded computer game programs”

See TSDR file history for U.S. App. Ser. No. 90866064 (the “’064 Application”).

Applicant began using the design that is the subject of the ’064 Application in United States commerce on July 30, 2021, and claims a date of first use in United States commerce at least as early as July 30, 2021. *Ji Decl.* ¶ 8; *see* file history for App. Ser. No. 90866064.

On August 5, 2021, Applicant filed a use-based application with the U.S. Patent and Trademark Office to register the design mark pictured below in International Class 9 for the goods indicated below:



“Computer game programmes downloadable via the Internet; Computer game software downloadable from a global computer network; Downloadable computer application software for mobile phones, namely, software for use in database management, use in electronic storage of data, for playing online games; Downloadable computer game programmes; Downloadable computer game programs; Downloadable computer game software; Downloadable computer game software for personal computers and home video game consoles; Downloadable computer game software for use on mobile and cellular phones; Downloadable electronic game programs; Downloadable electronic game software; Downloadable electronic game software for handheld electronic devices; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable game software; Recorded computer game programs”

See TSDR file history for U.S. App. Ser. No. 90868193 (the “193 Application”).

Applicant began using the design that is the subject of the ’193 Application in United States commerce on July 25, 2021, and claims a date of first use in United States commerce at least as early as July 25, 2021. Ji Decl. ¶ 9; *see* file history for App. Ser. No. 90868193.

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. Ji Decl. ¶ 4.
- b) Applicant has advertised, offered, and distributed its mobile applications and software throughout the world, including in the United States. Ji Decl. ¶¶ 5–6.
- c) Applicant has used its Design Marks at issue in this proceeding (contained in App. Ser. Nos. 90866064 and 90868193) to advertise, promote, and offer its mobile application

game, “Solitaire Ocean,” which is offered to consumers through the Google Play mobile application store. Ji Decl. ¶¶ 7–10.

- d) Applicant’s Design Marks do not reproduce any screen in Applicant’s “Solitaire Ocean” mobile application. Ji Decl. ¶ 11.
- e) None of the electronic games offered within Applicant’s “Solitaire Ocean” mobile application are identical in appearance to Applicant’s Design Marks. *See* Ji Decl. ¶ 12.
- f) On August 4, 2021, Applicant filed a use-based application with the USPTO to register the design mark pictured below in International Class 9 for the goods listed below, claiming July 30, 2021 as the date of first use of the mark in commerce:



“Computer game programmes downloadable via the Internet; Computer game software downloadable from a global computer network; Downloadable computer application software for mobile phones, namely, software for use in database management, use in electronic storage of data, for playing online games; Downloadable computer game programmes; Downloadable computer game programs; Downloadable computer game software; Downloadable computer game software for personal computers and home video game consoles; Downloadable computer game software for use on mobile and cellular phones; Downloadable electronic game programs; Downloadable electronic game software; Downloadable electronic game software for handheld electronic devices; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable game software; Recorded computer game programs”

See TSDR file history for App. Ser. No. 90866064.

- g) On August 5, 2021, Applicant filed a use-based application with the USPTO to register the design mark pictured below in International Class 9 for the goods listed below, claiming July 25, 2021 as the date of first use of the mark in commerce:



“Computer game programmes downloadable via the Internet; Computer game software downloadable from a global computer network; Downloadable computer application software for mobile phones, namely, software for use in database management, use in electronic storage of data, for playing online games; Downloadable computer game programmes; Downloadable computer game programs; Downloadable computer game software; Downloadable computer game software for personal computers and home video game consoles; Downloadable computer game software for use on mobile and cellular phones; Downloadable electronic game programs; Downloadable electronic game software; Downloadable electronic game software for handheld electronic devices; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable game software; Recorded computer game programs”

See TSDR file history for App. Ser. No. 90868193.

- h) During examination of the '064 Application and the '193 Application, 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 file history App. Ser. Nos. 90866064 and 90868193.
- i) During examination of the '064 Application and the '193 Application, the examining attorney did not refuse registration on the grounds of mere descriptiveness. *See* TSDR file history App. Ser. Nos. 90866064 and 90868193.
- j) The USPTO published the '064 Application and the '193 Application for opposition on June 28, 2022. *See* TSDR file history App. Ser. Nos. 90866064 and 90868193.
- k) On October 26, 2022, Opposer filed Notice of Oppositions against Applicant's '064 Application and '193 Application, alleging in both cases claims of: (a) priority and likelihood of confusion; and (b) mere descriptiveness. *See* Opp. No. 91281389 at 1 TTABVUE and Opp. No. 91281390 at 1 TTABVUE.
- l) On February 28, 2023, the Board consolidated the opposition proceedings against Applicant's '064 Application and '193 Application, finding that the parties to these

proceedings are identical, and the issues are similar or related. *See* Opp. No. 91281389 at 6 TTABVUE and Opp. No. 91281390 at 6 TTABVUE.

- m) Regarding the mere descriptiveness claim, in both Notices of Opposition, Opposer alleged that Applicant’s Design Marks should be refused registration under Section 2(e) of the Lanham Act because they are “merely descriptive,” “immediately convey[] the knowledge or idea of an important feature of solitaire games, namely, to arrange cards in some order or pair them off in order to discard them,” and “consist[] merely of an illustration of Applicant’s Solitaire Ocean Game.” Opp. No. 91281389 at 1 TTABVUE, Notice of Opposition ¶¶ 3–5.
- n) Regarding the priority and likelihood of confusion claim, in both Notices of Opposition, Opposer alleged that Applicant’s Design Marks should be refused registration under Section 2(d) of the Lanham Act because they are “confusingly similar to Opposer’s Solitaire Puzzlejoy Mark, when used in connection with Applicant’s Goods.” Opp. No. 91281389 at 1 TTABVUE, Notice of Opposition ¶ 14.
- o) The pleaded mark claimed in Opposer’s Notices of Opposition (pictured below and referred to as the “Solitaire Puzzlejoy Mark”) is not the subject of any United States trademark registration or application, live or dead. *See* Opp. No. 91281389 at 1 TTABVUE.



- p) On July 3, 2023, Applicant served interrogatories on Opposer. Declaration of Rose Kautz in Support of Applicant’s Motion for Summary Judgment (“Kautz Decl.”) ¶ 4; Exhibit 1 to Kautz Decl.
- q) Opposer served its responses to Applicant’s interrogatories on August 24, 2023. Kautz Decl. ¶ 5; Exhibit 2 to Kautz Decl.
- r) As relevant to this Motion, Applicant’s Interrogatories and Opposer’s responses included the following:

INTERROGATORY NO. 4: Describe in detail the circumstances surrounding Opposer’s selection, adoption, and use of the Solitaire Puzzlejoy Mark, including, without limitation, the date of first use of the Solitaire Puzzlejoy Mark to render goods or services in United

States commerce, and the goods and services offered under or in connection with the Solitaire Puzzlejoy Mark.

Opposer responded:

First day of use in US commerce: April 1, 2021.

Goods/services: mobile games, provision of mobile game services and information.

Version	Icon	Descriptions
Original		Solitaire Puzzlejoy was published on February 27, 2021 with the original icon.
V1.1.1		On March 25, 2021, V1.1.1 icon was published.
Version	Icon	Descriptions
V1.1.3		On April 1, 2021, V1.1.3 icon was published.

[...]

INTERROGATORY NO. 7: Identify, on a yearly basis, the total expenditures for advertising, marketing, and promotion of goods and services offered under the Solitaire Puzzlejoy Mark, from the start of the use of the mark through present.

Opposer responded:

Opposer objects to this Interrogatory 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. Without waiving the foregoing objections, Opposer responds: None.

[...]

INTERROGATORY NO. 10: Explain in detail Opposer's bases for its contention that the Solitaire Puzzlejoy Mark is protectable as a trademark.

Opposer responded:

If the Board finds that the opposed marks are distinctive enough to qualify as trademarks, Opposer's Solitaire Puzzlejoy Mark would be similarly distinctive to qualify as a trademark.

[...]

INTERROGATORY NO. 14: Identify each kind of advertising, marketing, and promotional materials that has been used bearing the Solitaire Puzzlejoy Mark, or that has been used in connection with the offering of any goods or services under the Solitaire Puzzlejoy Mark, and all of the channels in which such materials have been used, displayed, or distributed.

Opposer responded:

Channels: Google Play. Opposer references the following documents: MK-000397 through MK-403.

Kautz Decl. ¶¶ 4–5; Exhibits ¶¶ 1–2 to Kautz Decl.

- s) On July 3, 2023, Applicant served Requests for Production of Documents and Things to Opposer. Kautz Decl. ¶ 6; Exhibit 3 to Kautz Decl.
- t) Opposer served its responses to Applicant’s Requests for Production of Documents and Things on August 24, 2023. Kautz Decl. ¶ 7; Exhibit 4 to Kautz Decl.
- u) Applicant’s Requests For Production of Documents and Things included the following, to which Opposer responded “Opposer has no responsive document.”:
 - 1) Copies of U.S. trademark registrations, pending applications, or drafts of applications for the Solitaire Puzzlejoy Mark.

Kautz Decl. ¶¶ 6–7; Exhibits 4–5 to Kautz Decl.

- v) Applicant’s Requests For Production of Documents and Things included the following, to which Opposer responded “Opposer will produce responsive documents”:
 - 2) Documents evidencing Opposer’s ownership of, or proprietary interest in, the Solitaire Puzzlejoy Mark.

[...]

5) Documents evidencing Opposer’s first use of the Solitaire Puzzlejoy Mark.

6) Documents supporting Opposer’s allegation that “Opposer has started using the Solitaire Puzzlejoy Mark in connection with its Solitaire Puzzle game as early as April 1, 2021.”

Kautz Decl. ¶¶ 6–7; Exhibits 4–5 to Kautz Decl.

- w) Opposer’s document production consisted of documents bearing Bates Stamps from MK-000166 to MK-000403, plus video files bearing Bates Stamps from MK-Native-00001 to MK-Native-00030. Kautz Decl. ¶ 8.
- x) The only documents produced by Opposer showing the Solitaire Puzzlejoy Mark are documents Bates Stamps from MK-00393 to MK-000403, consisting of:
1. A document bearing Bates Stamps from MK-000393 to MK-000396 and bearing the date July 27, 2023, consisting of a screenshot from the Google Play Store, showing the Solitaire Puzzlejoy Mark as the app icon for a mobile game titled “Solitaire Puzzlejoy” by developer PUZZLEJOY at the URL <https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.solitaire>;
 2. A document bearing Bates Stamp MK-000397, which appears to be a screenshot from a mobile device titled “Solitaire Puzzlejoy – Solitaire Games Free” and which does not bear any date or URL;
 3. A document bearing Bates Stamps from MK-000398 to MK-000400 and bearing the date July 29, 2023, consisting of a screenshot from the Google Play Store, showing use of the Solitaire Puzzlejoy Mark in connection with a mobile game titled “Solitaire Puzzlejoy” by developer PUZZLEJOY at the URL <https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.solitaire>;
 4. A document bearing Bates Stamp MK-000401 from the Google Play Console relating to “Store Listing Experiments” for Icon V1.1.3, which does not include a capture date or complete URL; and
 5. A document bearing Bates Stamp MK-000403, consisting of an email bearing the date April 9, 2021 from Google Play to the address hwextend@gmail.com.

