

EXHIBIT

61

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

In the matter of application Serial No. 85/132,852
For the Trademark F*
Published in the *Official Gazette* on February 1, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
FAMOS LLC,)	
)	
Applicant.)	
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NOTICE OF OPPOSITION

Opposer Facebook, Inc. ("Facebook"), a Delaware corporation having its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304, believes that it will be damaged by the issuance of a registration for the mark F* (the "F* Mark" or "Applicant's Mark"), as applied for in Application Serial No. 85/132,852 filed on September 18, 2010 by Applicant Famos LLC ("Applicant"), a California limited liability company located at 1319 North Doheny Drive, Los Angeles, California 90069.

As grounds for opposition, Facebook alleges that:

1. Soon after launching its online networking service, Facebook adopted and began using a distinctive logo featuring a letter "F" in a square (the "F & Design Mark") in interstate commerce in the United States in connection with its goods and services. The F & Design Mark is highly distinctive with regard to online social networking goods and services, and Facebook users are accustomed to seeing and expect to see the F & Design Mark across the world wide

web, not just on the Facebook site.

2. Facebook owns multiple U.S. registrations for the F & Design Mark. These registrations cover a wide variety of goods and services, including, but not limited to:

- Online networking services; online chat functions for transmission of messages, photographs, videos, and other user-defined content; and online forums;
- Advertising and information distribution services; promoting the goods and services of others over the Internet;
- Hosting customized web pages featuring user-defined information and personal profiles;
- Online journals featuring user-defined content and electronic publishing services; and
- Software to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the F & Design Mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Facebook has common law rights in the F & Design Mark and marks that incorporate the F & Design Mark in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for the F & Design Mark and marks featuring the F & Design Mark are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the F & Design Mark are referred to herein as the "F & Design Marks."

5. As a result of the nature and quality of Facebook's goods and services, its widespread use of the F & Design Marks, extensive and continuous media coverage, the high degree of consumer recognition of the F & Design Marks, Facebook's enormous and loyal user

base, its numerous trademark registrations and pending applications, and other factors, the F & Design Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

6. Applicant filed to register the F* Mark on September 18, 2010 in connection with “[a]dvertising and business services, namely, providing an online website where advertisers, marketers, and content providers can interact with users for advertising, branding, and promoting knowledge, products, and services, and tradeshows, on behalf of themselves and others, and for evaluating and rating the same, all the foregoing relevant to human activities affecting climate change and related fields; Advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others; Advertising and publicity services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through print, audio, video, digital and on-line medium; Advertising services, namely, cost-per-action on-line advertising; Internet advertising services; Marketing and consulting services in the field of promoting and tracking the goods, services, and brands of others through all public communication means, particularly specializing in the use of mobile, social, and print media to drive consumer interest, engagement and action; Marketing services, namely, providing informational web pages designed to generate sales traffic via hyperlinks to other web sites” in International Class 035.

7. The application for the F* Mark claims a January 7, 2009 date of first use in United States commerce. The mark is currently in use at <http://famos.com> in connection with a website that promotes the goods and services of others through a number of means, including online social networking.

8. Applicant’s Mark was published in the *Official Gazette* on February 1, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

9. Facebook incorporates by reference Paragraphs 1 through 8, inclusive, as if fully set forth herein.

10. Facebook began using its F & Design Mark at least as early as October 2006, and filed applications resulting in federal registrations well prior to Applicant's claimed use of and application to register the F* Mark.

11. Applicant's Mark is similar to the registered F & Design Marks in appearance, sound, meaning, and commercial impression.

12. Applicant's services under Applicant's Mark, as identified in its application and currently offered at <http://famos.com>, are the same as and/or related to Facebook's goods and services.

13. Applicant offers its services under Applicant's Mark through the same channel of trade as Facebook, i.e., the internet.

14. Facebook is informed and believes, and based thereon alleges, that Applicant's Mark was adopted with knowledge of, and the intent to call to mind and create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered F & Design Marks.

15. Applicant's Mark creates a false suggestion of an affiliation or connection between Applicant and Facebook, where none exists.

16. Facebook is not affiliated or connected with Applicant or its services; nor has Facebook endorsed or sponsored Applicant or its services.

17. Facebook has no control over the nature and quality of the services offered under Applicant's Mark, and the value of Facebook's registered and common law marks are

jeopardized by the registration of Applicant's Mark. Because of the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Applicant's services marketed under the F* Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the registered F & Design Marks.

18. Registration of the mark herein opposed will damage Facebook because Applicant's Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

19. Facebook incorporates by reference Paragraphs 1 through 18 inclusive, as if fully set forth herein.

20. The F & Design Marks are inherently distinctive in relation to Facebook's online social networking goods and services.

21. Facebook has used the F & Design Mark since at least as early as 2006 for online networking goods and services, and has expanded use of the F & Design Marks to many other goods and services.

22. Facebook is the owner of numerous U.S. registrations and applications for the F & Design Marks.

23. Facebook has continuously used the F & Design Marks throughout the United States and internationally.

24. As a result of the enormous publicity afforded the FACEBOOK Marks, and the

strong and loyal base of customers that enjoys Facebook's goods and services, the F & Design Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

25. The F & Design Marks became famous before Applicant's filing to register the F* Mark on September 18, 2010, and before Applicant's claimed date of first use in United States commerce of January 7, 2009.

26. Applicant's Mark is similar to the F & Design Marks and its use is likely to cause an association between Applicant's Mark and the F & Design Marks that impairs the distinctiveness of the F & Design Marks and weakens the connection in the public's mind between the F & Design Marks and Facebook's goods and services.

27. Applicant's Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

- (a) Applicant's Mark is similar to the F & Design Marks;
- (b) The F & Design Marks are inherently distinctive in relation to Facebook's goods and services;
- (c) Facebook has substantially and exclusively used the F & Design Marks in connection with its goods and services;
- (d) The F & Design Marks are widely recognized by the general consuming public;
- (e) Facebook is informed and believes, and based thereon alleges, that Applicant's adoption and use of the F* Mark was and is intended to create an association with the F & Design Marks.

28. Accordingly, Applicant's Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

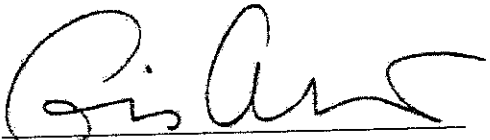
Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/132,852 be refused.

Respectfully submitted,

COOLEY LLP
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON
LORI F. MAYALL
KATHRYN D. DUVALL

Date: August 1, 2011

By:



Gavin L. Charlston
Attorneys for Opposer Facebook, Inc.

Cooley LLP
777 6th St., NW
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Washington, D.C. 20001
T: 415-693-2000
F: 415-693-2222

CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the correspondent for the subject application as follows:

David J. Thibodeau, Jr.
Brian T. Moriarty
Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road, P.O. Box 9133
Concord MA 01742-9133

Date: August 1, 2011



Gavin L. Charlston

EXHIBIT

62

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

In the matter of application Serial No. 85/178,233
For the Trademark FACEBARKK
Published in the Official Gazette on April 5, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
FACEBARKK LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Facebook, Inc. ("Facebook"), a Delaware corporation having its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304, believes that it will be damaged by the issuance of a registration for the mark FACEBARKK ("Applicant's Mark"), as applied for in Application Serial No. 85/178,233 filed on November 16, 2010 by Applicant Facebarkk LLC ("Facebarkk" or "Applicant"), a New York limited liability company, located at P.O. Box 43, Pound Ridge, New York, 10576.

As grounds for opposition, Facebook alleges that:

1. Since its online networking service was launched in February 2004, Facebook has continuously used the mark FACEBOOK in interstate commerce in the United States in connection with its goods and services. The FACEBOOK mark is highly distinctive with regard to online social networking goods and services, and Facebook users are accustomed to seeing and expect to see Facebook across the world wide web, not just on the Facebook site.

