

EXHIBIT

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FACEBOOK, INC.

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 THOMAS PEDERSEN, an individual, d/b/a
18 Faceporn.com and RETRO INVENT AS, a
Norwegian private limited company d/b/a
19 Faceporn.com,

20 Defendants.

Case No. CV10-4673 (JSW)

**FIRST AMENDED COMPLAINT
SEEKING DAMAGES AND
INJUNCTIVE RELIEF FOR:**

- (1) FEDERAL TRADEMARK DILUTION,
15 U.S.C. § 1125;
- (2) TRADEMARK DILUTION UNDER CAL.
BUS. & PROF. CODE § 14247;
- (3) FALSE DESIGNATION OF ORIGIN,
15 U.S.C. § 1125;
- (4) FEDERAL TRADEMARK INFRINGEMENT
(FACEBOOK), 15 U.S.C. § 1114;
- (5) COMMON LAW TRADEMARK
INFRINGEMENT;
- (6) VIOLATION OF THE ANTI-
CYBERSQUATTING CONSUMER
PROTECTION ACT, 15 U.S.C. § 1125(D)
- (7) FEDERAL TRADEMARK INFRINGEMENT
(WALL), 15 U.S.C. § 1114;
- (8) COMMON LAW TRADEMARK
INFRINGEMENT;
- (9) COMMON LAW UNFAIR COMPETITION;
- (10) UNFAIR COMPETITION UNDER CAL.
BUS. & PROF. CODE §§ 17200, *ET SEQ.*

JURY TRIAL DEMANDED

COMMON ALLEGATIONS**FACEBOOK'S BUSINESS**

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3 **9.** Facebook is a preeminent provider of online networking services and is dedicated
4 to helping people share and connect. Through Facebook's website, the Facebook Platform,
5 Social Plugins and other tools, hundreds of millions of Facebook users enjoy personalized and
6 relevant internet experiences. As of the filing of this First Amended Complaint, more than 500
7 million monthly active Facebook users spend more than 700 billion minutes per month on
8 <http://www.facebook.com>, making the site the second most trafficked website in the United States
9 and worldwide. And more than one million websites have implemented tools that Facebook
10 makes available to engage users and to make their sites more social and relevant. Through
11 Facebook, users can interact with over 900 million objects (individual and community pages,
12 groups, and events) and 30 billion pieces of content (web links, news stories, blog posts, notes,
13 photo albums, etc.).

14 **10.** Facebook has permeated the web and Facebook users are accustomed to seeing
15 and expect to encounter Facebook and its products and services across the world wide web, not
16 just on the Facebook site. Facebook, and its FACEBOOK trademark, are recognized and
17 renowned in the U.S. and internationally.

THE FAME OF THE FACEBOOK MARKS

18
19 **11.** Since its online networking service was launched in February 2004, Facebook has
20 continuously used the mark FACEBOOK in interstate commerce in the United States in
21 connection with its goods and services. The FACEBOOK mark is highly distinctive with regard
22 to online social networking services.

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

- 25 • Online networking services, online chat functions for transmission of messages,
26 user-defined content, and online forums;
27 • Advertising and information distribution services for providing classified
28 advertising and promoting the goods and services of others;

- 1 • Online computer databases in the field of collegiate life and featuring collegiate
- 2 student groups concerning subjects in the fields of academics and entertainment;
- 3 • Online journals featuring user-defined content and electronic publishing services;
- 4 • Software to enable uploading, tagging, and sharing of user-defined content or
- 5 information; and
- 6 • Hosting online web facilities for others for organizing and conducting online
- 7 meetings, gatherings, and interactive discussions.

8 True and correct copies of registrations for the FACEBOOK mark are attached hereto as
9 Exhibit A, and are hereby incorporated by reference as though set forth in full herein.

10 13. In addition, Facebook has common law rights in the FACEBOOK mark in
11 connection with various other goods and services, including as identified in pending U.S.
12 trademark applications. These applications cover a wide variety of goods and services, including:

- 13 • Online computer databases in the fields general interest, virtual community, social
- 14 networking, photo sharing, and transmission of photographic images; and
- 15 • Customized web pages featuring user-defined information, personal profiles and
- 16 information.