Kautz Decl. ¶¶ 8–9; Exhibits 4–5 to Kautz Decl.

- y) Opposer has not produced any documentary or testimony evidence that it operates under the developer name PUZZLEJOY, or that it is the owner of, has a relationship with, or is privy with the entity operating under the developer name PUZZLEJOY. Kautz Decl. ¶¶ 8–10; Exhibits 1–5 to Kautz Decl.
- z) Opposer has not produced any documentary or testimony evidence that it owns the email address hwextend@gmail.com. Kautz Decl. ¶¶ 8–9, 11; Exhibits 1–5 to Kautz Decl.
- aa) Opposer has not produced any documentary or testimony evidence that it owns or has a proprietary interest in the Solitaire Puzzlejoy Mark. Kautz Decl. ¶¶ 8–10, 12; Exhibits 1–5 to Kautz Decl.
- bb) Opposer has not produced any license agreements or other documents authorizing it to use the Solitaire Puzzlejoy Mark. Kautz Decl. ¶¶ 8–9, 13; Exhibits 1–5 to Kautz Decl.

- cc) Opposer has not produced any documentary evidence showing use of the Solitaire Puzzlejoy Mark at the point of sale or in connection with offering of goods “mobile games” or advertising or rendering the services “provision of mobile game services and information” prior to August 5, 2021. Kautz Decl. ¶¶ 8–9, 13; Exhibits 1–5 to Kautz Decl.
- dd) Opposer has not produced any documentary or testimony evidence regarding its advertising, marketing, and promotion of goods or services under the Solitaire Puzzlejoy Mark, or advertising expenditures for “mobile games” or “provision of mobile game services and information” using the Solitaire Puzzlejoy Mark prior to August 5, 2021. Kautz Decl. ¶¶ 8–9; Exhibits 1–5 to Kautz Decl.
- ee) Opposer has not produced any survey evidence or consumer testimony regarding how consumers perceive the Solitaire Puzzlejoy Mark or showing that consumers associate the Solitaire Puzzlejoy Mark with Opposer. *Id.*
- ff) Discovery in this proceeding closed on September 1, 2023. Kautz Decl. ¶ 14.

III. The Board Should Summarily Dispose of Opposer’s Claims of Mere Descriptiveness and Likelihood of Confusion

Summary judgment is appropriate “to save the time and expense of a full trial when it is unnecessary,” including where, as here, “no genuine issue of material fact remains.” *Pure Gold, Inc. v. Syntex (U.S.A.) Inc.*, 739 F.2d 624, 626 (Fed. Cir. 1984) (quoting *Exxon Corp. v. National Foodline Corp.*, 579 F.2d 1244, 1246 (CCPA 1978)). 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) (citing Advisory Committee Note to 1963 Amendment of Fed. R. Civ. P. 56(e), 28 U.S.C.App., p. 626) (finding that non-moving party had failed to show any genuine issue for trial). “The nonmoving party may not rest on the mere allegations of its pleadings and assertions of counsel,” *see Diaz v. Servicios De Franquicia Pardo’s S.A.C.*, 83 USPQ2d 1320, 1328 (TTAB 2007); Fed. R. Civ. P. 56(e), and “must do more than simply show that there is some metaphysical doubt as to the material facts.” *Matsushita*, 475 U.S. at 586. “Where the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party, there is no ‘genuine issue for trial,’” and the moving party

must prevail as a matter of law. *Matsushita*, 475 U.S. at 587 (quoting *First National Bank of Arizona v. Cities Service Co.*, 391 U.S. 253, 289 (1968)).

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, 322–23 (1986). Where the non-moving party will bear the burden of proof at trial, the moving party may discharge its burden by showing that there is an absence of evidence to support an essential element of the non-moving party’s case, “since a complete failure of proof concerning an essential element of the nonmoving party’s case necessarily renders all other facts immaterial.” *Celotex*, 477 U.S. at 321–24; *see also Leatherwood Scopes Int’l Inc. v. Leatherwood*, 63 USPQ2d 1699, 1699 (TTAB 2002) (granting summary judgment on likelihood of confusion claim where “the record is devoid of any evidence which raises a genuine issue of material fact” as to applicant’s priority).

Opposer had every opportunity to produce evidence in discovery establishing that Applicant’s Design Marks are descriptive and that Opposer’s has proprietary rights in and prior use of the Solitaire Puzzlejoy Mark. Yet the record remains devoid of any evidence which could raise a genuine issue of material fact. Now discovery is closed, and the only additional material evidence Opposer could offer between now and trial is self-serving testimony, which does not create a genuine issue of material fact. Thus, as explained further below, Applicant is entitled to summary judgment because the undisputed facts demonstrate that there is no evidence to support Opposer’s descriptiveness or likelihood of confusion claims.

A. Summary Judgment Should Be Granted on Opposer’s Mere Descriptiveness Claim Because No Rational Trier of Fact Could Find That Applicant’s Design Marks are Merely Descriptive of Downloadable Game Software in Class 9

Whether a mark is merely descriptive is a question of fact, determined from the viewpoint of the relevant purchasing public. *In re Bed & Breakfast Registry*, 791 F.2d 157, 159 (Fed. Cir.

1986). The Board must focus on “the particular goods for which registration is sought.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1378 (Fed. Cir. 2012).

For a design mark to be registered on the Principal Register, it need not be devoid of all meaning relative to the goods. Rather, the appropriate test is whether the design consists *merely* of a picture or illustration of applicant’s goods, or merely of an important feature or characteristic of the goods. *See, e.g., In Re Cns, Inc.*, No. 76250194, 2005 WL 3175107, at *4 (Nov. 18, 2005); *Pelonis USA Ltd. v. Del-Rain Corporation*, 2001 WL 1182921, at *3 (TTAB Sept. 25, 2001); *In Re Curtiss-Wright Corp.*, 183 USPQ (BNA) ¶ 621 (TTAB Oct. 18, 1974). A design that *suggests* information about the goods in a way that requires imagination, thought, or perception to reach a conclusion as to the nature of the goods is not merely descriptive and may be registered. *See In re David/Randall Assocs., Inc.*, 2003 WL 1195019, at *4 (TTAB Mar. 12, 2003); *Pelonis USA Ltd. v. Del-Rain Corporation*, Opp. 97864, 2001 WL 1182921, at *3 (TTAB Sept. 25, 2001); *In re LRC Products, Ltd.*, 223 USPQ 1250 (TTAB 1984); *In re the Laitram Corporation*, 194 USPQ 206, at *3 (TTAB 1977); *In re Curtiss-Wright Corp.*, 183 USPQ at 621. Further, an illustration of a product which creates an overall arbitrary and fanciful impression is not merely descriptive and may be registered. *See Planters Nut & Chocolate Co. v. Crown Nut Co.*, 305 F.2d 916 (C.C.P.A. 1962).

Opposer’s descriptiveness claim is based entirely on mischaracterizations of Applicant’s goods and misstatements of the legal standard for descriptiveness. Because there is no evidence to support Opposer’s descriptiveness claim under the correct standard, Opposer’s descriptiveness claim fails as a matter of law.

i. The Relevant Goods Are Not “Solitaire Games”

The descriptiveness allegations contained in Opposer’s Notices of Opposition consist of only a few paragraphs, repeatedly describing Applicant’s goods as “solitaire games.” *See, e.g.,*

Opp. No. 91281389 at 1 TTABVUE ¶¶ 3–7. These claims are fundamentally flawed, because the goods in question are not “solitaire games.”

Applicant seeks to register its design marks for a wide range of computer software, mobile applications, electronic games, and related goods in Class 9. *See* TSDR file history App. Ser. Nos. 90866064 and 90868193. Opposer has produced no documentary or testimony evidence that Applicant’s Design Marks are descriptive of the particular goods actually covered by the ’064 Application and the ’193 Application. There is no genuine issue remaining for trial, because Opposer has completely failed to provide proof that Applicant’s Design Marks merely describe “downloadable game software” or any other correct goods.

ii. Applicant’s Design Marks are Not Merely Illustrations of Applicant’s Goods

In addition to focusing on the wrong goods, Opposer also fails to evaluate descriptiveness under the appropriate legal standard. Opposer alleged in its Notices of Opposition that Applicant’s Design Marks are “merely descriptive” because they “immediately convey[] the knowledge or idea of an important feature of solitaire games.” *See, e.g.*, Opp. No. 91281389 at 1 TTABVUE pp. 2–3, ¶ 3.

Because Applicant’s mark is a design mark, however, the appropriate inquiry is whether the design consists merely or essentially of a pictorial representation of the goods. Opposer has produced no evidence that Applicant’s Design Marks are merely descriptive under this standard. Opposer has not produced, for example, any screenshots or testimony showing that Applicant’s Design Marks depict downloadable and recorded software, games, or mobile applications. Nor has Opposer produced any evidence that Applicant’s Design Mark is a reproduction of the opening screen of Applicant’s mobile application, or a reproduction of any of the other screens within Applicant’s mobile application. Nor *could* Opposer produce such evidence, as Applicant’s Design Marks do not reproduce any screen in Applicant’s “Solitaire Ocean” mobile application, and none

of the electronic games offered within Applicant’s “Solitaire Ocean” mobile application are identical in appearance to Applicant’s Design Marks. *See* Ji Decl. ¶¶ 11–12.

The record is completely devoid of evidence that Applicant’s Design Marks are merely descriptive of the *particular goods for which registration is sought*, or that Applicant’s Design Marks consist *merely* of a picture or illustration of applicant’s goods. Because Opposer’s mere descriptiveness claim is entirely unsupported by the record, no rational trier of fact to find that Applicant’s Design Marks are merely descriptive, and Opposer’s mere descriptiveness claim must fail as a matter of law.

B. Summary Judgment Should Be Granted on Opposer’s Likelihood of Confusion Claim Because No Rational Trier of Fact Could Find That Opposer Has Proprietary Rights in or Prior Use of the Solitaire Puzzlejoy Mark

To prevail on a claim of priority and likelihood of confusion, an opposer must first establish that it has valid proprietary rights in a mark that are prior to those of the applicant. *Exec. Coach Builders, Inc. v. Spv Coach Co., Inc.*, 123 USPQ2d 1175 (TTAB 2017); *see also Otto Roth & Co. v. Universal Foods Corp.*, 640 F.2d 1317, 1320 (CCPA 1981). Proprietary rights and prior use are both essential—failure to establish either of these elements renders a likelihood of confusion claim invalid.