2. Facebook owns multiple U.S. registrations for the mark FACEBOOK and its distinct logo. These registrations cover a wide variety of goods and services, including, but not limited to:

- Online networking services; online chat functions for transmission of messages, photographs, videos, and other user-defined content; and online forums;
- Hosting customized web pages featuring user-defined information and personal profiles;
- Online journals featuring user-defined content and electronic publishing services; and
- Software to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the FACEBOOK mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein. The registered Facebook logo is depicted below:



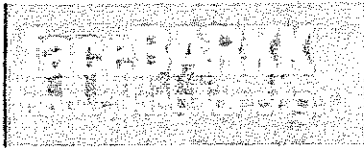
4. In addition, Facebook has common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the term FACEBOOK are referred to herein as the "FACEBOOK Marks."

5. As a result of the nature and quality of Facebook's goods and services, its

widespread use of the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer recognition of the FACEBOOK Marks, Facebook's enormous and loyal user base, its numerous trademark registrations and pending applications, and other factors, the FACEBOOK Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

6. Facebarkk filed an application to register Applicant's Mark on an intent-to-use basis on November 16, 2010 for: "Providing a social networking website for entertainment purposes" in International Class 045.

7. Facebarkk adopted and uses Applicant's Mark in connection with a business and online website, accessible at <http://facebarkk.com>, that offers social networking services. The Facebarkk logo appearing on its website is depicted below:



8. Applicant's Mark is in fact already used in connection with offering and/or promoting the aforementioned networking services. Attached as Exhibit C are true and correct copies of the home page and privacy policy pages from the facebarkk.com website as they appeared on August 3, 2011, which are incorporated by reference as though set forth in full herein.

9. Applicant's Mark was published in the *Official Gazette* on April 5, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

10. Facebook incorporates by reference Paragraphs 1 through 9, inclusive, as if fully set forth herein.

11. Facebook began using its FACEBOOK mark at least as early as February 2004, and filed applications resulting in federal registrations well prior to Facebarkk's use of and application to register Applicant's Mark.

12. Applicant's Mark is similar to the registered FACEBOOK Marks in appearance, sound, meaning, and commercial impression.

13. Applicant's services under Applicant's Mark, as identified in its application and offered at facebarkk.com, are the same as and/or related to Facebook's goods and services.

14. Facebarkk offers its services under Applicant's Mark through the same channel of trade, i.e., the internet, as Facebook.

15. Facebook is informed and believes, and based thereon alleges, that Applicant's Mark was adopted with knowledge of, and the intent to call to mind and create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK Marks.

16. Applicant's Mark creates a false suggestion of an affiliation or connection between Facebarkk and Facebook, where none exists.

17. Facebook is not affiliated or connected with Facebarkk, its service, or its intended services; nor has Facebook endorsed or sponsored Facebarkk, its services or intended services.

18. Facebook has no control over the nature and quality of the services offered under Applicant's Mark, and the value of Facebook's registered and common law marks are jeopardized by the registration of Applicant's Mark. Because of the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Facebarkk's services marketed under Applicant's Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the registered

FACEBOOK Marks.

19. Registration of the mark herein opposed will damage Facebook because Applicant's Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

20. Facebook incorporates by reference Paragraphs 1 through 19 inclusive, as if fully set forth herein.

21. The FACEBOOK Marks are inherently distinctive in relation to Facebook's online social networking goods and services.

22. Facebook has used the FACEBOOK trademark since at least as early as 2004 for online networking goods and services, and has expanded use of the FACEBOOK Marks to many other goods and services.

23. Facebook is the owner of numerous U.S. registrations and applications for the FACEBOOK Marks.

24. Facebook has continuously used the FACEBOOK Marks throughout the United States and internationally.

25. As a result of the enormous publicity afforded the FACEBOOK Marks, and the strong and loyal base of customers that enjoys Facebook's goods and services, the FACEBOOK Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

26. The FACEBOOK Marks became famous before Facebarkk's filing to register Applicant's Mark on November 16, 2010, and before Facebarkk began using Applicant's Mark in United States commerce.

27. Applicant's Mark incorporates the first five letters of the FACEBOOK Marks, including, the entire "face" prefix and differs from FACEBOOK only by replacing "OO" with "ARK"—FACEBARKK. Its use is likely to cause an association between Applicant's Mark and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's goods and services.

28. Applicant's Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

(a) Applicant's Mark is similar to the FACEBOOK Marks in that Applicant's Mark incorporates the first five letters of the FACEBOOK mark and differs from FACEBOOK only by replacing "OO" with "ARK"—FACEBARKK and, as used in commerce, the mark mimics Facebook's stylization.

(b) The FACEBOOK Marks are inherently distinctive in relation to Facebook's online social networking goods and services;

(c) Facebook has substantially and exclusively used the FACEBOOK Marks in connection with online social networking goods and services;

(d) The FACEBOOK Marks are widely recognized by the general consuming public;

(e) Facebook is informed and believes, and based thereon alleges, that Facebarkk's adoption and use of Applicant's Mark was and is intended to create an association

with the FACEBOOK Marks.

29. Accordingly, Applicant's Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/178,233 be refused.

Respectfully submitted,

COOLEY LLP
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON
LORI F. MAYALL
KATHRYN D. DUVALL

Date: August 3, 2011

By: 

Lori F. Mayall
Attorneys for Opposer Facebook, Inc.

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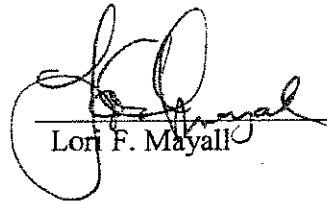
CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the applicant and correspondent (who are one in the same) for the subject application as follows:

Facebarkk LLC
PO Box 43
Pound Ridge, NY 10576

Date: August 3, 2011


Lori F. Mayall

EXHIBIT

63

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

In the matter of application Serial No. 85/177,404
For the Trademark FACEDATE
Published in the *Official Gazette* on April 5, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
JESSICA MARIE KETEVECS; TED MARTIN)	
SICHELMAN,)	
)	
Applicants.)	
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NOTICE OF OPPOSITION

Opposer Facebook, Inc. ("Facebook"), a Delaware corporation having its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304, believes that it will be damaged by the issuance of a registration for the mark FACEDATE ("Applicants' Mark"), as applied for in Application Serial No. 85/177,404 filed on November 16, 2010 by Applicants Jessica Marie Ketevecs and Ted Martin Sichelman ("Applicants"), individuals, with a mailing address of 864 Grand Avenue # 424, San Diego, California 92109.

As grounds for opposition, Facebook alleges that:

1. Since its online networking service was launched in February 2004, Facebook has continuously used the mark FACEBOOK in interstate commerce in the United States in connection with its goods and services. The FACEBOOK mark is highly distinctive with regard to online social networking goods and services, and Facebook users are accustomed to seeing

and expect to see Facebook across the world wide web, not just on the Facebook site.

2. Facebook owns multiple U.S. registrations for the mark FACEBOOK. These registrations cover a wide variety of goods and services, including, but not limited to:

- Online networking services; online chat functions for transmission of messages, photographs, videos, and other user-defined content; and online forums;
- Hosting customized web pages featuring user-defined information and personal profiles;
- Online journals featuring user-defined content and electronic publishing services; and
- Software to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the FACEBOOK mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Facebook has common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the term FACEBOOK are referred to herein as the "FACEBOOK Marks."

5. As a result of the nature and quality of Facebook's goods and services, its widespread use of the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer recognition of the FACEBOOK Marks, Facebook's enormous and loyal user base, its numerous trademark registrations and pending applications, and other factors, the

FACEBOOK Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

6. Applicants filed an application to register Applicants' Mark on an intent-to-use basis on November 16, 2010 for: "Dating services, namely, providing an on-line computer database featuring single people interested in meeting other single people; Internet based social networking, introduction, and dating services; Internet-based dating, social introduction and social networking services; Marriage partner introduction or dating services; On-line social networking services; Providing a social networking website for entertainment purposes; Providing on-line computer databases and on-line searchable databases in the field of social networking" in International Class 045.