17 True and correct copies of the U.S. Patent and Trademark Office online status pages for
18 these trademark applications are attached hereto as Exhibit B, and are hereby incorporated by
19 reference as though set forth in full herein.

20 14. Facebook also owns a number of other pending U.S. applications to register marks
21 that incorporate the FACEBOOK mark, many of which currently are in use in U.S. commerce.
22 All of Facebook's marks that consist of or incorporate the term FACEBOOK will hereafter be
23 referred to as the "FACEBOOK Marks."

24 15. The Facebook Platform is made available to application developers, enabling
25 them to develop games and other tools for Facebook users. More than one million software
26 developers hailing from over 180 countries have developed applications on Facebook Platform.

27 16. Facebook has also used Facebook Platform to broaden its reach beyond the
28 Facebook website. Facebook Platform allows third party websites to integrate aspects of the

1 Facebook experience into their sites, and lets Facebook users interact and connect in other places
2 across the web. In turn, these third party websites increase the visibility of Facebook and the
3 FACEBOOK Marks. More than one million third party websites have integrated with Facebook
4 Platform. Two-thirds of comScore's U.S. Top 100 websites and half of comScore's Global Top
5 100 websites have integrated with Facebook. More than 150 million people engage with
6 Facebook on external websites every month.

7 17. Facebook has been the subject of thousands of unsolicited stories in television,
8 radio, and print media, highlighting Facebook's innovative and successful efforts in online
9 networking and communities. Facebook has also received numerous awards and recognitions,
10 including a listing in Nielsen's Top 10 Web Brands (ranking Facebook 4th overall and 1st by
11 hours spent on the site per day) in September 2009; The Webby Award's "People's Voice
12 Winner" for Social Networking in 2007 and 2008; Harvard Business School's "Entrepreneurial
13 Company of the Year" in June 2008; *BusinessWeek's* "The World's 50 Most Innovative
14 Companies" in 2008; Business Insider's "Most Likely to Change the World" award in 2009; and
15 The Crunchie Award for Best Overall Startup in 2007, 2008 and 2009.

16 18. As a result of Facebook's widespread use of the FACEBOOK Marks worldwide,
17 its prolific presence on third party websites, the continuous media coverage of Facebook, the high
18 degree of recognition of the FACEBOOK Marks, and the broad base of users that enjoy
19 Facebook's services, among other factors, the FACEBOOK Marks are famous within the
20 meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. §1125(c).

21 DEFENDANTS' FACEPORN WEBSITE

22 19. Defendants operate an online networking and community website accessible at
23 www.faceporn.com (the "Faceporn site").

24 20. Defendants describe the services offered on the Faceporn site as "the number one
25 socializing porn and sex network! We're here to build the best adult community on the internet
26 by combining the best of the rest to make our community become the only one you need!"
27 Defendants use the FACEPORN mark in connection with offering and/or promoting their
28

1 networking and pornography services, prominently displaying the FACEPORN mark on every
2 page of their site.

3 21. Faceporn users can create a profile that includes a picture, personal information
4 about the user, other photographs, videos, and preferences as to specific types of pornography.
5 They can also befriend other users, join groups, upload video and photographs, rate and
6 comment on videos and photographs, and conduct live-chats.

7 22. Excluding pornographic content, the nature of the underlying services offered on
8 the Faceporn site, under the FACEPORN mark, are very similar to many of the services
9 provided by Facebook. Facebook provides online networking services to create user profiles;
10 upload photos, videos, and other online content; and connect with others with similar interests.
11 Facebook does not permit the display or posting of any content that contains nudity or is
12 pornographic in nature. Upon accessing the Faceporn site, however, a visitor immediately
13 encounters highly graphic and sexually explicit images.