Opposer had every opportunity to produce evidence in discovery establishing Opposer’s proprietary rights in and prior use of the Solitaire Puzzlejoy Mark. Yet despite Applicant’s discovery requests seeking documents and testimony supporting Opposer’s claims, Opposer’s interrogatory responses and relevant production were minimal. Opposer’s entire relevant production consists of a mere handful of screenshots and emails, totaling six documents. Out of these documents, only one is dated prior to Applicant’s priority date and shows the Solitaire Puzzlejoy Mark—and that document is an email to the address hwextend@gmail.com. Even assuming *arguendo* that Opposer can establish ownership of this email address, this single

documents alone fails to establish that Opposer owns the Solitaire Puzzlejoy Mark, or that Opposer used the Solitaire Puzzlejoy Mark prior to Applicant's priority date. Thus, as explained further below, Applicant is entitled to summary judgment because the undisputed facts demonstrate that there is no evidence to support the essential proprietary interest and priority of use elements of Opposer's likelihood of confusion claim.

iii. There is No Evidence Opposer Owns or has a Legitimate Interest in the Solitaire Puzzlejoy Mark

Proprietary rights are an essential element of a likelihood of confusion claim. 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.*, 640 F.2d at 1320. A plaintiff cannot prevail on a Section 2(d) likelihood of confusion claim where it does not have a proprietary right in the mark on which its claim is based. *See Otto Roth & Co.*, 640 F.2d at 1320–21; *see also WeaponX Performance Prods. Ltd. v. Weapon X Motorsports, Inc.*, 126 USPQ2d 1034, 1041 (TTAB 2018) (holding that opposer failed to establish priority based on alleged common-law rights, where the evidence did not show that opposer acquired rights in the mark or made use of the mark prior to applicant's priority date); *Executive Coach Builders, Inc. v. SPV Coach Co., Inc.*, 123 USPQ2d 1175, 1180 (TTAB 2017) ("Opposer must establish proprietary rights in its pleaded common-law mark that precede Applicant's actual or constructive use of its involved mark."); *Avtex Fibers Inc. v. Gentex Corp.*, 223 USPQ 625, 629 (TTAB 1984) ("In summary, opposer had the burden of proving its claim to a proprietary right in the designation 'PFR', and in our opinion the evidence of record falls far short of establishing that claim. Accordingly, opposer may not rely upon the provisions of Section 2(d) of the Act as a basis for this opposition.").

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 USPQ2d 1549 (TTAB 1994) (granting partial summary judgment based on lack of ownership or other legitimate interest). 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.” *Id.* Circumstances establishing the existence of a “legitimate interest” must go beyond an opposer’s status as the applicant’s competitor. *Id.*; *see also Major League Soccer, L.L.C. v. F.C. Internazionale Milano S.P.A.*, No. 91247160, 2020 WL 7260794, at *8 (Dec. 9, 2020) (granting motion to dismiss likelihood of confusion claim where Opposer failed to demonstrate prior proprietary rights or other legitimate interest).

Here, the record is clear that Opposer possesses no prior proprietary rights or other legitimate interest in the Solitaire Puzzlejoy Mark pleaded in the Notice of Opposition as the sole basis of Opposer’s likelihood of confusion claim. Nor has Opposer produced a single piece of testimony or documentary evidence showing that it has some other legitimate interest in preventing confusion between the Solitaire Puzzlejoy Mark and Applicant’s Mark.

Applicant requested that Opposer produce “Documents evidencing Opposer’s ownership of, or proprietary interest in, the Solitaire Puzzlejoy Mark.” Kautz Decl. ¶¶ 6–7; Exhibits 4–5 to Kautz Decl. None of the documents produced by Opposer identify Opposer as the owner or user of the Solitaire Puzzlejoy Mark. Kautz Decl. ¶¶ 8–9; Exhibits 4–5 to Kautz Decl. Rather, the

documents either list some other entity, such as PUZZLEJOY or the anonymous email address hwextend@gmail.com, *see* Kautz Decl. ¶ 9; Exhibit 5 to Kautz Decl.; or list no owner at all, *see id.* These Internet printouts cannot be used to show Opposer’s ownership of or proprietary rights in the Solitaire Puzzlejoy Mark, as they can be taken only for what they show on their face. *Cf. WeaponX*, 126 USPQ2d at 1034 (“[T]he printouts from the various websites submitted by Opposer with its notice of reliance show on their face that some entity is advertising products and services under the WEAPONX mark... They do not prove that Opposer owns its pleaded WEAPONX mark or that it has offered products or services under that pleaded mark. As discussed supra, Opposer’s Internet evidence is only probative for what it shows on its face and not the truth of what has been printed.”) (citing *Couch/Braunsdorf Affinity, Inc. v. 12 Interactive, LLC*, 110 USPQ2d 1458, 1467 n.30 (TTAB 2014) (Internet webpage evidence admissible only to show what has been printed and not for the truth of what has been printed)).

Aside from the documents above, Opposer has produced no other documentary or testimony evidence that it owns or has a proprietary interest in the Solitaire Puzzlejoy Mark. Kautz ¶¶ 8–10, 12; Exhibits 1–5 to Kautz Decl. Opposer admits, for example, that it does not own the any U.S. trademark registrations or pending applications for the Solitaire Puzzlejoy Mark. Kautz Decl. ¶¶ 6–7; Exhibits 4–5 to Kautz Decl. Opposer has also not produced any documentary evidence that it operates under, is the owner of, has a relationship with, or is privity with the entity operating under the developer name PUZZLEJOY. Kautz Decl. ¶¶ 8–10; Exhibits 1–5 to Kautz Decl. Opposer has also not produced any documentary or testimony evidence that it owns the email address hwextend@gmail.com. Kautz Decl. ¶¶ 8–9, 11; Exhibits 1–5 to Kautz Decl. Nor has Opposer produced any license agreements or other documents authorizing it to use the Solitaire Puzzlejoy Mark. Kautz Decl. ¶¶ 8–9, 13; Exhibits 1–5 to Kautz Decl.

Opposer's proprietary right or legitimate interest in the Solitaire Puzzlejoy Mark is entirely unsupported by the record. Beyond the mere allegations in its pleadings and assertions of counsel, there is no evidence in the record that could lead a rational trier of fact to find that Opposer owns or has a legitimate interest in the Solitaire Puzzlejoy Mark. Because Opposer has failed to produce any evidence of its proprietary rights—an essential element of Opposer's 2(d) claim—there is no genuine issue for trial and Opposer's likelihood of confusion claim must fail as a matter of law.

iv. There Is No Evidence of Use of the Solitaire Puzzlejoy Mark Prior to Applicant's Priority Date

Priority is also a required element of Opposer's likelihood of confusion claim. *See* 15 U.S.C. §1052(d); *Media Online Inc. v. El Clasificado Inc.*, 88 USPQ2d 1285, 1287 (TTAB 2008) (“Priority is a required element of petitioner's Section 2(d) claim.”). “[I]t is opposer's burden to demonstrate that it owns a trademark, which was used prior to applicant's mark.” *See Life Zone Inc. v. Middleman Group Inc.*, 87 USPQ2d 1953, 1959 (TTAB 2008); TBMP § 309.03(c)(A) (“A plaintiff must plead (and later prove) priority of use.”); *Diaz*, 83 USPQ2d at 1331 (granting summary judgment to applicant as to priority and dismissing opposer's opposition under Section 2(d) with prejudice); *Aktieselskabet af 21. November 2001 v. Fame Jeans Inc.*, 77 USPQ2d 1861, 1864 (TTAB 2006) (same); *Leatherwood Scopes*, 63 USPQ2d at 1699 (same).

Applicant is entitled to rely on the filing dates of its intent-to-use applications—August 4, 2021 for the '064 application and August 5, 2021 for the '193 application—as its constructive use date. *See Aktieselskabet*, 77 USPQ2d at 1861; *Zirco Corp. v. American Telephone and Telegraph Co.*, 21 USPQ2d 1542, 1544 (TTAB 1991) (“[T]here can be no doubt but that the right to rely upon the constructive use date comes into existence with the filing of the intent-to-use application and that an intent-to-use applicant can rely upon this date in an opposition brought by a third party asserting common law rights.”).

Opposer must prove by a preponderance of the evidence that its common law rights were acquired before Applicant's priority date. *Embarcadero Techs. Inc. v. RStudio Inc.*, 105 USPQ2d 1825, 1825 (TTAB 2013); *see also Giersch v. Scripps Networks Inc.*, 90 USPQ2d 1020, 1023 (TTAB 2009) (noting that, in a case involving common-law rights, "the decision as to priority is made in accordance with the preponderance of the evidence."); *Life Zone Inc. v. Middleman Grp. Inc.*, 87 USPQ2d 1953, 1960 (TTAB 2008). The record, however, is devoid of any evidence establishing Opposer's use of the Solitaire Puzzlejoy Mark prior to Applicant's constructive first use dates.

Opposer's interrogatory responses state that its date of first use is April 1, 2021, and go on to indicate that as the date the Solitaire Puzzlejoy Mark "icon" was "published." No reasonable trier of fact could find this response sufficiently detailed as to the nature and extent of Opposer's alleged common law use to establish priority. *See H.D. Lee Co. v. Maidenform Inc.*, 87 USPQ2d 1715, 1722-23 (TTAB 2008) ("Mr. Cahill's oral testimony is not specific enough with respect to camisoles, and it is without any corroborating documentary evidence, to persuade us that opposer used its mark ONE TRUE FIT in connection with camisoles prior to the filing date of applicant's application."). The mere statement that the Solitaire Puzzlejoy Mark was "published" in April 2021 does not establish that, prior to August 5, 2021, the Solitaire Puzzlejoy Mark was used *as a trademark* or *in connection with the relevant goods*, that Opposer had any actual sales or downloads, or that Opposer otherwise used the Solitaire Puzzlejoy Mark continuously in commerce (to establish common law rights and priority of use), or created a public awareness of the Solitaire Puzzlejoy Mark as a trademark identifying Opposer as a source (to establish use analogous to trademark use). *Cf.* Trademark Act §§2(d) and 45, 15 U.S.C. §§ 1052(d) and 1127; *Morgan Creek Productions, Inc. v. Foria International, Inc.*, 91 USPQ2d 1134, 1134 (TTAB

2009) (“It is the burden of opposer to demonstrate that it has used its mark in a regular or recurring manner so that the consuming public would be aware that opposer offers the goods under the mark and therefore associate opposer’s mark with the goods. The testimony and evidence submitted by opposer does not meet that burden. There is no clear information that opposer has distributed any clothing items to the general public, let alone in any numbers to make an impression, or that they have been distributed on a regular or recurring basis. Accordingly, we find that opposer has not established common law rights in its mark for clothing.”) (citing *Giersch v. Scripps Networks, Inc.*, 90 USPQ2d 1020, 1022 (TTAB 2009)); *T.A.B. Systems v. PacTel Teletrac*, 77 F.3d 1372, 37 USPQ2d 1879 (Fed. Cir. 1996) (discussing use analogous to trademark use).