7. Applicants' Mark was published in the *Official Gazette* on April 5, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

8. Facebook incorporates by reference Paragraphs 1 through 7, inclusive, as if fully set forth herein.

9. Facebook began using its FACEBOOK mark at least as early as February 2004, and filed applications resulting in federal registrations well prior to Applicants' application to register Applicants' Mark.

10. Applicants' Mark is similar to the registered FACEBOOK Marks in appearance, sound, meaning, and commercial impression.

11. Applicants' services under Applicant's Mark, as identified in their application, are the same as and/or related to Facebook's goods and services.

12. Facebook is informed and believes, and based thereon alleges, that Applicants will offer their services under Applicants' Mark through the same channel of trade, i.e., the

internet, as Facebook.

13. Facebook is informed and believes, and based thereon alleges, that Applicants' Mark was adopted with knowledge of, and the intent to call to mind and create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK Marks.

14. Applicants' Mark creates a false suggestion of an affiliation or connection between Applicants and Facebook, where none exists.

15. Facebook is not affiliated or connected with Applicants or their intended services; nor has Facebook endorsed or sponsored Applicants or their intended services.

16. Facebook has no control over the nature and quality of the services offered under Applicants' Mark, and the value of Facebook's registered and common law marks are jeopardized by the registration of Applicants' Mark. Because of the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Applicants' services marketed under Applicants' Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the registered FACEBOOK Marks.

17. Registration of the mark herein opposed will damage Facebook because Applicants' Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicants' Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

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**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

18. Facebook incorporates by reference Paragraphs 1 through 17 inclusive, as if fully set forth herein.

19. The FACEBOOK Marks are inherently distinctive in relation to Facebook's online social networking goods and services.

20. Facebook has used the FACEBOOK trademark since at least as early as 2004 for online networking goods and services, and has expanded use of the FACEBOOK Marks to many other goods and services.

21. Facebook is the owner of numerous U.S. registrations and applications for the FACEBOOK Marks.

22. Facebook has continuously used the FACEBOOK Marks throughout the United States and internationally.

23. As a result of the enormous publicity afforded the FACEBOOK Marks, and the strong and loyal base of customers that enjoys Facebook's goods and services, the FACEBOOK Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

24. The FACEBOOK Marks became famous before Applicants' filing to register Applicants' Mark on November 16, 2010.

25. Applicants' Mark is likely to cause an association between Applicants' Mark and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's goods and services.

26. Applicants' Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

(a) Applicants' Mark is similar to the FACEBOOK Marks.

(b) The FACEBOOK Marks are inherently distinctive in relation to Facebook's online social networking goods and services;

(c) Facebook has substantially and exclusively used the FACEBOOK Marks in connection with online social networking goods and services;

(d) The FACEBOOK Marks are widely recognized by the general consuming public;

(e) Facebook is informed and believes, and based thereon alleges, that Applicants' adoption of FACEDATE was and is intended to create an association with the FACEBOOK Marks.

27. Accordingly, Applicants' Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

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Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/177,404 be refused.

Respectfully submitted,

COOLEY LLP
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON
LORI F. MAYALL
KATHRYN D. DUVALL

Date: August 3, 2011

By: 

Gavin L. Charlston
Attorneys for Opposer
Facebook, Inc.

Cooley LLP
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Washington, D.C. 20001
T: 650-843-5000
F: 650-849-7400

CERTIFICATE OF TRANSMITTAL AND SERVICE

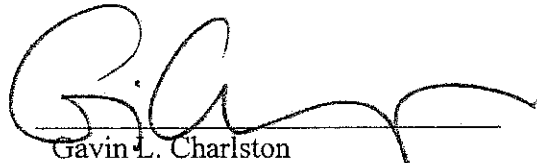
I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the applicants (one of whom is also identified as the correspondent) for the subject application as follows:

Ted Martin Sichelman
864 Grand Avenue # 424
San Diego, California 92109

Jessica Marie Ketevecs
864 Grand Avenue #424
San Diego, California 92109

Date: August 3, 2011


Gavin L. Charlston

EXHIBIT

64

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

In the matter of application Serial No. 85/122,420
For the Trademark HEALTHBOOK
Published in the Official Gazette on February 15, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
GUNTHER EYSENBACH,)	
)	
Applicant.)	
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NOTICE OF OPPOSITION

Opposer Facebook, Inc. ("Facebook"), a Delaware corporation having its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304, believes that it will be damaged by the issuance of a registration for the mark HEALTHBOOK ("Applicant's Mark"), as applied for in Application Serial No. 85/122,420 filed on September 3, 2010 by Applicant Gunther Eysenbach ("Eysenbach" or "Applicant"), an individual residing at 59 Winners Circle, Toronto, Canada M4L3Y7.

As grounds for opposition, Facebook alleges that:

1. Since its online networking service was launched in February 2004, Facebook has continuously used the mark FACEBOOK in interstate commerce in the United States in connection with its goods and services. The FACEBOOK mark is highly distinctive with regard to online networking goods and services, and Facebook users are accustomed to seeing and expect to see Facebook across the world wide web, not just on the Facebook site.

2. Facebook owns multiple U.S. registrations for the mark FACEBOOK. These registrations cover a wide variety of goods and services, including, but not limited to:

- Online networking services; online chat functions for transmission of messages, photographs, videos, and other user-defined content; and online forums;
- Hosting customized web pages featuring user-defined information and personal profiles;
- Online journals featuring user-defined content and electronic publishing services; and
- Software to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the FACEBOOK mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Facebook has common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the term FACEBOOK are referred to herein as the "FACEBOOK Marks."

5. As a result of the nature and quality of Facebook's goods and services, its widespread use of the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer recognition of the FACEBOOK Marks, Facebook's enormous and loyal user base, its numerous trademark registrations and pending applications, and other factors, the FACEBOOK Marks are famous within the meaning of Section 43(c) of the United States

Trademark Act, 15 U.S.C. § 1125(c).

6. On September 3, 2010, Applicant filed an application to register Applicant's Mark based on use in commerce since August 1, 2009 for: "Providing an interactive web site that enables users to enter, access, track, monitor and generate health and medical information and reports" in International Class 042, and "Providing health information; Providing medical information" in International Class 044.

7. According to the recitation of services and specimen submitted with the application, Applicant uses Applicant's Mark in connection with a business and online website available at www.healthbook.com that offers social networking services related to health and medicine. A true and correct copy of the specimen submitted with the application is attached hereto as Exhibit C.

8. Applicant's Mark was published in the *Official Gazette* on February 15, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

9. Facebook incorporates by reference Paragraphs 1 through 8, inclusive, as if fully set forth herein.

10. Facebook began using its FACEBOOK mark at least as early as February 2004, and filed applications resulting in federal registrations well prior to August 1, 2009, Applicant's claimed date of first use in commerce, and September 3, 2010, Applicant's filing date..

11. Applicant's Mark is similar to the registered FACEBOOK Marks in appearance, sound, meaning, and commercial impression.

12. Applicant's services under Applicant's Mark, as identified in his application and accompanying specimen, are the same as and/or related to Facebook's goods and services.

13. Applicant offers his services under Applicant's Mark through the same channel of

trade, i.e., the internet, as Facebook.

14. Facebook is informed and believes, and based thereon alleges, that Applicant's Mark was adopted with knowledge of, and the intent to call to mind and create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK Marks.

15. Applicant's Mark creates a false suggestion of an affiliation or connection between Applicant and Facebook, where none exists.

16. Facebook is not affiliated or connected with Applicant or his services; nor has Facebook endorsed or sponsored Applicant or his services.

17. Facebook has no control over the nature and quality of the services offered under Applicant's Mark, and the value of Facebook's registered and common law marks are jeopardized by the registration of Applicant's Mark. Because of the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Applicant's services marketed under Applicant's Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the registered FACEBOOK Marks.

18. Registration of the mark herein opposed will damage Facebook because Applicant's Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

19. Facebook incorporates by reference Paragraphs 1 through 18 inclusive, as if fully

set forth herein.

20. The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services.

21. Facebook has used the FACEBOOK trademark since at least as early as 2004 for online networking services, and has expanded use of the FACEBOOK Marks to many other goods and services.