14 23. Defendants have blatantly copied the Facebook logo, site and WALL trademark
15 in an effort to capitalize on the fame of the FACEBOOK Marks. The FACEPORN trademark
16 appears in all lower case letters in the upper left corner of the Faceporn site, in a font, position
17 and color strikingly similar to the font, position and color of the FACEBOOK logo on the
18 Facebook site. The FACEPORN logo simply inverts the white typeface on blue background of
19 the FACEBOOK logo. The Faceporn site further features a blue band across the top of the site,
20 substantially identical to the recognizable blue band present on every Facebook page. The
21 Faceporn site profile pages also imitate the Facebook profile pages; the profile picture, profile
22 information, search box, navigation tabs, advertisements, and status update box elements are
23 arranged in a similar layout on the page to that of Facebook. Defendants have also
24 misappropriated Facebook's registered WALL trademark, and use it on the Faceporn site in
25 connection with online messaging and communication services. True and correct copies of
26 screenshots from the Faceporn site and the Facebook site (altered to obscure personally
27 identifying information and pornographic images on the Faceporn site) are attached hereto as
28 Exhibit C, and are hereby incorporated by reference as though set forth in full herein. A true and

1 correct copy of the registration certificate for Facebook's WALL mark is attached hereto as
2 Exhibit D, and is hereby incorporated by reference as though set forth in full herein.

3 24. Defendants' use of the FACEPORN mark and copying of the Facebook logo, site
4 and WALL trademark dilutes and is likely to dilute the famous FACEBOOK Marks. Among
5 other things, Defendants' use of the FACEPORN mark and copying of the Facebook logo, site
6 and WALL trademark to offer sex related services tarnishes the FACEBOOK Marks.

7 25. Defendants' FACEPORN mark is also confusingly similar to the FACEBOOK
8 Marks. The FACE prefix of the marks is absolutely identical, and the suffix of both marks
9 consists of a single syllable four letter word. The "porn" suffix of Defendants' mark is highly
10 descriptive or generic of Defendants' services (i.e., pornography) and thus does little to create a
11 unique commercial impression. All of the foregoing calls to mind Facebook and suggests the
12 operation of a pornographic version of Facebook.

13 26. Defendants' blatant misappropriation of Facebook's trademarks harms
14 Facebook's reputation and evidences Defendants' bad faith.

15 **FIRST CAUSE OF ACTION**
16 **(FEDERAL TRADEMARK DILUTION)**

17 27. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully
18 set forth herein.

19 28. As a result of the enormous publicity afforded the FACEBOOK Marks, and the
20 strong and loyal base of users that enjoys Facebook's services, the FACEBOOK Marks have a
21 high degree of recognition, are widely recognized by the general public of the United States as a
22 designation of Facebook's services, and are famous.

23 29. The FACEBOOK Marks became famous before Defendants adopted the
24 FACEPORN Mark.

25 30. Defendants' use of the FACEPORN mark is likely to cause an association between
26 FACEPORN and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK
27 Marks and weakens the connection in the public's mind between the FACEBOOK Marks and
28 Facebook's services. The FACEPORN mark is likely to cause dilution by blurring based on a

1 number of relevant considerations, including:

2 (a) Defendants' mark is similar to the FACEBOOK Marks in that the
3 Defendants' mark combines the FACE prefix of the FACEBOOK mark with a descriptive term
4 for Defendant's services;

5 (b) The FACEBOOK Marks are inherently distinctive;

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

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

10 (e) Facebook is informed and believes, and based thereon alleges, that
11 Defendants intend to create an association with the FACEBOOK Marks.

12 31. Further, Defendants' use of the similar FACEPORN mark in connection with a
13 pornographic web site creates a negative association between FACEPORN and FACEBOOK that
14 harms and tarnishes the reputation of the FACEBOOK Marks.

15 32. Defendants' acts as alleged above, if not enjoined, will continue. Facebook has no
16 adequate remedy at law in that the amount of its damages is difficult to ascertain with specificity.

17 33. As a result of Defendants' acts as alleged above, Facebook has incurred damages
18 in an amount to be proven at trial consisting of, among other things, diminution in the value of the
19 goodwill associated with the FACEBOOK Marks.