Opposer’s documentary evidence is equally lacking. Of the documents produced by Opposer, only the emails from Google Play to hwextend@gmail.com bearing Bates Stamps from MK-000402 to MK-000403 predate Applicant’s priority dates. *See* Kautz Decl. ¶¶ 8–9; Exhibits 4–5 to Kautz Decl. These emails, however, do not show trademark use of the Solitaire Puzzlejoy Mark or use of the Solitaire Puzzlejoy Mark in commerce, nor do they show use of the mark in connection with the offering of mobile games or rendering or software services. The “Solitaire Puzzlejoy – Solitaire Games Free” mobile screenshot bearing Bates Stamp MK-000397, and “Store Listing Experiments” screenshot bearing Bates Stamp MK-000401 are undated,¹ and the Google Play screenshots bearing Bates Stamps from MK-000393 to MK-000396 and MK-000398

¹ Even if these renditions were created before the Application date, they do not demonstrate actual use of the mark in commerce. *See WeaponX*, 126 USPQ2d at 1034 (“We have carefully reviewed all of the evidence that is properly before us and conclude that Opposer has not established that it acquired ownership rights in its pleaded WEAPONX mark prior to October 29, 2013. That is, there is insufficient evidence to conclude that the pleaded mark is being used in commerce by Opposer, or, for the purpose of establishing priority, that it was in use prior to October 29, 2013. [...] Even if, arguendo, we were to conclude that the Internet printouts demonstrate use of the pleaded WEAPONX mark, there is no evidence showing that Opposer’s rights in that mark date back to any time before Applicant’s priority date. [...] [A]ssertions appearing in the printouts submitted by Opposer [...] cannot be used to demonstrate its priority without testimony corroborating the truth of this matter.”).

to MK-000400 are both from 2023, nearly two years after Applicant's constructive use dates. *See id.*

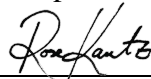
Opposer has no evidence demonstrating common law rights in the Solitaire Puzzlejoy Mark that pre-date Applicant's rights. Because Opposer cannot prove priority of use, a necessary prerequisite of its Section 2(d) claim, there is no genuine issue for trial and Opposer's likelihood of confusion claim must fail as a matter of law. *See Life Zone Inc.*, 87 USPQ2d at 1959-60 (“Unfortunately for opposer, there is very little record evidence of its common-law trademarks and no evidence of its priority of use.” “[W]ithout proof of priority, opposer cannot prevail.”).

IV. Conclusion

As explained above, the record is devoid of evidence establishing that Applicant's Design Marks are descriptive, that Opposer has proprietary rights in the unregistered Solitaire Puzzlejoy Mark, or that Opposer used the Solitaire Puzzlejoy Mark prior to Applicant's constructive use date. Accordingly, no rational trier of fact could find in favor of Opposer on either the descriptiveness claim or the likelihood of confusion claim pleaded in Opposer's Notices of Opposition. Because there is no genuine issue remaining for trial, Applicant's Motion for Summary Judgement on should be granted, and this Opposition should be dismissed in its entirety.

Dated: September 28, 2023

Respectfully submitted,



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Attorneys for Applicant

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

HANGZHOU MENGKU TECHNOLOGY,
CO., LTD.,

Opposer,

v.

SHANGHAI ZHENGLANG
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91281389 (Parent)

Mark: App. Ser. No. 90866064



Consolidated with:

Opp. No. 91281390 (Child)

App. Ser. No. 90868193



CERTIFICATE OF TRANSMITTAL AND SERVICE

I certify that on September 28, 2023, a true and correct copy of the foregoing **APPLICANT'S MOTION FOR 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

Dated: September 28, 2023

/Kris Teilhaber/

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

HANGZHOU MENGKU TECHNOLOGY,
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App. Ser. No. 90868193



**DECLARATION OF ROSE KAUTZ IN SUPPORT OF
APPLICANT'S MOTION FOR SUMMARY JUDGMENT**

I, Rose Kautz, hereby declare the following:

1. I am an attorney admitted to practice in the state of California, USA. I am an attorney with the firm Kilpatrick Townsend & Stockton LLP, counsel for applicant Shanghai Zhenglang Technology Co., Ltd., (“Applicant”) in this proceeding.
2. I am over the age of majority and competent to make 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 Summary Judgment.
4. On July 3, 2023, Applicant served Interrogatories on opposer Hangzhou Mengku Technology Co., Ltd. (“Opposer”). A true and correct copy of those interrogatories as served is attached to this Declaration as **Exhibit 1**.

5. On August 24, 2023, Opposer served its responses to Applicant’s Interrogatories. A true and correct copy of those responses, with the response to Interrogatory No. 6 redacted due to Opposer’s designation of this response as CONFIDENTIAL – FOR ATTORNEYS’ EYES ONLY (TRADE SECRET / COMMERCIALY SENSITIVE), is attached to this Declaration as **Exhibit 2**.
6. On July 3, 2023, Applicant served Requests for Production of Documents and Things on Opposer. A true and correct copy of those Requests for Production of Documents and Things as served is attached to this Declaration as **Exhibit 3**.
7. On August 24, 2023, Opposer served its responses to Applicant’s Requests for Production of Documents and Things. A true and correct copy of those responses is attached to this Declaration as **Exhibit 4**.
8. Opposer’s document production consisted of documents bearing Bates Stamps from MK-000166 to MK-000403, plus video files bearing Bates Stamps from MK-Native-00001 to MK-Native-00030. Of these, to my knowledge and based on my review of Opposer’s document production and discovery responses, only documents bearing Bates Stamps from MK-00393 to MK-000403 show the design pictured below (the “Solitaire Puzzlejoy Mark”):



9. A true and correct copy of the relevant portions of Opposer’s production, containing documents bearing Bates Stamps from MK-000393 to MK-000403, is attached to this Declaration as **Exhibit 5**. This includes:
- a. A document bearing Bates Stamps from MK-000393 to MK-000396 and bearing the date July 27, 2023, consisting of a screenshot from the Google Play Store, showing the Solitaire Puzzlejoy Mark as the app icon for a mobile game titled “Solitaire Puzzlejoy” by developer PUZZLEJOY at the URL [https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.solitaire](https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.solitaire;);
 - b. A document bearing Bates Stamp MK-000397, which appears to be a screenshot from a mobile device titled “Solitaire Puzzlejoy – Solitaire Games Free” and which does not bear any date or URL;
 - c. A document bearing Bates Stamps from MK-000398 to MK-000400 and bearing the date July 29, 2023, consisting of a screenshot from the Google Play Store, showing use of the Solitaire Puzzlejoy Mark in connection with a mobile game titled “Solitaire Puzzlejoy” by developer PUZZLEJOY at the URL [https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.solitaire](https://play.google.com/store/apps/details?id=com.puzzlejoy.puzzle.solitaire;);
 - d. A document bearing Bates Stamp MK-000401 from the Google Play Console relating to “Store Listing Experiments” for Icon V1.1.3, which does not include a capture date or complete URL; and
 - e. A document bearing Bates Stamp MK-000403, consisting of an email bearing the date April 9, 2021 from Google Play to the address hwextend@gmail.com.
10. To the best of my knowledge and based on my review of Opposer’s document production and discovery responses, Opposer has not, as of the signature date of this Declaration,

produced any documentary or testimony evidence showing a connection between Hangzhou Mengku Technology Co., Ltd. and the developer PUZZLEJOY identified in the documents produced by Opposer relating to the Solitaire Puzzlejoy Mark.

11. To the best of my knowledge and based on my review of Opposer's document production and discovery responses, Opposer has not, as of the signature date of this Declaration, produced any documentary or testimony evidence showing a connection between Hangzhou Mengku Technology Co., Ltd. and the email address hwextend@gmail.com.
12. To the best of my knowledge and based on my review of Opposer's document production and discovery responses, Opposer has not, as of the signature date of this Declaration, produced any documentary or testimony evidence showing that Hangzhou Mengku Technology Co., Ltd. owns or has a proprietary interest in the Solitaire Puzzlejoy Mark.
13. To the best of my knowledge and based on my review of Opposer's document production and discovery responses, Opposer has not, as of the signature date of this Declaration, produced any documentary or testimony evidence showing that Hangzhou Mengku Technology Co., Ltd. uses or is authorized to use the Solitaire Puzzlejoy Mark.
14. Discovery in this proceeding closed September 1, 2023.

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

Executed in Los Angeles, CA
on September 28, 2023



Rose Kautz

EXHIBIT 1

**to Declaration of Rose Kautz
in support of Applicant's Motion for Summary Judgment
Opposition No. 91281389**

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

HANGZHOU MENGKU TECHNOLOGY
CO., LTD.,


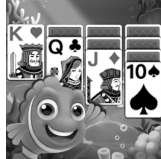
Opposer,

v.

SHANGHAI ZHENGLANG
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91281389 (parent case)

Opp. No.	Mark	App. Ser. No.
91281389 (parent)		90/866,064
91281390		90/868,193

**APPLICANT’S FIRST SET OF INTERROGATORIES TO
OPPOSER HANGZHOU MENGKU TECHNOLOGY CO., LTD. (1-14)**

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.

INSTRUCTIONS

If any one or more of these Interrogatories is 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 Opposer lacks knowledge of exact information responsive to an Interrogatory, Opposer is

**OPP. NO. 91281389
APPLICANT’S INTERROGATORIES TO OPPOSER (1-14)**

instructed to say so and to answer the Interrogatory to the best of its present knowledge, 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 Opposer is hereby requested to supplement its responses immediately whenever she acquires additional information pertinent thereto.

DEFINITIONS

1. “Applicant” shall mean and refer to Shanghai Zhenglang Technology Co., Ltd.
2. “Opposer” refers to Hangzhou Mengku Technology Co., Ltd., the opposer in the above-captioned Opposition proceeding, and all of its present and former owners, officers, directors, employees, agents, attorneys, accounts, consultants, corporate parents, affiliates, subsidiaries, or other persons or entities acting on its behalf.
3. The term “Applied for Design Marks” refers to the design marks applied for under U.S. Ser. Nos. 90/866,064 and 90/868,193.
4. “Solitaire Puzzlejoy Mark” refers to the mark cited in Opposer’s Notice of Opposition by that same name as the basis for Opposer’ likelihood of confusion claim, represented to appear as shown below. See Notice of Opposition in Opp. No. 91281389 at ¶¶ 9-14; Notice of Opposition in Opp. No. 91281390 at ¶¶ 9-14.



Solitaire Puzzlejoy Mark

5. “Opposer” refers to Hangzhou Mengku Technology Co., Ltd., the opposer in the above-captioned Opposition proceeding, and all of its present and former owners, officers, directors, employees, agents, attorneys, accounts, consultants, corporate parents, affiliates, subsidiaries, or other persons or entities acting on its behalf.