22. Facebook is the owner of numerous U.S. registrations and applications for the FACEBOOK Marks.

23. Facebook has continuously used the FACEBOOK Marks throughout the United States and internationally.

24. As a result of the enormous publicity afforded the FACEBOOK Marks, and the strong and loyal base of customers that enjoys Facebook's goods and services, the FACEBOOK Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

25. The FACEBOOK Marks became famous before Applicant's filing to register Applicant's Mark on September 3, 2010, and before Applicant's asserted date of first use in United States commerce of August 1, 2009.

26. Applicant's Mark incorporates a distinctive part of the FACEBOOK Marks, i.e., the "book" suffix, and its use is likely to cause an association between Applicant's Mark and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's goods and services.

27. Applicant's Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

- (a) Applicant's Mark is similar to the FACEBOOK Marks;
- (b) The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services;
- (c) Facebook has substantially and exclusively used the FACEBOOK Marks in connection with online networking goods and services;
- (d) The FACEBOOK Marks are widely recognized by the general consuming public;
- (e) Facebook is informed and believes, and based thereon alleges, that Applicant's adoption and use of Applicant's Mark was and is intended to create an association with the FACEBOOK Marks.

28. Accordingly, Applicant's Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/122,420 be refused.

Respectfully submitted,

COOLEY LLP
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON
LORI F. MAYALL
KATHRYN D. DUVALL

Date: August 15, 2011

By: Kathryn D. Duvall
Kathryn D. Duvall
Attorneys for Opposer Facebook, Inc.

Cooley LLP
777 6th St., NW
Suite 1100
Washington, D.C. 20001
T: 650-843-5000
F: 650-849-7400

CERTIFICATE OF TRANSMITTAL AND SERVICE

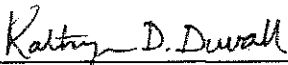
I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the applicant (also identified as the correspondent for the subject application), and Applicant's counsel, as follows:

Gunther Eysenbach
59 Winners Circle
Toronto, Canada M4L3Y7

Erik M. Pelton
Erik M. Pelton & Associates, PLLC
P.O. Box 100637
Arlington, VA 22210-3637

Date: August 15, 2011



Kathryn D. Duvall

EXHIBIT

65

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

In the matter of application Serial No. 85/212,498
For the Trademark SCIENCEBOOK
Published in the Official Gazette on May 17, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
ANDREW JAY ISAAK,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer Facebook, Inc. ("Facebook"), a Delaware corporation having its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304, believes that it will be damaged by the issuance of a registration for the mark SCIENCEBOOK ("Applicant's Mark"), as applied for in Application Serial No. 85/212,498 filed on January 7, 2011 by Applicant Andrew Jay Isaak ("Isaak" or "Applicant"), an individual residing at 2 Dunham Rd., Scarsdale, New York 10583.

As grounds for opposition, Facebook alleges that:

1. Since its online networking service was launched in February 2004, Facebook has continuously used the mark FACEBOOK in interstate commerce in the United States in connection with its goods and services. The FACEBOOK mark is highly distinctive with regard to online networking goods and services, and Facebook users are accustomed to seeing and expect to see Facebook across the world wide web, not just on the Facebook site.

2. Facebook owns multiple U.S. registrations for the mark FACEBOOK. These registrations cover a wide variety of goods and services, including, but not limited to:

- Online networking services; online chat functions for transmission of messages, photographs, videos, and other user-defined content; and online forums;
- Hosting customized web pages featuring user-defined information and personal profiles;
- Advertising and marketing services and the provision of online advertisements;
- Online journals featuring user-defined content and electronic publishing services; and
- Software and software services to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the FACEBOOK mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Facebook has common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the term FACEBOOK are referred to herein as the "FACEBOOK Marks."

5. As a result of the nature and quality of Facebook's goods and services, its widespread use of the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer recognition of the FACEBOOK Marks, Facebook's enormous and loyal user base, its numerous trademark registrations and pending applications, and other factors, the

FACEBOOK Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

6. On January 7, 2011, Isaak filed an application to register Applicant's Mark on an intent-to-use basis for the following services:

- Class 35: "Advertising and marketing services, namely, promoting the goods and services of others; Providing advertising service to distribute advertisements for display on Internet, namely, in websites, social conversations over the Internet, e-mails, microblogs, blogs, electronic messages, instant messages, text messages, multimedia messages, social networks, status updates, forums, electronic bulletin boards; Providing an on-line searchable database featuring classified ad listings and employment opportunities; Provision of advertising space by electronic means and global information networks";
- Class 38: "Providing e-mail and instant messaging services; Providing on-line chat rooms for social networking; Video broadcasting services over the Internet or other communications network, namely, electronically transmitting video clips";
- Class 41: "On-line journals, namely, blogs featuring user-defined content"
- Class 42: "Application service provider (ASP) featuring software for use to enable uploading, posting, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other communications network; Computer services in the nature of customized web pages featuring user-defined information, personal profiles and information; Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; Computer services, namely, hosting on-line web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; Providing a web site featuring temporary use of non-downloadable software allowing web site users to upload, post and display online videos for sharing with others for entertainment purposes"; and
- Class 45: "Internet based social networking, introduction, and dating services; Providing on-line computer databases and on-line searchable databases in the

field of social networking.”

7. Applicant claims the August 30, 2010 priority filing date of a German application for Applicant’s Mark in connection with the services listed in Classes 38, 41, and 42. The remaining services in Classes 35 and 45 were filed based solely on the Applicant’s intent to use the mark in U.S. Commerce.

8. Applicant’s Mark was published in the *Official Gazette* on May 17, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

9. Facebook incorporates by reference Paragraphs 1 through 8, inclusive, as if fully set forth herein.

10. Facebook began using its FACEBOOK mark at least as early as February 2004, and filed applications resulting in federal registrations well prior to August 30, 2010 and January 7, 2011, Applicant’s filing and priority dates.

11. Applicant’s Mark is similar to the registered FACEBOOK Marks in appearance, sound, meaning, and commercial impression.

12. Applicant’s intended services under Applicant’s Mark, as recited in his application, are the same as and/or related to Facebook’s goods and services.

13. Applicant intends to offer his services under Applicant’s Mark through the same channel of trade as Facebook.

14. Facebook is informed and believes, and based thereon alleges, that Applicant’s Mark was adopted with knowledge of, and the intent to call to mind and create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK Marks.

15. Applicant’s Mark creates a false suggestion of an affiliation or connection

between Applicant and Facebook, where none exists.

16. Facebook is not affiliated or connected with Applicant or his services; nor has Facebook endorsed or sponsored Applicant or his services.

17. Facebook has no control over the nature and quality of the services offered under Applicant's Mark, and the value of Facebook's FACEBOOK Marks are jeopardized by the registration of Applicant's Mark. Because of the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Applicant's services marketed under Applicant's Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the FACEBOOK Marks.

18. Registration of the mark herein opposed will damage Facebook because Applicant's Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

19. Facebook incorporates by reference Paragraphs 1 through 18 inclusive, as if fully set forth herein.

20. The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services.

21. Facebook has used the FACEBOOK trademark since at least as early as 2004 for online networking services, and has expanded use of the FACEBOOK Marks to many other goods and services.

22. Facebook is the owner of numerous U.S. registrations and applications for the

FACEBOOK Marks.

23. Facebook has continuously used the FACEBOOK Marks throughout the United States and internationally.

24. As a result of the enormous publicity afforded the FACEBOOK Marks, and the strong and loyal base of customers that enjoys Facebook's goods and services, the FACEBOOK Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

25. The FACEBOOK Marks became famous before Applicant's filing and priority dates of January 7, 2011 and August 30, 2010, respectively.

26. Applicant's Mark incorporates a distinctive part of the FACEBOOK Marks, i.e., the "book" suffix, and its use is likely to cause an association between Applicant's Mark and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's goods and services.