20 34. Defendants' wrongful use of the FACEPORN mark is deliberate, willful, and
21 without any extenuating circumstances, and constitutes a willful intent to trade on Facebook's
22 reputation or to cause dilution of the famous FACEBOOK Marks and an exceptional case within
23 the meaning of Lanham Act section 35, 15 U.S.C. § 1117. Facebook is therefore entitled to
24 recover three times the amount of its actual damages and the attorneys' fees and costs incurred in
25 this action, and prejudgment interest.

26 **SECOND CAUSE OF ACTION**
27 **(TRADEMARK DILUTION UNDER CAL. BUS. & PROF. CODE § 14247)**

28 35. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully

1 set forth herein.

2 36. The FACEBOOK Marks are distinctive and famous within the meaning of section
3 14247 of the California Business and Professions Code.

4 37. Defendants' use of the FACEPORN mark began after the FACEBOOK Marks
5 became famous.

6 38. Defendants' continued use of the FACEPORN mark is likely to cause injury to
7 Facebook's business reputation and/or the dilution of the distinctive quality of Facebook's
8 famous FACEBOOK Marks, in violation of California Business and Professions Code section
9 14247.

10 39. Defendants' acts as alleged above, if not enjoined, will continue. Facebook has no
11 adequate remedy at law in that the amount of its damages is difficult to ascertain with specificity.

12 **THIRD CAUSE OF ACTION**
13 **(FEDERAL FALSE DESIGNATION OF ORIGIN)**

14 40. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully
15 set forth herein.

16 41. In connection with Defendants' services, Defendants have used in commerce and
17 without Facebook's authorization or consent the FACEPORN mark, which is similar to the
18 registered and common law FACEBOOK Marks.

19 42. Such acts are likely to cause confusion and deception among the public and/or are
20 likely to lead the public to believe that Facebook has authorized, approved or somehow sponsored
21 Defendants' use of the FACEPORN mark in connection with Defendants' services.

22 43. The aforesaid wrongful acts of Defendants constitute the use of a false designation
23 of origin and false description or representation, all in violation of 15 U.S.C. § 1125(a).

24 44. Defendants' false designation of origin and false description through Defendants'
25 use of the FACEPORN mark has caused, and if not enjoined will continue to cause, irreparable
26 and continuing harm to Facebook's marks, business, reputation, and goodwill, for which
27 Facebook has no adequate remedy at law.

28 45. As a direct and proximate result of Defendants' wrongful use of the FACEPORN

1 mark, Facebook has been and will continue to be damaged by, without limitation, the diminution
2 in the value of its trademarks, reputation, business and goodwill in an amount to be proven at
3 trial.

4 46. Defendants' wrongful use of the FACEPORN mark is deliberate, willful, and
5 without any extenuating circumstances, and constitutes a knowing use of the FACEBOOK Marks
6 and an exceptional case within the meaning of Lanham Act section 35, 15 U.S.C. § 1117.
7 Facebook is therefore entitled to recover three times the amount of its actual damages and the
8 attorneys' fees and costs incurred in this action, and prejudgment interest.

9
10 **FOURTH CAUSE OF ACTION**
(FEDERAL TRADEMARK INFRINGEMENT)

11 47. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully
12 set forth herein.

13 48. The FACEPORN mark is highly similar to the registered FACEBOOK Marks in
14 appearance, sound, and commercial impression.

15 49. Defendants' underlying services are the same as and/or related to many of
16 Facebook's services, although the content of the sites differ, as Facebook does not permit the
17 posting of pornographic material.

18 50. Both Facebook and Defendants offer their services through the same channel of
19 trade, i.e., the internet.

20 51. The instantaneous nature of internet navigation, the speed at which people
21 navigate and are presented with advertisements, images and/or data on the internet, and the speed
22 at which internet users perform transactions on the internet, all tend to increase the risk of
23 confusion or mistake about the source of a product or service.

24 52. Facebook is informed and believes, and based thereon alleges, that Defendants
25 adopted the FACEPORN mark with knowledge of, and the intent to call to mind, create a
26 likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered
27 FACEBOOK Marks.