6. 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.

7. 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.”

8. 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.

9. “Document” 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.

10. “Communication” 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.

11. 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.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify any third parties of which Opposer is aware that provide downloadable computer solitaire games under or in connection with a trademark or icons incorporating an arrangement of stacks of cards.

INTERROGATORY NO. 2:

Identify all instances by any third party of the use of a trademark, design, icon, or other symbol containing a clown fish, in a descriptive manner for downloadable computer solitaire games.

INTERROGATORY NO. 3:

Identify all instances of use by any third party of the design marks that are the subject of U.S. App. Ser. No. 90/866,064 and U.S. App. Ser. No. 90/868,193 in a descriptive manner for the applied-for goods.

INTERROGATORY NO. 4:

Describe in detail the circumstances surrounding Opposer's selection, adoption, and use of the Solitaire Puzzlejoy Mark, including, without limitation, the date of first use of the Solitaire Puzzlejoy Mark to render goods or services in United States commerce, and the goods and services offered under or in connection with the Solitaire Puzzlejoy Mark.

INTERROGATORY NO. 5:

Identify the the trade channels and consumers of all goods and services offered under the Solitaire Puzzlejoy Mark.

INTERROGATORY NO. 6:

Identify, on a yearly basis, the total revenue derived from goods sold or services rendered under the Solitaire Puzzlejoy Mark, from the start of the use of the mark through present.

INTERROGATORY NO. 7:

Identify, on a yearly basis, the total expenditures for advertising, marketing, and promotion of goods and services offered under the Solitaire Puzzlejoy Mark, from the start of the use of the mark through present.

INTERROGATORY NO. 8:

Identify any instances of which Opposer is aware, through actual or hearsay knowledge, of any actual or purported confusion as to the source of any goods or services sold in United States commerce under or in connection with the Solitaire Puzzlejoy Mark, including, without limitation, actual confusion in connection with, caused by, or related to, the design marks

contained in Applicant's U.S. App. Ser. Nos. 90/866,064 and 90/868,193, including the identity of each person having knowledge of such instances and the substance of his or her knowledge or involvement.

INTERROGATORY NO. 9:

Explain whether Opposer contends that either or both design marks contained in Applicant's U.S. App. Ser. Nos. 90/866,064 and 90/868,193 are merely illustrations of any of Applicant's applied-for Class 9 goods, namely:

“Computer game programmes downloadable via the Internet; Computer game software downloadable from a global computer network; Downloadable computer application software for mobile phones, namely, software for use in database management, use in electronic storage of data, for playing online games; Downloadable computer game programmes; Downloadable computer game programs; Downloadable computer game software; Downloadable computer game software for personal computers and home video game consoles; Downloadable computer game software for use on mobile and cellular phones; Downloadable electronic game programs; Downloadable electronic game software; Downloadable electronic game software for handheld electronic devices; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable game software; Recorded computer game programs.”

INTERROGATORY NO. 10:

Explain in detail Opposer's bases for its contention that the Solitaire Puzzlejoy Mark is protectable as a trademark.

INTERROGATORY NO. 11

Explain in detail Opposer's enforcement of its alleged trademark rights in the Solitaire Puzzlejoy Mark against third parties.

INTERROGATORY NO. 12

Identify any dispute, demand, or actual or threatened litigation, opposition, or administrative proceeding concerning the Solitaire Puzzlejoy Mark.

INTERROGATORY NO. 13

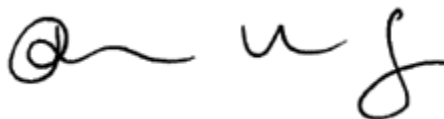
Identify in detail all goods and services that Opposer currently advertises, offers for sale, or sells under or in connection with the Solitaire Puzzlejoy Mark.

INTERROGATORY NO. 14

Identify each kind of advertising, marketing, and promotional materials that has been used bearing the Solitaire Puzzlejoy Mark, or that has been used in connection with the offering of any goods or services under the Solitaire Puzzlejoy Mark, and all of the channels in which such materials have been used, displayed, or distributed.

Dated: July 3, 2023

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.,



Opposer,

v.

SHANGHAI ZHENGLANG
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91281389 (parent case)

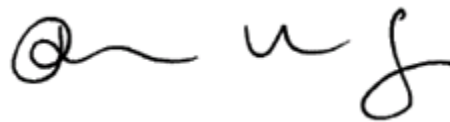
Opp. No.	Mark	App. Ser. No.
91281389 (parent)		90/866,064
91281390		90/868,193

CERTIFICATE OF SERVICE

I certify that on July 3, 2023, I served a true copy of the foregoing **APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER HANGZHOU MENGKU TECHNOLOGY CO., LTD. (1-14)** to Opposer's counsel by electronic mail at:

jigang.jin@jfuslaw.com;

qianan.li@bigcool.com



Rita Weeks
Attorney for Applicant

EXHIBIT 2

**to Declaration of Rose Kautz
in support of Applicant's Motion for Summary Judgment
Opposition No. 91281389**

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

HANGZHOU MENGKU TECHNOLOGY
CO., LTD.

Opposer,

v.

SHANGHAI ZHENGLANG TECHNOLOGY
CO., LTD.,
Applicant.

Opposition Nos. 91281389, 91281390

Serial Nos. 90866064, 90868193

Pursuant to Federal Rules of Civil Procedure 26 and 33, Opposer Hangzhou Mengku Technology Co., Ltd. ("Opposer"), through its counsel JIN LAW FIRM, hereby responds as follows to Applicant SHANGHAI ZHENGLANG TECHNOLOGY CO., LTD. ("Applicant" or "ZHENGLANG")'s First Set of Interrogatories (Nos. 1-14).

GENERAL RESPONSES

1. Opposer's Responses to Applicant's First Set of Interrogatories (Nos. 1-14) 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 Order¹.
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.

¹ Available at https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order_02052020.pdf.

2. Opposer objects generally to interrogatories 1 through 14, 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 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 14, inclusive, insofar as any such interrogatory seeks production of confidential, proprietary and/or trade secret information.

4. Opposer objects to interrogatories 1 through 14, 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 any third parties of which Opposer is aware that provide downloadable computer solitaire games under or in connection with a trademark or icons incorporating an arrangement of stacks of cards.

RESPONSE TO INTERROGATORY NO. 1:

Opposer is aware of the following third-party games and icons:

- a. https://play.google.com/store/apps/details?id=com.playrix.fishdom_solitaire.gplay



- b. <https://play.google.com/store/apps/details?id=com.solitaire.klondike.patience.ocean.aquarium>



- c. <https://play.google.com/store/apps/details?id=com.aofun.game.solitaireaquarium>



- d. <https://play.google.com/store/apps/details?id=klondike.solitaire.fishing.games>



- e. <https://play.google.com/store/apps/details?id=com.solitaire.fish.klondike.card.aquarium>



- f. <https://play.google.com/store/apps/details?id=com.infinitemworld.solitairefishw2.google>



- g. <https://play.google.com/store/apps/details?id=com.klondike.solitaire.fish.aquarium>



- h. <https://play.google.com/store/apps/details?id=com.hiplay.solitaire.Fishland.free>



- i. <https://play.google.com/store/apps/details?id=com.solitaire.tripeaks.fish>



- j. <https://play.google.com/store/apps/details?id=com.solitaire.card.puzzle.games.poker.deck.decks.play.classic.game>



- k. <https://play.google.com/store/apps/details?id=klondike.solitaire.fish.card.games>



- l. <https://play.google.com/store/apps/details?id=com.zg.solitaire.fish>



INTERROGATORY NO. 2:

Identify all instances by any third party of the use of a trademark, design, icon, or other symbol containing a clown fish, in a descriptive manner for downloadable computer solitaire games.

RESPONSE TO INTERROGATORY NO. 2:

Opposer objects to this interrogatory on the ground that it is overly broad and unduly burdensome. Opposer hereby identifies samples of third party uses by incorporating by reference its response to Interrogatory No. 1.

INTERROGATORY NO. 3:

Identify all instances of use by any third party of the design marks that are the subject of U.S. App. Ser. No. 90/866,064 and U.S. App. Ser. No. 90/868,193 in a descriptive manner for the applied-for goods.

RESPONSE TO INTERROGATORY NO. 3:

Opposer objects to this interrogatory on the ground that it is overly broad and unduly burdensome. Opposer hereby identifies samples of third party uses by incorporating by reference its response to Interrogatory No. 1.



INTERROGATORY NO. 4:


Describe in detail the circumstances surrounding Opposer’s selection, adoption, and use of the Solitaire Puzzlejoy Mark, including, without limitation, the date of first use of the Solitaire Puzzlejoy Mark to render goods or services in United States commerce, and the goods and services offered under or in connection with the Solitaire Puzzlejoy Mark.

RESPONSE TO INTERROGATORY NO. 4:

First day of use in US commerce: April 1, 2021.

Goods/services: mobile games, provision of mobile game services and information.

Version	Icon	Descriptions
Original		Solitaire Puzzlejoy was published on February 27, 2021 with the original icon.
V1.1.1		On March 25, 2021, V1.1.1 icon was published.

Version	Icon	Descriptions
V1.1.3		On April 1, 2021, V1.1.3 icon was published

INTERROGATORY NO. 5:

Identify the the trade channels and consumers of all goods and services offered under the Solitaire Puzzlejoy Mark.

RESPONSE TO INTERROGATORY NO. 5:

Google Play, AppGallery and game users in general.

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

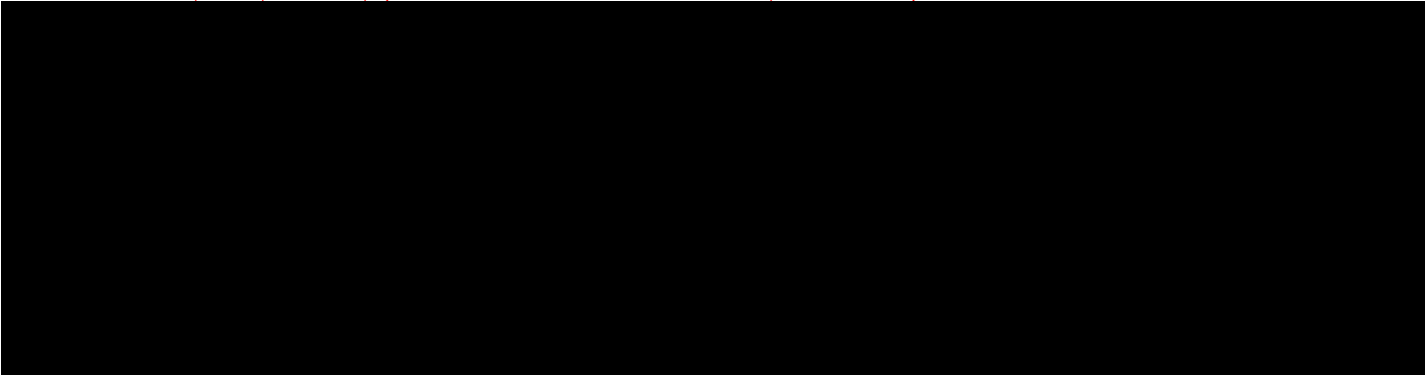
AppGallery: <https://appgallery.huawei.com/app/C103920275>

INTERROGATORY NO. 6:

Identify, on a yearly basis, the total revenue derived from goods sold or services rendered under the Solitaire Puzzlejoy Mark, from the start of the use of the mark through present.