27. Applicant's Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

- (a) Applicant's Mark is similar to the FACEBOOK Marks;
- (b) The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services;
- (c) Facebook has substantially and exclusively used the FACEBOOK Marks in connection with online networking goods and services;
- (d) The FACEBOOK Marks are widely recognized by the general consuming

public;

(e) Facebook is informed and believes, and based thereon alleges, that Applicant's adoption and use of Applicant's Mark was and is intended to create an association with the FACEBOOK Marks.

28. Accordingly, Applicant's Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/212,498 be refused.

Respectfully submitted,

COOLEY LLP
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON
LORI F. MAYALL
KATHRYN D. DUVALL

Date: September 14, 2011

By: Kathryn D. Duvall
Kathryn D. Duvall
Attorneys for Opposer Facebook, Inc.

Cooley LLP
777 6th St., NW
Suite 1100
Washington, D.C. 20001
T: 650-843-5000
F: 650-849-7400

CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

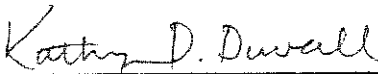
I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the applicant (also identified as the correspondent for the subject application) as follows:

Andrew Jay Isaak
2 Dunham Road
Scarsdale, NY 10583

A courtesy copy has also been sent electronically to the applicant at the email address identified on the application:

andrew.isaak.@gmail.com.

Date: September 14, 2011



Kathryn D. Duvall

EXHIBIT

66

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

In the matter of application Serial No. 85/226,235
For the Trademark FACADEBOOK
Published in the Official Gazette on May 31, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
BOB WEISS,)	
)	
Applicant.)	
<hr style="border: 0.5px solid black;"/>		

NOTICE OF OPPOSITION

Opposer Facebook, Inc. ("Facebook"), a Delaware corporation having its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304, believes that it will be damaged by the issuance of a registration for the mark FACADEBOOK ("Applicant's Mark"), as applied for in Application Serial No. 85/226,235 filed on January 26, 2011 by Applicant Bob Weiss ("Weiss" or "Applicant"), an individual with a mailing address at P.O. Box 1055, New York, New York 10002-0902.

As grounds for opposition, Facebook alleges that:

1. Since its online networking service was launched in February 2004, Facebook has continuously used the mark FACEBOOK in interstate commerce in the United States in connection with its goods and services. The FACEBOOK mark is highly distinctive with regard to online networking goods and services, and Facebook users are accustomed to seeing and expect to see Facebook across the world wide web, not just on the Facebook site.

2. Facebook owns multiple U.S. registrations for the mark FACEBOOK. These registrations cover a wide variety of goods and services, including, but not limited to:

- Online networking services; online chat functions for transmission of messages, photographs, videos, and other user-defined content; and online forums;
- Hosting customized web pages featuring user-defined information and personal profiles;
- Advertising and marketing services and the provision of online advertisements;
- Online journals featuring user-defined content and electronic publishing services; and
- Software and software services to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the FACEBOOK mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Facebook has common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the term FACEBOOK are referred to herein as the "FACEBOOK Marks."

5. As a result of the nature and quality of Facebook's goods and services, its widespread use of the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer recognition of the FACEBOOK Marks, Facebook's enormous and loyal user base, its numerous trademark registrations and pending applications, and other factors, the

FACEBOOK Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

6. On January 26, 2011, Weiss filed an application to register Applicant's Mark on an intent-to-use basis for the following services:

- Class 35: "Advertising of commercial or residential real estate; Matching consumers with real estate professionals in the field of real estate services via computer network; Matching potential buyers to facilitate co-ownership of residential real property; Negotiation and renegotiation for others of leases and subleases and real estate purchase agreements; Providing a database featuring real property tax information; Providing an interactive real estate website which promotes housing and apartment properties through offering prospective tenants video walk throughs, property descriptions, text, price, location, maps and other information that would be influential to a prospective tenant in making a rental decision; Providing business planning and marketing solutions for real estate professionals; Providing marketing solutions for real estate professionals; Providing real estate leads for prospective purchasers; Providing real estate video tours for marketing purposes; Real estate advertising services; Real estate auctions; Real estate marketing analysis; Real estate marketing services in the field of homes, coops, condos, lofts, apartments; Real estate marketing services, namely, on-line services featuring tours of residential and commercial real estate; Real estate sales management";
- Class 45: "Stock photography services, namely, leasing reproduction rights of photographs and transparencies to others; Stock photography services, namely, leasing reproduction rights of photographs, transparencies and digital content to others."

7. Applicant's Mark was published in the *Official Gazette* on May 31, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

8. Facebook incorporates by reference Paragraphs 1 through 7, inclusive, as if fully set forth herein.

9. Facebook began using its FACEBOOK mark at least as early as February 2004, and filed applications resulting in federal registrations well prior to January 26, 2011,

Applicant's filing date.

10. Applicant's Mark is similar to the registered FACEBOOK Marks in appearance, sound, meaning, and commercial impression.

11. Applicant's intended services under Applicant's Mark, as recited in his application, are the same as and/or related to Facebook's goods and services.

12. Applicant intends to offer his services under Applicant's Mark through the same channel of trade as Facebook.

13. Facebook is informed and believes, and based thereon alleges, that Applicant's Mark was adopted with knowledge of, and the intent to call to mind and create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK Marks.

14. Applicant's Mark creates a false suggestion of an affiliation or connection between Applicant and Facebook, where none exists.

15. Facebook is not affiliated or connected with Applicant or his services; nor has Facebook endorsed or sponsored Applicant or his services.

16. Facebook has no control over the nature and quality of the services offered under Applicant's Mark, and the value of Facebook's FACEBOOK Marks are jeopardized by the registration of Applicant's Mark. Because of the likelihood of confusion and association between the parties' marks, any defects, improprieties, or faults found with Applicant's services marketed under Applicant's Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the FACEBOOK Marks.

17. Registration of the mark herein opposed will damage Facebook because

Applicant's Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

18. Facebook incorporates by reference Paragraphs 1 through 18 inclusive, as if fully set forth herein.

19. The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services.

20. Facebook has used the FACEBOOK trademark since at least as early as 2004 for online networking services, and has expanded use of the FACEBOOK Marks to many other goods and services.

21. Facebook is the owner of numerous U.S. registrations and applications for the FACEBOOK Marks.

22. Facebook has continuously used the FACEBOOK Marks throughout the United States and internationally.

23. As a result of the enormous publicity afforded the FACEBOOK Marks, and the strong and loyal base of customers that enjoys Facebook's goods and services, the FACEBOOK Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

24. The FACEBOOK Marks became famous before Applicant's filing date of January 26, 2011.

25. Applicant's Mark and its use is likely to cause an association with the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's goods and services.

26. Applicant's Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

- (a) Applicant's Mark is similar to the FACEBOOK Marks;
- (b) The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services;
- (c) Facebook has substantially and exclusively used the FACEBOOK Marks in connection with online networking goods and services;
- (d) The FACEBOOK Marks are widely recognized by the general consuming public;
- (e) Facebook is informed and believes, and based thereon alleges, that Applicant's adoption and use of Applicant's Mark was and is intended to create an association with the FACEBOOK Marks.

27. Accordingly, Applicant's Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/226,235 be refused.

Respectfully submitted,

COOLEY LLP
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON
LORI F. MAYALL
KATHRYN D. DUVALL

Date: September 28, 2011

By: Kathryn D. Duvall
Kathryn D. Duvall
Attorneys for Opposer Facebook, Inc.

Cooley LLP
777 6th St., NW
Suite 1100
Washington, D.C. 20001
T: 650-843-5000
F: 650-849-7400

CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the applicant (also identified as the correspondent for the subject application) as follows:

Bob Weiss
P.O. Box. 1055
New York, NY 10002-0902

Date: September 28, 2011



Kathryn D. Duvall

EXHIBIT

67

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

In the matter of application Serial No. 85/227,326
For the Trademark FAITHBOOK
Published in the Official Gazette on May 31, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
BRETT BLAIR,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Facebook, Inc. ("Facebook"), a Delaware corporation having its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304, believes that it will be damaged by the issuance of a registration for the mark FAITHBOOK ("Applicant's Mark"), as applied for in Application Serial No. 85/227,326 filed on January 27, 2011 by Applicant Brett Blair ("Blair" or "Applicant"), an individual residing at 904 Pomelo Avenue, Sarasota, FL 34236.