28 53. Facebook has given notice of its registrations, applications, and claimed trademark

1 rights pursuant to Section 29 of the Lanham Trademark Act, 15 U.S.C. § 1111. Defendants
2 continue to use the FACEPORN mark despite Facebook's express objection thereto.

3 54. Defendants' continued use of the FACEPORN mark will injure Facebook by
4 causing a likelihood that the public will be confused or mistaken into believing that the goods or
5 services provided by Defendants are endorsed or sponsored by or associated with Facebook.

6 55. Facebook has no control over the nature and quality of the goods or services
7 offered by Defendants under Defendants' mark, and Facebook's reputation and goodwill will be
8 damaged and the value of Facebook's registered and common law marks jeopardized by
9 Defendants' continued use of the FACEPORN name and mark. Because of the likelihood of
10 confusion between the parties' marks, any defects, faults, or deleterious aspects found with
11 Defendants' services marketed under the FACEPORN mark would negatively reflect upon and
12 injure the reputation that Facebook has established for the services it offers in connection with the
13 registered FACEBOOK Marks. As such, Defendants are liable to Facebook for infringement of a
14 registered mark under 15 U.S.C. §1114.

15 56. Defendants' acts as alleged above, if not enjoined, will continue. Facebook has no
16 adequate remedy at law.

17 57. As a result of Defendants' infringement of Facebook's registered marks, Facebook
18 has incurred damages in an amount to be proven at trial consisting of, among other things,
19 diminution in the value of and goodwill associated with the marks.

20 58. Defendants' infringement of the registered FACEBOOK Marks is deliberate,
21 willful, and without any extenuating circumstances, and constitutes a knowing use of the
22 registered FACEBOOK Marks and an exceptional case within the meaning of Lanham Act
23 section 35, 15 U.S.C. § 1117. Facebook is therefore entitled to recover three times the amount of
24 its actual damages and the attorneys' fees and costs incurred in this action, and prejudgment
25 interest.

26 **FIFTH CAUSE OF ACTION**
27 **(COMMON LAW TRADEMARK INFRINGEMENT)**

28 59. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully

1 set forth herein.

2 60. Defendants' acts alleged herein and specifically, without limitation, Defendants'
3 use of the FACEPORN mark, infringe Facebook's exclusive trademark rights in the FACEBOOK
4 Marks, in violation of the common law.

5 61. Defendants' acts as alleged above, if not enjoined, will continue. Facebook has no
6 adequate remedy at law in that the amount of its damages is difficult to ascertain with specificity.

7 62. As a result of Defendants' acts as alleged above, Facebook has incurred damages
8 in an amount to be proven at trial consisting of, among other things, diminution in the value of the
9 goodwill associated with the FACEBOOK Marks.

10 **SIXTH CAUSE OF ACTION**
11 **(CYBERSQUATTING)**

12 63. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully
13 set forth herein.

14 64. Facebook is informed and believes and thereon alleges that Defendants acquired
15 and subsequently made use of the Faceporn.com domain. True and correct copies of the domain
16 name registration records for Faceporn.com reflecting Defendants' successive ownership of the
17 domain are attached hereto as Exhibit E, and are hereby incorporated by reference as though set
18 forth in full herein.

19 65. Facebook is informed and believes and thereon alleges that Facebook began using
20 the distinctive and famous FACEBOOK Marks years prior to Defendants' acquisition of the
21 Faceporn.com domain name. By the time Defendants acquired the Faceporn.com domain name,
22 the FACEBOOK Marks were widely recognized as an indicator of source for Facebook's
23 services, and were famous.

24 66. Defendants' Faceporn.com domain name is confusingly similar and/or dilutive of
25 the FACEBOOK Marks.

26 67. Facebook is informed and believes and thereon alleges that Defendants acquired
27 and has used the Faceporn.com domain name with a bad faith intent to profit from the
28

1 FACEBOOK Marks.

2 68. Defendants' actions have caused, and continue to cause, great and irreparable
3 injury to Facebook. Unless these acts are restrained by this Court, they will continue, and
4 Facebook will continue to suffer such injury.