RESPONSE TO INTERROGATORY NO. 6:

Opposer designates the following response to interrogatory No. 6 as "**Confidential – For Attorneys' Eyes Only (Trade Secret/ Commercially Sensitive)**"



INTERROGATORY NO. 7:

Identify, on a yearly basis, the total expenditures for advertising, marketing, and promotion of goods and services offered under the Solitaire Puzzlejoy Mark, from the start of the use of the mark through present.

RESPONSE TO INTERROGATORY NO. 7:

Opposer objects to this Interrogatory 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. Without waiving the foregoing objections, Opposer responds: None.

INTERROGATORY NO. 8:

Identify any instances of which Opposer is aware, through actual or hearsay knowledge, of any actual or purported confusion as to the source of any goods or services sold in United States commerce under or in connection with the Solitaire Puzzlejoy Mark, including, without limitation, actual confusion in connection with, caused by, or related to, the design marks contained in Applicant's U.S. App. Ser. Nos. 90/866,064 and 90/868,193, including the identity of each person having knowledge of such instances and the substance of his or her knowledge or involvement.

RESPONSE TO INTERROGATORY NO. 8:

Opposer is not aware of such information.

INTERROGATORY NO. 9:

Explain whether Opposer contends that either or both design marks contained in Applicant's U.S. App. Ser. Nos. 90/866,064 and 90/868,193 are merely illustrations of any of Applicant's applied-for Class 9 goods, namely:

“Computer game programmes downloadable via the Internet; Computer game software downloadable from a global computer network; Downloadable computer application software for mobile phones, namely, software for use in database management, use in electronic storage of data, for playing online games; Downloadable computer game programmes; Downloadable computer game programs; Downloadable computer game software; Downloadable computer game software for personal computers and home video game consoles; Downloadable computer game software for use on mobile and cellular phones; Downloadable electronic game programs; Downloadable electronic game software; Downloadable electronic game software for handheld electronic devices; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable game software; Recorded computer game programs.”

RESPONSE TO INTERROGATORY NO. 9:

Opposer incorporates by reference its responses to Interrogatories No. 1. The opposed marks are merely descriptive of computer game software, particularly mobile games. Specifically, the opposed marks contain playing card arranged in typical solitaire game fashion that can be found in numerous solitaire games. *See, e.g.*, Exhibit A. The fish design is a common element used in numerous solitaire games featuring playing cards and fish. *See, e.g.*, Opposer's response to Interrogatory No. 1. As such, none of the design elements in the above icon make the icon a unique source identifier capable of becoming distinctive. Opposer further references the following documents in response to this interrogatory: MK-000311 through MK-000396 and MK-Native-000014 through MK-Native-000030.

INTERROGATORY NO. 10:

Explain in detail Opposer's bases for its contention that the Solitaire Puzzlejoy Mark is protectable as a trademark.

RESPONSE TO INTERROGATORY NO. 10:

If the Board finds that the opposed marks are distinctive enough to qualify as trademarks, Opposer's Solitaire Puzzlejoy Mark would be similarly distinctive to qualify as a trademark.

INTERROGATORY NO. 11:

Explain in detail Opposer's enforcement of its alleged trademark rights in the Solitaire Puzzlejoy Mark against third parties.

RESPONSE TO INTERROGATORY NO. 11:

Opposer objects to this interrogatory 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.

INTERROGATORY NO. 12:

Identify any dispute, demand, or actual or threatened litigation, opposition, or administrative proceeding concerning the Solitaire Puzzlejoy Mark.

RESPONSE TO INTERROGATORY NO. 12:

Opposer objects to this interrogatory 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.

INTERROGATORY NO. 13:

Identify in detail all goods and services that Opposer currently advertises, offers for sale, or sells under or in connection with the Solitaire Puzzlejoy Mark.

RESPONSE TO INTERROGATORY NO. 13:

Class 9: computer game software downloadable from a global computer network; downloadable computer game software; downloadable computer programs for video and computer games; downloadable electronic game programs; downloadable electronic game software; downloadable electronic game software for cellular telephones; downloadable electronic game software for wireless devices; downloadable game software; downloadable video game software; downloadable game software for mobile phones.

Class 41: providing information on-line relating to computer games and computer enhancements for games; electronic games services provided by means of the internet; provision of information relating to electronic computer games provided via the Internet.

INTERROGATORY NO. 14:

Identify each kind of advertising, marketing, and promotional materials that has been used bearing the Solitaire Puzzlejoy Mark, or that has been used in connection with the offering of any goods or services under the Solitaire Puzzlejoy Mark, and all of the channels in which such materials have been used, displayed, or distributed.

RESPONSE TO INTERROGATORY NO. 14:

Channels: Google Play. Opposer references the following documents: MK-000397 through MK-403

Dated: August 24, 23

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
Attorney for Opposer

CERTIFICATE OF SERVICE

I, Jigang Jin, hereby certify that on August 24, 23, the foregoing document was served by email to Applicant's counsel of record.

Date: August 24, 23

By: Jigang Jin
Jigang Jin

**VERIFICATION FOR OPPOSER'S RESPONSES TO APPLICANT SHANGHAI
ZHENGLANG TECHNOLOGY CO., LTD'S FIRST SET OF INTERROGATORIES
NOS. 1-14**

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 ("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, the Responses are true and correct to the best of my knowledge, information, and belief.

August 24, 2023

Date

Qianan Li

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

EXHIBIT 3

**to Declaration of Rose Kautz
in support of Applicant's Motion for Summary Judgment
Opposition No. 91281389**

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

HANGZHOU MENGKU TECHNOLOGY
CO., LTD.,



Opposer,

v.

SHANGHAI ZHENGLANG
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91281389 (parent case)

Opp. No.	Mark	App. Ser. No.
91281389 (parent)		90/866,064
91281390		90/868,193

**APPLICANT’S FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS AND THINGS TO OPPOSER (1-28)**

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 10036, or at such other place agreed upon by counsel.

INSTRUCTIONS AND DEFINITIONS

1. “Solitaire Puzzlejoy Mark” refers to the mark cited in Opposer’s Notice of Opposition by that same name as the basis for Opposer’ likelihood of confusion claim, represented to appear as shown below. See Notice of Opposition in Opp. No. 91281389 at ¶¶ 9-14; Notice of Opposition in Opp. No. 91281390 at ¶¶ 9-14.

**OPP. NO. 91281389
APPLICANT’S FIRST SET OF RFPS (1-28)**



Solitaire Puzzlejoy Mark

2. “Opposer” refers to Hangzhou Mengku Technology Co., Ltd., the opposer in in the above-captioned Opposition proceeding, and all of its present and former owners, officers, directors, employees, agents, attorneys, accounts, consultants, corporate parents, affiliates, subsidiaries, or other persons or entities acting on its behalf.
3. “Document” 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.
4. “Communication” 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.
5. Opposer is requested to produce all documents that are in its possession, custody, or control, or the possession, custody, or control of any of Opposer’s 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 Opposer have consulted unless Opposer claim such documents are privileged or otherwise protected from disclosure.

6. 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.

7. 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, pending applications, or drafts of applications for the Solitaire Puzzlejoy Mark.

2) Documents evidencing Opposer's ownership of, or proprietary interest in, the Solitaire Puzzlejoy Mark.

3) All communications relating Opposer's plans or intent to register, or decision whether to apply to register, the Solitaire Puzzlejoy Mark in the United States.

4) Copies of all license agreements or other Documents authorizing third parties to use the Solitaire Puzzlejoy Mark or any similar mark.

5) Documents evidencing Opposer's first use of the Solitaire Puzzlejoy Mark.

6) Documents supporting Opposer's allegation that "Opposer has started using the Solitaire Puzzlejoy Mark in connection with its Solitaire Puzzle game as early as April 1, 2021."

7) Documents evidencing Opposer's knowledge of third-party depictions of an "arrangement of stacks of cards" used in connection with downloadable computer solitaire games.

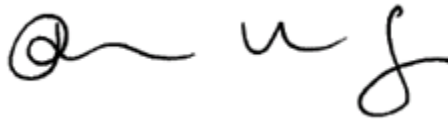
- 8) Documents identifying any instances of use by any third party of the design marks that are the subject of U.S. App. Ser. No. 90/866,064 and U.S. App. Ser. No. 90/868,193 in a descriptive manner for the applied-for goods.
- 9) Documents evidencing the use of a trademark, design, icon, or other symbol containing a clown fish, in a descriptive manner for solitaire games.
- 10) Documents evidencing the use of the Solitaire Puzzlejoy Mark in a descriptive manner for solitaire games.
- 11) Documents identifying any third-party marks Opposer contends to be confusingly similar to the Solitaire Puzzlejoy Mark.
- 12) Documents evidencing Opposer's enforcement of its alleged trademark rights in the Solitaire Puzzlejoy Mark against third parties.
- 13) Copies of all trademark searches, trademark clearances, and other inquiries conducted by or on behalf of Opposer relating to availability of the Solitaire Puzzlejoy Mark for use and registration in the United States.
- 14) Documents evidencing exemplary screenshots of Opposer's Solitaire Puzzlejoy game.
- 15) All Documents containing, depicting, or consisting of screenshots of Applicant's "Solitaire Ocean" mobile game.
- 16) All communications regarding Applicant's U.S. Application Serial No. 90/866,064 and U.S. Application Serial No. 90/868,193, and the design marks that are the subjects of those applications.
- 17) All documents and communications concerning Applicant, its U.S. trademark registrations and applications, and its use of any trademarks.