As grounds for opposition, Facebook alleges that:

1. Since its online networking service was launched in February 2004, Facebook has continuously used the mark FACEBOOK in interstate commerce in the United States in connection with its goods and services. The FACEBOOK mark is highly distinctive with regard to online networking goods and services, and Facebook users are accustomed to seeing and expect to see Facebook across the world wide web, not just on the Facebook site.

2. Facebook owns multiple U.S. registrations for the mark FACEBOOK. These registrations cover a wide variety of goods and services, including, but not limited to:

- Online networking services; online chat functions for transmission of messages, photographs, videos, and other user-defined content; and online forums;
- Hosting customized web pages featuring user-defined information and personal profiles;
- Advertising and marketing services and the provision of online advertisements;
- Online journals featuring user-defined content and electronic publishing services; and
- Software and software services to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the FACEBOOK mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Facebook has common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the term FACEBOOK are referred to herein as the "FACEBOOK Marks."

5. As a result of the nature and quality of Facebook's goods and services, its widespread use of the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer recognition of the FACEBOOK Marks, Facebook's enormous and loyal user base, its numerous trademark registrations and pending applications, and other factors, the

FACEBOOK Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

6. On January 27, 2011, Blair filed an application to register Applicant's Mark on an intent-to-use basis for the following services:

- Class 42: "Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring religious and spiritual subject matter."

7. Applicant's Mark was published in the *Official Gazette* on May 31, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

8. Facebook incorporates by reference Paragraphs 1 through 7, inclusive, as if fully set forth herein.

9. Facebook began using its FACEBOOK mark at least as early as February 2004, and filed applications resulting in federal registrations well prior to January 27, 2011, Applicant's filing date.

10. Applicant's Mark is similar to the registered FACEBOOK Marks in appearance, sound, meaning, and commercial impression.

11. Applicant's intended services under Applicant's Mark, as recited in his application, are the same as and/or related to Facebook's goods and services.

12. Applicant intends to offer his services under Applicant's Mark through the same channel of trade as Facebook.

13. Facebook is informed and believes, and based thereon alleges, that Applicant's Mark was adopted with knowledge of, and the intent to call to mind, and/or create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK

Marks.

14. Applicant's Mark suggests an affiliation or connection between Applicant and Facebook, where none exists.

15. Facebook is not affiliated or connected with Applicant or his services; nor has Facebook endorsed or sponsored Applicant or his services.

16. Facebook has no control over the nature and quality of the services offered under Applicant's Mark, and the value of Facebook's FACEBOOK Marks are jeopardized by the registration of Applicant's Mark. Because of the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Applicant's services marketed under Applicant's Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the FACEBOOK Marks.

17. Registration of the mark herein opposed will damage Facebook because Applicant's Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

18. Facebook incorporates by reference Paragraphs 1 through 17 inclusive, as if fully set forth herein.

19. The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services.

20. Facebook has used the FACEBOOK trademark since at least as early as 2004 for online networking services, and has expanded use of the FACEBOOK Marks to many other

goods and services.

21. Facebook is the owner of numerous U.S. registrations and applications for the FACEBOOK Marks.

22. Facebook has continuously used the FACEBOOK Marks throughout the United States and internationally.

23. As a result of the enormous publicity afforded the FACEBOOK Marks, and the strong and loyal base of customers that enjoys Facebook's goods and services, the FACEBOOK Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

24. The FACEBOOK Marks became famous before Applicant's filing date of January 27, 2011.

25. Applicant's Mark incorporates a distinctive part of the FACEBOOK Marks, i.e., the "book" suffix, and its use is likely to cause an association between Applicant's Mark and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's goods and services.

26. Applicant's Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

- (a) Applicant's Mark is similar to the FACEBOOK Marks;
- (b) The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services;
- (c) Facebook has substantially and exclusively used the FACEBOOK Marks

in connection with online networking goods and services;

(d) The FACEBOOK Marks are widely recognized by the general consuming public;

(e) Facebook is informed and believes, and based thereon alleges, that Applicant's adoption and use of Applicant's Mark was and is intended to create an association with the FACEBOOK Marks.

27. Accordingly, Applicant's Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

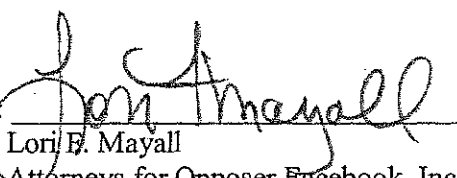
Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/227,326 be refused.

Respectfully submitted,

COOLEY LLP
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON
LORI F. MAYALL
KATHRYN D. DUVALL

Date: September 28, 2011

By:


Lori F. Mayall

Attorneys for Opposer Facebook, Inc.

Cooley LLP
777 6th St., NW
Suite 1100
Washington, D.C. 20001
T: 650-843-5000
F: 650-849-7400

CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

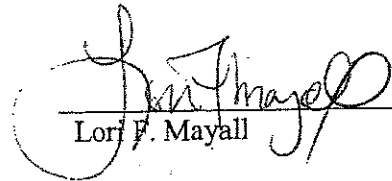
I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the applicant's correspondent and the applicant as follows:

Douglas A Cherry
Shumaker Loop & Kendrick LLP
240 S Pineapple Ave
Sarasota, FL 34236-6717

and

Brett Blair
904 Pomelo Avenue
Sarasota, FL 34236

Date: September 28, 2011


Lori F. Mayall

EXHIBIT

68

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

In the matter of application Serial No. 85/196,484
For the Trademark FACEMEETING
Published in the Official Gazette on April 26, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
JASON A. FEDORE,)	
)	
Applicant.)	
<hr style="border: 0.5px solid black;"/>		

NOTICE OF OPPOSITION

Opposer Facebook, Inc. ("Facebook"), a Delaware corporation having its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304, believes that it will be damaged by the issuance of a registration for the mark FACEMEETING ("Applicant's Mark"), as applied for in Application Serial No. 85/196,484 filed on December 13, 2010 by Applicant Jason A. Fedore ("Fedore" or "Applicant"), an individual, located at 127 Alexander Drive, Irwin, Pennsylvania, 15642.

As grounds for opposition, Facebook alleges that:

1. Since its online networking service was launched in February 2004, Facebook has continuously used the mark FACEBOOK in interstate commerce in the United States in connection with its goods and services. The FACEBOOK mark is highly distinctive with regard to online networking goods and services, and Facebook users are accustomed to seeing and expect to see Facebook across the world wide web, not just on the Facebook site.

2. Facebook owns multiple U.S. registrations for the mark FACEBOOK. These registrations cover a wide variety of goods and services, including, but not limited to:

- Internet based introduction and social networking services;
- Providing temporary use of non-downloadable software applications for video sharing;
- Online chat functions for transmission of messages, photographs, videos, and other user-defined content; and online forums;
- Audio and video broadcasting services over the Internet or other communications network for uploading, posting, showing, displaying, tagging and sharing audio, and video clips; and
- Software to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the FACEBOOK mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Facebook has common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the term FACEBOOK are referred to herein as the "FACEBOOK Marks."

5. As a result of the nature and quality of Facebook's goods and services, its widespread use of the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer recognition of the FACEBOOK Marks, Facebook's enormous and loyal user base, its numerous trademark registrations and pending applications, and other factors, the

FACEBOOK Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

6. On December 13, 2010, Fedore filed an application to register Applicant's Mark for: "Dating services, namely, providing an on-line computer database featuring single people interested in meeting other single people" in International Class 045.

7. Applicant's Mark was published in the *Official Gazette* on April 26, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

8. Facebook incorporates by reference Paragraphs 1 through 7, inclusive, as if fully set forth herein.

9. Facebook began using its FACEBOOK mark at least as early as February 2004, and filed applications resulting in federal registrations well prior to Fedore's use of and application to register Applicant's Mark.