5 69. Facebook is entitled to cancellation of Defendants' Faceporn.com domain name
6 registration or transfer of the domain name to Facebook, along with monetary compensation and
7 statutory penalties pursuant to the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. §
8 1125(d).

9 SEVENTH CAUSE OF ACTION
10 (FEDERAL TRADEMARK INFRINGEMENT)

11 70. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully
12 set forth herein.

13 71. Defendants' WALL mark is exactly the same as Facebook's registered WALL
14 mark in appearance, sound, and commercial impression.

15 72. Defendants' underlying services rendered under the WALL mark – among other
16 things, online messaging – are exactly the same as the services Facebook renders under its WALL
17 mark.

18 73. Both Facebook and Defendants offer their services through the same channel of
19 trade, i.e., the internet.

20 74. The instantaneous nature of internet navigation, the speed at which people
21 navigate and are presented with advertisements, images and/or data on the internet, and the speed
22 at which internet users perform transactions on the internet, all tend to increase the risk of
23 confusion or mistake about the source of a product or service.

24 75. Facebook is informed and believes, and based thereon alleges, that Defendants
25 adopted their WALL mark with knowledge of, and the intent to call to mind, create a likelihood
26 of confusion with regard to, and/or trade off Facebook's registered WALL mark.

27 76. Defendants' continued use of their WALL mark will injure Facebook by causing a
28 likelihood that the public will be confused or mistaken into believing that the goods or services

1 provided by Defendants are endorsed or sponsored by Facebook.

2 77. Facebook has no control over the nature and quality of the goods or services
3 offered by Defendants under Defendants' WALL mark, and Facebook's reputation and goodwill
4 will be damaged and the value of Facebook's registered and common law marks jeopardized by
5 Defendants' continued use of their WALL mark. Because of the likelihood of confusion between
6 the parties' marks, any defects, faults, or deleterious aspects found with Defendants' services
7 marketed under their WALL mark would negatively reflect upon and injure the reputation that
8 Facebook has established for the services it offers in connection with its registered WALL mark.
9 As such, Defendants are liable to Facebook for infringement of a registered mark under 15 U.S.C.
10 §1114.

11 78. Defendants' acts as alleged above, if not enjoined, will continue. Facebook has no
12 adequate remedy at law.

13 79. As a result of Defendants' infringement of Facebook's registered marks, Facebook
14 has incurred damages in an amount to be proven at trial consisting of, among other things,
15 diminution in the value of and goodwill associated with the marks.

16 80. Defendants' infringement of Facebook's registered WALL mark is deliberate,
17 willful, and without any extenuating circumstances, and constitutes a knowing use of Facebook's
18 mark and an exceptional case within the meaning of Lanham Act section 35, 15 U.S.C. § 1117.
19 Facebook is therefore entitled to recover three times the amount of its actual damages and the
20 attorneys' fees and costs incurred in this action, and prejudgment interest.

21 **EIGHTH CAUSE OF ACTION**
22 **(COMMON LAW TRADEMARK INFRINGEMENT)**

23 81. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully
24 set forth herein.

25 82. Defendants' acts alleged herein and specifically, without limitation, Defendants'
26 use of their WALL mark, infringe Facebook's exclusive trademark rights in its WALL mark, in
27 violation of the common law.

28 83. Defendants' acts as alleged above, if not enjoined, will continue. Facebook has no

1 adequate remedy at law in that the amount of its damages is difficult to ascertain with specificity.

2 84. As a result of Defendants' acts as alleged above, Facebook has incurred damages
3 in an amount to be proven at trial consisting of, among other things, diminution in the value of the
4 goodwill associated with Facebook's WALL mark.

5 NINTH CAUSE OF ACTION
6 (COMMON LAW UNFAIR COMPETITION)

7 85. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully
8 set forth herein.

9 86. Facebook is informed and believes, and based thereon alleges, that Defendants
10 have engaged in and continue to engage in unfair competition by using the FACEPORN and
11 WALL marks, with the intention of interfering with and trading on the business reputation and
12 goodwill engendered by Facebook through hard work and diligent effort.