- 18) All documents and communications concerning Applicant's use of any icons for mobile game applications.
- 19) All documents and communications concerning Opposer's knowledge of U.S. Application Serial No. 90/866,064 or U.S. Application Serial No. 90/868,193, and of the design marks contained in those applications.
- 20) All documents and communications concerning Opposer's knowledge of "Applicant's Solitaire Ocean Game." See ¶ 2 of Opposer's Notice of Opposition in Opp. No. 91281389 and ¶ 2 of Opposer's Notice of Opposition in Opp. No. 91281390.
- 21) Documents supporting Opposer's allegation contained in Paragraph 3 of its Notice of Opposition in Opp. No. 91281389, and Paragraph 3 of its Notice of Opposition in Opp. No. 91281390, that "the Opposed Mark is merely descriptive under § 2(e) of the Trademark Act because it immediately conveys the knowledge or idea of an important feature of solitaire games, namely, to arrange cards in some order or pair them off in order to discard them."
- 22) Documents supporting Opposer's allegation contained in Paragraph 14 of its Notice of Opposition in Opp. No. 91281389, and Paragraph 14 of its Notice of Opposition in Opp. No. 91281390, that "registration of the Opposed Mark should be refused under §2(d) because it is confusingly similar to Opposer's Solitaire Puzzlejoy Mark, when used in connection with Applicant's Goods."
- 23) All Documents supporting Opposer's allegation in the recitals preceding Paragraph 1 of its Notice of Opposition in Opp. No. 91281389, and in the recitals preceding Paragraph 1 of its Notice of Opposition in Opp. No. 91281390, that "Opposer believes that it will be damaged by the registration of the mark shown in the above-identified Application"

- 24) Documents and Communications evidencing or relating to consumer studies demonstrating consumer recognition of the Solitaire Puzzlejoy Mark.
- 25) Documents and Communications regarding consumer perception(s) regarding the Solitaire Puzzlejoy Mark.
- 26) Documents and Communications regarding consumer perception(s) regarding the design marks contained in App. Ser. No. 90/866,064 and App. Ser. No. 90/868,193.
- 27) All advertising, marketing, and promotional material relating to the Solitaire Puzzlejoy Mark.
- 28) All documents and communications evidencing instances of actual confusion between the Solitaire Puzzlejoy Mark, on the one hand, and the design marks that are the subject of App. Ser. No. 90/866,064 and App. Ser. No. 90/868,193, on the other hand.

Dated: July 3, 2023

KILPATRICK TOWNSEND & STOCKTON LLP



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rpotter@kilpatricktownsend.com

Attorneys for Applicant

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

HANGZHOU MENGKU TECHNOLOGY
CO., LTD.,



Opposer,

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SHANGHAI ZHENGLANG
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91281389 (parent case)

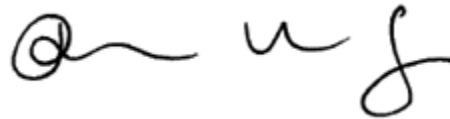
Opp. No.	Mark	App. Ser. No.
91281389 (parent)		90/866,064
91281390		90/868,193

CERTIFICATE OF SERVICE

I certify that on July 3, 2023, 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. (1-28)** to Opposer's counsel by electronic mail at:

jigang.jin@jfuslaw.com;

qianan.li@bigcool.com



Rita Weeks
Attorney for Applicant

EXHIBIT 4

**to Declaration of Rose Kautz
in support of Applicant's Motion for Summary Judgment
Opposition No. 91281389**

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

HANGZHOU MENGKU TECHNOLOGY
CO., LTD.

Opposer,

v.

SHANGHAI ZHENGLANG TECHNOLOGY
CO., LTD.,

Applicant.

Opposition Nos. 91281389, 91281390

Serial Nos. 90866064, 90868193

Pursuant to Federal Rules of Civil Procedure 26 and 34, 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 Requests for Production of Documents (Nos. 1-28).

GENERAL RESPONSES

1. Opposer's Responses to Applicant's First Set of Requests for Production of Documents (Nos. 1-28) 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 Order¹.
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.

¹ Available at https://www.uspto.gov/sites/default/files/documents/Standard%20Protective%20Order_02052020.pdf.

2. Opposer objects generally to Requests for Production of Documents 1 through 28, 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 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 28, 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 28, 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, pending applications, or drafts of applications for the Solitaire Puzzlejoy Mark.

Opposer's Objection and Response: Opposer has no responsive document.

2) Documents evidencing Opposer's ownership of, or proprietary interest in, the Solitaire Puzzlejoy Mark.

Opposer's Objection and Response: Opposer will produce responsive documents.

3) All communications relating Opposer's plans or intent to register, or decision whether to apply to register, the Solitaire Puzzlejoy Mark in the United States.

Opposer's Objection and Response: Opposer objects to this Request ("RFP") on the ground that it seeks attorney-client privileged information or attorney work-product material. Opposer will not produce such information or material. 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.

4) Copies of all license agreements or other Documents authorizing third parties to use the Solitaire Puzzlejoy Mark or any similar mark.

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.

5) Documents evidencing Opposer's first use of the Solitaire Puzzlejoy Mark.

Opposer's Objection and Response: Opposer will produce responsive documents.

6) Documents supporting Opposer's allegation that "Opposer has started using the Solitaire Puzzlejoy Mark in connection with its Solitaire Puzzle game as early as April 1, 2021."

Opposer's Objection and Response: Opposer will produce responsive documents.

7) Documents evidencing Opposer's knowledge of third-party depictions of an "arrangement of stacks of cards" used in connection with downloadable computer solitaire games.

Opposer's Objection and Response: Opposer will produce responsive documents.

8) Documents identifying any instances of use by any third party of the design marks that are the subject of U.S. App. Ser. No. 90/866,064 and U.S. App. Ser. No. 90/868,193 in a descriptive manner for the applied-for goods.

Opposer's Objection and Response: Opposer will produce responsive documents.

9) Documents evidencing the use of a trademark, design, icon, or other symbol containing a clown fish, in a descriptive manner for solitaire games.

Opposer's Objection and Response: Opposer will produce responsive documents.

10) Documents evidencing the use of the Solitaire Puzzlejoy Mark in a descriptive manner for solitaire games.

Opposer's Objection and Response: Opposer will produce responsive documents.

11) Documents identifying any third-party marks Opposer contends to be confusingly similar to the Solitaire Puzzlejoy Mark.

Opposer's Objection and Response: Opposer will produce responsive documents.

12) Documents evidencing Opposer's enforcement of its alleged trademark rights in the Solitaire Puzzlejoy Mark against third parties.

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.

13) Copies of all trademark searches, trademark clearances, and other inquiries conducted by or on behalf of Opposer relating to availability of the Solitaire Puzzlejoy Mark for use and registration in the United States.

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.

14) Documents evidencing exemplary screenshots of Opposer's Solitaire Puzzlejoy game.

Opposer's Objection and Response: Opposer will produce responsive documents.

15) All Documents containing, depicting, or consisting of screenshots of Applicant's "Solitiare Ocean" mobile game.

Opposer's Objection and Response: Opposer objects to this RFP on the ground that it is overly broad and unduly burdensome. Opposer will produce sample responsive documents.

16) All communications regarding Applicant's U.S. Application Serial No. 90/866,064 and U.S. Application Serial No. 90/868,193, and the design marks that are the subjects of those applications.

Opposer's Objection and Response: Opposer objects to this RFP on the ground that it seeks attorney-client privileged information or attorney work-product material. Opposer will not produce such information or material. 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.

17) 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 seeks attorney-client privileged information or attorney work-product material. Opposer will not produce such information or material. 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.

18) 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 seeks attorney-client privileged information or attorney work-product material. Opposer will not produce such information or material. 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.

19) All documents and communications concerning Opposer's knowledge of U.S. Application Serial No. 90/866,064 or U.S. Application Serial No. 90/868,193, and of the design marks contained in those applications.

Opposer's Objection and Response: Opposer objects to this RFP on the ground that it seeks attorney-client privileged information or attorney work-product material. Opposer will not produce such information or material. 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.

20) All documents and communications concerning Opposer's knowledge of "Applicant's Solitaire Ocean Game." See ¶ 2 of Opposer's Notice of Opposition in Opp. No. 91281389 and ¶ 2 of Opposer's Notice of Opposition in Opp. No. 91281390.

Opposer's Objection and Response: Opposer objects to this RFP on the ground that it seeks attorney-client privileged information or attorney work-product material. Opposer will not produce such information or material. 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.

21) Documents supporting Opposer's allegation contained in Paragraph 3 of its Notice of Opposition in Opp. No. 91281389, and Paragraph 3 of its Notice of Opposition in Opp. No. 91281390, that "the Opposed Mark is merely descriptive under § 2(e) of the Trademark Act

because it immediately conveys the knowledge or idea of an important feature of solitaire games, namely, to arrange cards in some order or pair them off in order to discard them."

Opposer's Objection and Response: Opposer will produce responsive documents.

22) Documents supporting Opposer's allegation contained in Paragraph 14 of its Notice of Opposition in Opp. No. 91281389, and Paragraph 14 of its Notice of Opposition in Opp. No. 91281390, that "registration of the Opposed Mark should be refused under §2(d) because it is confusingly similar to Opposer's Solitaire Puzzlejoy Mark, when used in connection with Applicant's Goods."

Opposer's Objection and Response: Opposer will produce responsive documents.

23) All Documents supporting Opposer's allegation in the recitals preceding Paragraph 1 of its Notice of Opposition in Opp. No. 91281389, and in the recitals preceding Paragraph 1 of its Notice of Opposition in Opp. No. 91281390, that "Opposer believes that it will be damaged by the registration of the mark shown in the above-identified Application"

Opposer's Objection and Response: Opposer will produce responsive documents.

24) Documents and Communications evidencing or relating to consumer studies demonstrating consumer recognition of the Solitaire Puzzlejoy Mark.

Opposer's Objection and Response: Opposer has no responsive documents.

25) Documents and Communications regarding consumer perception(s) regarding the Solitaire Puzzlejoy Mark.

Opposer's Objection and Response: Opposer has no responsive documents.

26) Documents and Communications regarding consumer perception(s) regarding the design marks contained in App. Ser. No. 90/866,064 and App. Ser. No. 90/868,193.

Opposer's Objection and Response: Opposer has no responsive documents.

27) All advertising, marketing, and promotional material relating to the Solitaire Puzzlejoy Mark.

Opposer's Objection and Response: Opposer will produce responsive documents.

28) All documents and communications evidencing instances of actual confusion between the Solitaire Puzzlejoy Mark, on the one hand, and the design marks that are the subject of App. Ser. No. 90/866,064 and App. Ser. No. 90/868,193, on the other hand.

Opposer's Objection and Response: Opposers have no responsive documents.

Dated: August 24, 23

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
Attorney for Opposers

CERTIFICATE OF SERVICE

I, Jigang Jin, hereby certify that on August 24, 23, the foregoing document was served by email to Applicant's counsel of record.

Date: 8/24/2023

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 ("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, the Responses are true and correct to the best of my knowledge, information, and belief.

August 24, 2023

Date

Qianan Li

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

EXHIBIT 5

**to Declaration of Rose Kautz
in support of Applicant's Motion for Summary Judgment
Opposition No. 91281389**



Solitaire Puzzlejoy

PUZZLEJOY

Contains ads · In-app purchases

4.4★

114 reviews

10K+

Downloads

E

Everyone ⓘ

Install

+ Add to wishlist



About this game



Play the best classic solitaire card game in 2021! Come and try Solitaire Puzzlejoy for FREE!