10. Applicant's Mark is similar to the registered FACEBOOK Marks in appearance, sound, meaning, and commercial impression.

11. Applicant's services under Applicant's Mark, as identified in its application, are the same as and/or highly related to Facebook's goods and services.

12. Fedore offers its services under Applicant's Mark through the same channel of trade as Facebook.

13. Facebook is informed and believes, and based thereon alleges, that Applicant's Mark was adopted with knowledge of, and the intent to call to mind, and/or create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK Marks.

14. Applicant's Mark suggests an affiliation or connection between Applicant and

Facebook, where none exists.

15. Facebook is not affiliated or connected with Fedore or his service; nor has Facebook endorsed or sponsored Applicant or his services.

16. Facebook has no control over the nature and quality of the services offered under Applicant's Mark, and the value of Facebook's FACEBOOK Marks are jeopardized by the registration of Applicant's Mark. Because of the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Fedore's services marketed under Applicant's Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the FACEBOOK Marks.

17. Registration of the mark herein opposed will damage Facebook because Applicant's Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

18. Facebook incorporates by reference Paragraphs 1 through 17 inclusive, as if fully set forth herein.

19. The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services.

20. Facebook has used the FACEBOOK trademark since at least as early as 2004 for online networking goods and services, and has expanded use of the FACEBOOK Marks to many other goods and services.

21. Facebook is the owner of numerous U.S. registrations and applications for the

FACEBOOK Marks.

22. Facebook has continuously used the FACEBOOK Marks throughout the United States and internationally.

23. As a result of the enormous publicity afforded the FACEBOOK Marks, and the strong and loyal base of customers that enjoys Facebook's goods and services, the FACEBOOK Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

24. The FACEBOOK Marks became famous before Fedore's filing to register Applicant's Mark on December 13, 2010, and before Fedore began allegedly using Applicant's Mark in United States commerce.

25. Applicant's Mark incorporates the entire "face" prefix and its use is likely to cause an association between Applicant's Mark and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's goods and services.

26. Applicant's Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

- (a) Applicant's Mark is similar to the FACEBOOK Marks.
- (b) The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services;
- (c) Facebook has substantially and exclusively used the FACEBOOK Marks in connection with online networking goods and services;
- (d) The FACEBOOK Marks are widely recognized by the general consuming

public;

(e) Facebook is informed and believes, and based thereon alleges, that Fedore's adoption and use of Applicant's Mark was and is intended to create an association with the FACEBOOK Marks.

27. Accordingly, Applicant's Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/196,484 be refused.

Respectfully submitted,

COOLEY LLP
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON
LORI F. MAYALL



Date: October 24, 2011

By: _____
Lori F. Mayall
Attorneys for Opposer Facebook, Inc.

Cooley LLP
777 6th St., NW
Suite 1100
Washington, D.C. 20001
T: 650-843-5000
F: 650-849-7400

CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

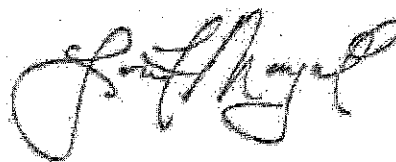
I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the applicant and correspondent for the subject application as follows:

Jason A. Fedore
127 Alexander Drive
Irwin, PA 15642

and

Gregg Zegarelli
Tev Law Group
Po Box 113345
Pittsburgh PA 15241

Date: October 24, 2011



Lori F. Mayall

EXHIBIT

69

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

In the matter of application Serial No. 85/147,571
For the Trademark BOOK and Design
Published in the Official Gazette on May 3, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
MYEWORKBOOK, INC.,)	
)	
Applicant.)	
<hr/>		

NOTICE OF OPPOSITION

Opposer Facebook, Inc. (“Facebook”), a Delaware corporation having its principal place of business at 1601 S. California Avenue, Palo Alto, California 94304, believes that it will be damaged by the issuance of a registration for the BOOK and Design mark with the dominant aspect as the word “BOOK” (“BOOK Mark”), as applied for in Application Serial No. 85/147,571 filed on October 7, 2010 by Applicant myEworkBook, Inc. (“myEworkBook” or “Applicant”), a North Carolina corporation with a mailing address at P.O. Box 480036, Charlotte, North Carolina 28269.

As grounds for opposition, Facebook alleges that:

1. Since its online networking service was launched in February 2004, Facebook has continuously used the mark FACEBOOK in interstate commerce in the United States in connection with its goods and services. The FACEBOOK mark is highly distinctive with regard to online networking goods and services, and Facebook users are accustomed to seeing and

expect to see Facebook across the world wide web, not just on the Facebook site.

2. Facebook owns multiple U.S. registrations for the mark FACEBOOK. These registrations cover a wide variety of goods and services, including, but not limited to:

- Creating an on-line community for registered users to participate in discussion, get feedback from their peers, form virtual communities, and engage in social networking
- Internet based introduction and social networking services;
- Online chat functions for transmission of messages, photographs, videos, and other user-defined content; and online forums;
- Audio and video broadcasting services over the Internet or other communications network for uploading, posting, showing, displaying, tagging and sharing audio, and video clips; and
- Software to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the FACEBOOK mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Facebook has common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the term FACEBOOK are referred to herein as the "FACEBOOK Marks."

5. As a result of the nature and quality of Facebook's goods and services, its widespread use of the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer recognition of the FACEBOOK Marks, Facebook's enormous and loyal user

base, its numerous trademark registrations and pending applications, and other factors, the FACEBOOK Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

6. On October 7, 2010, myEworkBook filed an application to register its BOOK Mark on an intent-to-use basis for the following services: "Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking for students who are preparing to take commercial standardized tests for admission to schools" in International Class 042.

7. Applicant's BOOK Mark was published in the *Official Gazette* on May 3, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

8. Facebook incorporates by reference Paragraphs 1 through 7, inclusive, as if fully set forth herein.

9. Facebook began using its FACEBOOK mark at least as early as February 2004, and filed applications resulting in federal registrations well prior to myEworkBook's application to register its BOOK Mark.

10. Applicant's BOOK Mark is similar to the registered FACEBOOK Marks in appearance, sound, meaning, and commercial impression.

11. Applicant's intended services under its BOOK Mark, as identified in its application, are the same as and/or highly related to Facebook's goods and services.

12. Applicant intends to offer its services under its BOOK Mark through the same channel of trade as Facebook.

13. Facebook is informed and believes, and based thereon alleges, that Applicant's BOOK Mark was adopted with knowledge of, and the intent to call to mind, and/or create a

likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK Marks.

14. Applicant's BOOK Mark suggests an affiliation or connection between Applicant and Facebook, where none exists.

15. Facebook is not affiliated or connected with Applicant or its services; nor has Facebook endorsed or sponsored Applicant or its services.

16. Facebook has no control over the nature and quality of the services offered under Applicant's BOOK Mark, and the value of Facebook's FACEBOOK Marks are jeopardized by the registration of Applicant's BOOK Mark. Because of the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Applicant's services marketed under its BOOK Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the FACEBOOK Marks.

17. Registration of the mark herein opposed will damage Facebook because Applicant's BOOK Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's BOOK Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

18. Facebook incorporates by reference Paragraphs 1 through 17 inclusive, as if fully set forth herein.

19. The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services.

20. Facebook has used the FACEBOOK trademark since at least as early as 2004 for

online networking goods and services, and has expanded use of the FACEBOOK Marks to many other goods and services.

21. Facebook is the owner of numerous U.S. registrations and applications for the FACEBOOK Marks.

22. Facebook has continuously used the FACEBOOK Marks throughout the United States and internationally.

23. As a result of the enormous publicity afforded the FACEBOOK Marks, and the strong and loyal base of customers that enjoys Facebook's goods and services, the FACEBOOK Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

24. The FACEBOOK Marks became famous before myEworkBook's filing to register Applicant's BOOK Mark on October 7, 2010.

25. Applicant's BOOK Mark constitutes a distinctive part of the FACEBOOK Marks, i.e., the "book" suffix, and its use is likely to cause an association between Applicant's BOOK Mark and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's goods and services.