13 87. Defendants' acts have caused Facebook competitive injury, as described herein,
14 and specifically have caused Facebook to incur damages in an amount to be proven at trial
15 consisting of, among other things, diminution in the value of and goodwill associated with the
16 FACEBOOK and WALL marks.

17 88. Defendants' acts as alleged above, and specifically, without limitation,
18 Defendants' use of the FACEPORN and WALL marks, if not enjoined, will continue. Facebook
19 has no adequate remedy at law in that the amount of its damages is difficult to ascertain with
20 specificity.

21 TENTH CAUSE OF ACTION
22 (UNFAIR COMPETITION UNDER CAL. BUS. & PROF. CODE §§ 17200, *ET SEQ*)

23 89. Facebook incorporates by reference paragraphs 1 through 26, inclusive, as if fully
24 set forth herein.

25 90. By the acts described herein, Defendants have engaged in unlawful and unfair
26 business practices that have injured and will continue to injure Facebook in its business and
27 property, in violation of California Business and Professions Code §§ 17200 *et seq*.

28 91. Defendants' acts alleged herein have caused monetary damages to Facebook in an

1 amount to be proven at trial, and have caused, and will continue to cause, irreparable injury to
2 Facebook and its business, reputation, and trademarks, unless and until Defendants are
3 permanently enjoined.

4 92. As a direct and proximate result of Defendants' conduct alleged herein,
5 Defendants have been unjustly enriched and should be ordered to disgorge any and all profits
6 earned as a result of such unlawful conduct.

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Facebook prays:

9 A. That this Court grant injunctive relief enjoining Defendants and all others
10 acting in concert with and having knowledge thereof, from using the FACEPORN mark, and any
11 similar trade name or mark or variant thereof, or other "FACE plus generic" mark, as a trade
12 name, trademark, service mark, domain name, or for any other purpose;

13 B. That this Court grant injunctive relief enjoining Defendants and all others
14 acting in concert with and having knowledge thereof, from using the WALL mark, and any
15 similar trade name or mark or variant thereof, as a trade name, trademark, service mark, domain
16 name, or for any other purpose;

17 C. That this Court order Defendants to account to Facebook any and all
18 revenues and profits that Defendants have derived from their wrongful actions and to pay all
19 damages which Facebook has sustained by reason of the acts complained of herein, and that such
20 damages be trebled;

21 D. That this Court award Facebook the costs of this action and reasonable
22 attorneys' fees and expenses;

23 E. That this Court order the Registrar of the faceporn.com domain name to
24 transfer the registration to Facebook;

25 F. That this Court grant such other and further relief as it should deem just.
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Dated: January 7, 2011

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DEMAND FOR JURY TRIAL

Plaintiff Facebook, Inc. hereby demands a trial by jury on all issues for which a trial by jury may be had.

Dated: January 7, 2011

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8 Attorneys for Plaintiff
9 FACEBOOK, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12
13 FACEBOOK, INC.,

14 Plaintiff,

15 v.

16 VARIOUS, INC.; GMCI INTERNET
17 OPERATIONS, INC.; TRAFFIC CAT, INC.;
18 FRIENDFINDER NETWORKS INC.; and
DOES 1-100,

19 Defendants.

Case No.

**COMPLAINT SEEKING DAMAGES
AND INJUNCTIVE RELIEF FOR:**

- (1) Federal Trademark Dilution,
15 U.S.C. § 1125;
- (2) Contributory and Vicarious Trademark
Dilution under 15 U.S.C. § 1125
- (3) Trademark Dilution Under Cal. Bus. &
Prof. Code § 14247;
- (4) False Designation of Origin,
15 U.S.C. § 1125;
- (5) Federal Trademark Infringement
(FACEBOOK), 15 U.S.C. § 1114;
- (6) Common Law Trademark
Infringement;
- (7) Contributory and Vicarious Trademark
Infringement;
- (8) Violation of the Anti-Cybersquatting
Consumer Protection Act, 15 U.S.C. §
1125(d);
- (9) Contributory and Vicarious Violation of
the Anti-Cybersquatting Consumer
Protection Act, 15 U.S.C. § 1125(d);
- (10) Unfair Competition, Cal. Bus. & Prof.
Code §§ 17200, *et seq.*; and
- (11) Declaratory Relief.