🔥 If you like solitaire classic games, also known as Klondike Solitaire or Patience, you are sure to love Solitaire Puzzlejoy!

🔥 Whether you play free solitaire card games to train your brain, or relieve stress from study and work, you will find all you need in Solitaire Puzzlejoy!...

Updated on

Aug 4, 2021

MK-000393



Games

Apps

Movies & TV

Books

Kids

Safety starts with understanding how developers collect and share your data. Data privacy and security practices may vary based on your use, region, and age. The developer provided this information and may update it over time.

This app may share these data types with third parties
Location, App activity, and Device or other IDs

This app may collect these data types
Location, Financial info and 3 others

Data is encrypted in transit

You can request that data be deleted

[See details](#)

Ratings and reviews



Ratings and reviews are verified

Phone

Tablet



103 reviews



Zeeshan Gull



★★★★★ December 14, 2022

Only 800 levels for this game. After 800 not available if we will play continuously it will not go ahead. Final level is 800 now stopped on it.

10 people found this review helpful

Did you find this helpful?

Yes

No

MK-000394



Games

Apps

Movies & TV

Books

Kids

love the solitaire games.

120 people found this review helpful

Did you find this helpful?

Yes

No



Li Evan



★★★★★ April 1, 2021

Wow, best solitaire game

105 people found this review helpful

Did you find this helpful?

Yes

No

[See all reviews](#)

What's new

Hello! Solitaire Puzzlejoy Fans! It's time for new update!

- Play 100 NEW LEVELS! Challenge yourself while solving puzzles!

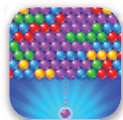
- App performance was improved with bug fixes and better graphics.

As always, we're constantly working to improve the game experience for you! We hope you enjoy the update!

Developer contact



More by PUZZLEJOY



Bubble Shooter Genies

PUZZLEJOY

4.7 ★



Cake Match 3 Mania

PUZZLEJOY

4.6 ★



Merge Tycoon - Idle Game

PUZZLEJOY

4.5 ★



Sudoku Puzzlejoy - Sudoku Puzz

PUZZLEJOY



Bubble Genies

PUZZLEJOY

4.3 ★

MK-000395



Games

Apps

Movies & TV

Books

Kids



4.5 ★



TriPeaks Solitaire
pan sudoku solitaire
4.2 ★



TriPeaks Solitaire Primitive
Xu Solitaire Games
4.6 ★



4.7 ★



TriPeaks Solitaire
wu game and apps
4.8 ★



TriPeaks Solitaire 023
Xu Solitaire Games
4.6 ★

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Developers

Google Store



United States (English (United States))



Solitaire Puzzlejoy - Solitaire Games Free

In-app purchases

Ads · Manual check



No ratings

5K

Installs

12+

Rated 12+



The most Relaxing & Fun Solitaire Card Game in 2021!



INSTALL (19.4 MB)





Games Apps Kids



Solitaire Puzzlejoy

PUZZLEJOY

Contains ads

4.0★

114 reviews

10K+

Downloads

3+

Rated for 3+ ⓘ

Install

Add to wishlist

You don't have any devices



About this game



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- ♥ If you like solitaire classic games, also known as Klondike Solitaire or Patience, you are sure to love Solitaire Puzzlejoy!
- ♥ Whether you play free solitaire card games to train your brain, or relieve stress from study and work, you will find all you need in Solitaire Puzzlejoy!
- ♥ Are you bored? Solitaire Puzzlejoy will be your best puzzle games, brain games and stress relief games!

Updated on

Aug 4, 2021

- Card
- Solitaire
- Casual
- Single player
- Realistic
- Offline

Data safety



Safety starts with understanding how developers collect and share your data. Data privacy and security practices may vary based on your use, region, and age. The developer provided this information and may update it over time.

- This app may share these data types with third parties
Location, App activity, and Device or other IDs
- This app may collect these data types
Location, Financial info and 3 others
- Data is encrypted in transit
- You can request that data be deleted

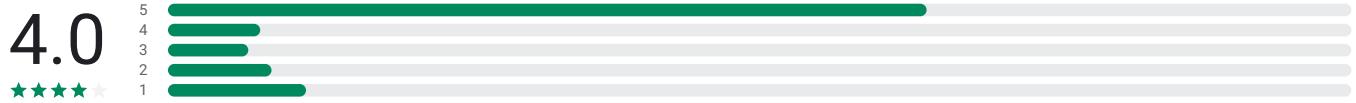
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Ratings and reviews



Ratings and reviews are verified

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- Tablet



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Did you find this helpful?

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★★★★★ April 1, 2021

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[See all reviews](#)

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- App performance was improved with bug fixes and better graphics.

As always, we're constantly working to improve the game experience for you! We hope you enjoy the update!

Developer contact



More by PUZZLEJOY



- | | |
|---|---|
| Merge Tycoon - Idle Game
PUZZLEJOY
4.0 ★ | Sudoku Puzzlejoy - Sudoku Puzz
PUZZLEJOY
4.0 ★ |
| Bubble Shooter Genies
PUZZLEJOY
4.4 ★ | Cake Match 3 Mania
PUZZLEJOY
4.4 ★ |
| Bubble Genies
PUZZLEJOY
4.1 ★ | |

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BlueSea Solitaire Games
4.5 ★



Solitaire Mobile
G Soft Team
4.5 ★



TriPeaks Solitaire
pan sudoku solitaire
4.4 ★




TriPeaks Solitaire
wu game and apps
4.6 ★



TriPeaks Solitaire Primitive
Xu Solitaire Games
4.3 ★



TriPeaks Solitaire 023
Xu Solitaire Games
4.5 ★

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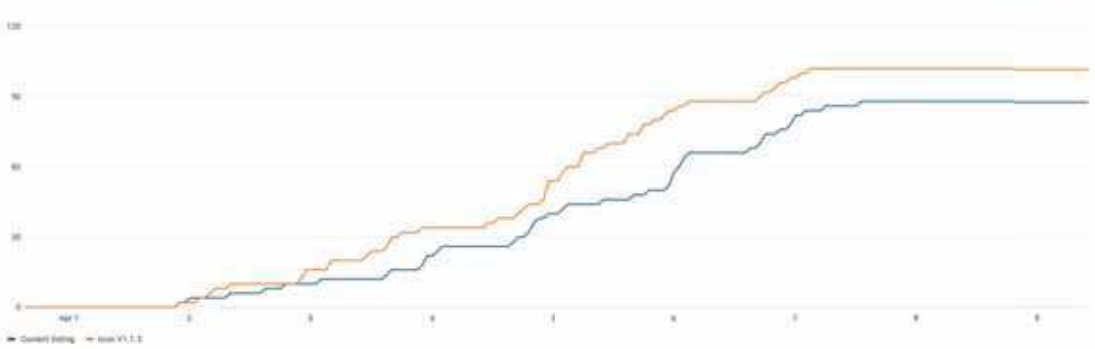
Search Play Console

Store listing experiments
Icon V1.1.3
Preview Applied Make store listing Default graphics

Result
Showing 1 variant to 50% of users. Started on Apr 1, 2021 7:40 PM. Stopped on Apr 5, 2021 7:10 PM.

First-time installers Not enough data
Retained first-time installers Not enough data

First-time installers by variants 🗲 First-time installers



variant	Subline	Installers (current)	Installers (variant)	Performance (95% confidence interval)
Current listing	50%	44	88	0
Icon V1.1.3	50%	51	102	



18.00001

From: noreply-play-developer-console@google.com
Subject: Your update is live
Date: February 27, 2021 at 21:59
To: hwextend@gmail.com



Hello,

Your update to Solitaire Puzzlejoy - Solitaire Games Free, created on Feb 27, 2021 at 1:46 PM GMT, is live in the store.



Solitaire Puzzlejoy - Solitaire Games Free
com.puzzlejoy.puzzle.solitaire

Sincerely,
The Google Play team

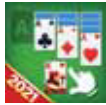
If you don't want to receive notifications when app updates go live, update your [email notification settings](#).

From: noreply-play-developer-console@google.com
Subject: Your update is live
Date: April 9, 2021 at 19:38
To: hwextend@gmail.com



Hello,

Your update to Solitaire Puzzlejoy - Solitaire Games Free, created on Apr 9, 2021 at 11:25 AM GMT, is live in the store.



Solitaire Puzzlejoy - Solitaire Games Free
com.puzzlejoy.puzzle.solitaire

Sincerely,
The Google Play team

If you don't want to receive notifications when app updates go live, update your [email notification settings](#).

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

HANGZHOU MENGKU TECHNOLOGY,
CO., LTD.,

Opposer,

v.

SHANGHAI ZHENGLANG
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91281389 (Parent)

Mark: App. Ser. No. 90866064



Consolidated with:

Opp. No. 91281390 (Child)

App. Ser. No. 90868193





DECLARATION OF RUIHUA JI IN SUPPORT OF
APPLICANT'S MOTION FOR SUMMARY JUDGMENT

I, Ruihua Ji, hereby declare the following:

1. I am the President of Shanghai Zhenglang Technology Co., Ltd., ("Applicant") the Applicant in the above-captioned trademark opposition proceeding.
2. I am fully competent to make this declaration, and I have direct knowledge of the facts contained herein based upon, among other things, my personal knowledge and records maintained by Applicant in the ordinary course of business.
3. I submit this declaration ("Declaration") in support of Applicant's Motion for Summary Judgment.
4. Applicant designs, develops, and distributes mobile applications and gaming software.
5. Applicant has advertised, offered, and distributed its mobile applications and software throughout the world, including in the United States.

6. Applicant offers and distributes its many mobile applications and software to U.S. consumers through the Google Play and Apple App Store mobile application stores.

7. Applicant adopted its design marks at issue in this proceeding,  and  (Applicant's "Design Marks"), and has used them in United States commerce to advertise, promote, and offer its mobile application game, "Solitaire Ocean," that is offered to consumers through the Google Play mobile application store.

8. Applicant began using its design mark  in United States commerce on July 30, 2021.

9. Applicant began using its design mark  in United States commerce on July 25, 2021.

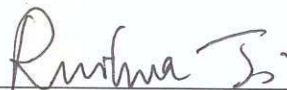
10. Applicant has used its Design Marks as the "app icons" of its "Solitaire Ocean" game, which means they have been prominently displayed at the top of the game's product listing on Google Play.

11. Applicant's Design Marks are not a reproduction of the opening screen of Applicant's "Solitaire Ocean" mobile application, or a reproduction of any of the other screens within Applicant's "Solitaire Ocean" mobile application.

12. None of the electronic games offered within Applicant's "Solitaire Ocean" mobile application are identical in appearance to Applicant's Design Marks.

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

Executed in Shanghai, China,
on September 26, 2023



Ji Ruihua