26. Applicant's BOOK Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

- (a) Applicant's BOOK Mark is similar to the FACEBOOK Marks;
- (b) The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services;

(c) Facebook has substantially and exclusively used the FACEBOOK Marks in connection with online networking goods and services;

(d) The FACEBOOK Marks are widely recognized by the general consuming public;

(e) Facebook is informed and believes, and based thereon alleges, that myEworkBook's adoption and use of its BOOK Mark was and is intended to create an association with the FACEBOOK Marks.

27. Accordingly, Applicant's BOOK Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/147,571 be refused.

Respectfully submitted,

COOLEY LLP
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON
LORI F. MAYALL
KATHRYN D. DUVALL

Date: October 31, 2011

By: Kathryn D. Duvall
Kathryn D. Duvall
Attorneys for Opposer Facebook, Inc.

Cooley LLP
777 6th St., NW
Suite 1100
Washington, D.C. 20001
T: 650-843-5000
F: 650-849-7400

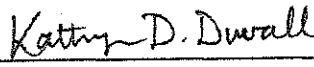
CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the applicant (also identified as the correspondent for the subject application) as follows:

myEworkBook, Inc.
PO Box 480036
Charlotte, NC 28269

Date: October 31, 2011



Kathryn D. Duvall

EXHIBIT

70

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

In the matter of application Serial No. 85/191,548
For the Trademark GRACEBOOK
Published in the Official Gazette on September 27, 2011

FACEBOOK, INC.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
THE GRACEBOOK, INC.,)	
)	
Applicant.)	
<hr/>		

NOTICE OF OPPOSITION

Opposer Facebook, Inc. ("Facebook"), a Delaware corporation having its principal place of business at 1601 Willow Rd., Menlo Park, CA 94025 believes that it will be damaged by the issuance of a registration for the mark GRACEBOOK, as applied for in Application Serial No. 85/191,548 filed on December 6, 2010 by Applicant The Gracebook, Inc. ("Applicant") located at 32 Field Point Rd., Greenwich, CT 06830.

As grounds for opposition, Facebook alleges that:

1. Since its online networking service was launched in February 2004, Facebook has continuously used the mark FACEBOOK in interstate commerce in the United States in connection with its goods and services. The FACEBOOK mark is highly distinctive with regard to online networking goods and services.

2. Facebook owns multiple U.S. registrations for the mark FACEBOOK. These registrations cover a wide variety of goods and services, including, but not limited to:

- Creating an on-line community for registered users to participate in discussion, get feedback from their peers, form virtual communities, and engage in social networking;
- Internet based introduction and social networking services;
- Online chat functions for transmission of messages, photographs, videos, and other user-defined content;
- online forums;
- Audio and video broadcasting services over the Internet or other communications network for uploading, posting, showing, displaying, tagging and sharing audio, and video clips; and
- Software to enable uploading, tagging, and sharing of photographs, videos, and other user-defined content or information.

3. True and correct copies of registrations for the FACEBOOK mark are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Facebook has common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. True and correct copies of the U.S. Patent and Trademark Office online status pages for Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached hereto as Exhibit B, and are incorporated by reference as though fully set forth herein. All of Facebook's marks that consist of or incorporate the term FACEBOOK are referred to herein as the "FACEBOOK Marks."

5. As a result of the nature and quality of Facebook's goods and services, Facebook's users are accustomed to seeing and expect to see Facebook across the world wide web, not just on the Facebook site, and through its widespread use of the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer recognition of the FACEBOOK Marks, Facebook's enormous and loyal user base, its numerous trademark

registrations and pending applications, and other factors, the FACEBOOK Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

6. On December 6, 2010, Applicant filed an application to register Applicant's Mark for: "Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking" in International Class 042.

7. According to the recitation of services and specimen submitted with the application, Applicant uses Applicant's Mark in connection with a business and online website available at <http://www.thegracebook.com/> that offers social networking services related to religious activities. A true and correct copy of the specimen submitted with the application is attached hereto as Exhibit C.

8. Applicant's Mark was published in the *Official Gazette* on September 27, 2011.

**FIRST GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

9. Facebook incorporates by reference Paragraphs 1 through 8, inclusive, as if fully set forth herein.

10. Facebook began using its FACEBOOK mark at least as early as February 2004, and filed applications resulting in federal registrations well prior to Applicant's use of and application to register Applicant's Mark.

11. Applicant's Mark is similar to the registered FACEBOOK Marks in appearance, sound, meaning, and commercial impression.

12. Applicant's intended services under Applicant's Mark, as identified in its application, are the same as and/or highly related to Facebook's goods and services.

13. Applicant offers its services under Applicant's Mark through the same channel of

trade as Facebook.

14. Facebook is informed and believes, and based thereon alleges, that Applicant's Mark was adopted with knowledge of, and the intent to call to mind, and/or create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK Marks.

15. Applicant's Mark suggests an affiliation or connection between Applicant and Facebook, where none exists.

16. Facebook is not affiliated or connected with Applicant or its services; nor has Facebook endorsed or sponsored Applicant or its services.

17. Facebook has no control over the nature and quality of the services offered under Applicant's Mark, and the value of Facebook's FACEBOOK Marks are jeopardized by the registration of Applicant's Mark. Because of the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Applicant's services marketed under Applicant's Mark would negatively reflect upon and injure the reputation that Facebook has established for the goods and services it offers in connection with the FACEBOOK Marks.

18. Registration of the mark herein opposed will damage Facebook because Applicant's Mark is likely, when used on or in connection with the services described in the opposed application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's Mark is unregistrable under 15 U.S.C. §§1052, 1053, 1063 and 1125 and should be refused registration.

**SECOND GROUND FOR OPPOSITION:
DILUTION OF A FAMOUS MARK**

19. Facebook incorporates by reference Paragraphs 1 through 18 inclusive, as if fully set forth herein.

20. The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services.

21. Facebook has used the FACEBOOK trademark since at least as early as 2004 for online networking goods and services, and has expanded use of the FACEBOOK Marks to many other goods and services.

22. Facebook is the owner of numerous U.S. registrations and applications for the FACEBOOK Marks.

23. Facebook has continuously used the FACEBOOK Marks throughout the United States and internationally.

24. As a result of the enormous publicity afforded the FACEBOOK Marks, and the strong and loyal base of customers that enjoys Facebook's goods and services, the FACEBOOK Marks have a high degree of consumer recognition, are widely recognized by the general consuming public of the United States as a designation of Facebook's goods and services, and are famous.

25. The FACEBOOK Marks became famous before Applicant's filing to register Applicant's Mark on December 6, 2010.

26. The similarity between Applicant's GRACEBOOK Mark and the FACEBOOK Marks and their uses are likely to create an association that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's goods and services.

27. Applicant's Mark is likely to cause dilution by blurring based on a number of relevant considerations, including:

- (a) Applicant's Mark is similar to the FACEBOOK Marks;

(b) The FACEBOOK Marks are inherently distinctive in relation to Facebook's online networking goods and services;

(c) Facebook has substantially and exclusively used the FACEBOOK Marks in connection with online networking goods and services;

(d) The FACEBOOK Marks are widely recognized by the general consuming public;

(e) Facebook is informed and believes, and based thereon alleges, that Applicant's adoption and use of its Mark was and is intended to create an association with the FACEBOOK Marks.

28. Accordingly, Applicant's Mark is unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125, and should be refused registration.

Wherefore, Facebook prays that this Opposition be sustained, and that Application Serial No. 85/191,548 be refused.

Respectfully submitted,

COOLEY LLP
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Date: January 25, 2012

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CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

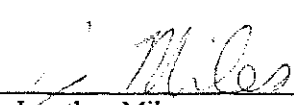
I hereby further certify that on the date indicated below, a true and correct copy of this Notice of Opposition was placed in the United States Mail via First Class Mail, addressed to the applicant (also identified as the correspondent for the subject application) as follows:

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&

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Date: January 25, 2012



Jonathan Miles