JURY TRIAL DEMANDED

1 1. Plaintiff Facebook, Inc. (“Facebook”) brings this suit to enjoin Defendants’
2 ongoing infringement of the famous FACEBOOK trademark to promote an online “adult”
3 networking service and affiliate program under the brand FACE BOOK OF SEX. Defendants’
4 mark, websites and affiliate program are a deliberate and blatant attempt to imitate and trade upon
5 the success of the Facebook brand. Association with Defendants’ pornographic websites
6 tarnishes Facebook’s reputation and abuses the trust of Facebook users. Accordingly, Facebook
7 brings this suit to put a stop to Defendants’ unlawful scheme.

8 **PARTIES**

9 2. Facebook is a Delaware corporation having its principal place of business at 1601
10 South California Avenue, Palo Alto, California 94304.

11 3. Facebook is informed and believes, and based thereon alleges, that Defendant
12 Various, Inc. (“Various”) is a California corporation having its principal place of business at 220
13 Humboldt Court, Sunnyvale, California, 94304 and that it is a subsidiary of Defendant
14 Friendfinder Networks Inc.

15 4. Facebook is informed and believes, and based thereon alleges, that Defendant
16 GMCI Internet Operations, Inc. is a New York corporation having its principal place of business
17 at 11 Penn Plaza, 12th Floor, New York, New York 20001, and that it is a subsidiary of
18 Defendant Friendfinder Networks Inc.

19 5. Facebook is informed and believes, and based thereon alleges, that Defendant
20 Traffic Cat, Inc. is a California corporation having its principal place of business at 220 Humboldt
21 Court, Sunnyvale, California, 94304 and that it is a subsidiary of Defendant Friendfinder
22 Networks Inc.

23 6. Facebook is informed and believes, and based thereon alleges, that Defendant
24 Friendfinder Networks Inc. is a Nevada corporation having its principal place of business at 6800
25 Broken Sound Parkway, Suite 200, Boca Raton, Florida, 33487, and that it is the parent company
26 of Defendants Various Inc., GMCI Internet Operations, Inc., and Traffic Cat, Inc.

27 7. Defendants Various Inc., GMCI Internet Operations, Inc., Traffic Cat, Inc., and
28 Friendfinder Networks Inc. are referred to collectively herein as “Defendants” or “Named

1 Defendants.”

2 8. Defendants collectively operate numerous online adult networking sites, including
3 facebookofsex.com, and affiliate programs that drive traffic to those sites.

4 9. Facebook is informed and believes, and based thereon alleges, that Does 1 through
5 100 are members of an affiliate network operated by Various Inc., GMCI Internet Operations,
6 Inc., Traffic Cat, Inc. and/or Friendfinder Networks Inc., and are the owners, operators, or
7 beneficiaries of websites that utilize domain names, advertisements, or other materials that
8 infringe and dilute Facebook’s trademark rights through use of the FACE BOOK OF SEX mark.
9 The true identities of Defendants Does 1 through 100 are not currently known to Facebook, but
10 Facebook anticipates that the true identities of Does 1 through 100 will be ascertained by way of
11 expedited discovery propounded to the named defendants. Facebook will amend its complaint to
12 name those parties once that information is discovered. Does 1 through 100 are referred to herein
13 as “Doe Defendants” or “Doe Defendant Affiliates.”

14 **JURISDICTION AND VENUE**

15 10. This Court has jurisdiction of this action under 15 U.S.C. §§ 1119 and 1121 and 28
16 U.S.C. §§ 1331, 1338, and 1367. This action is filed under the United States Trademark Act of
17 July 5, 1946, as amended, 15 U.S.C. § 1501, *et seq.* (the “Lanham Act”).

18 11. This Complaint also seeks declaratory relief under the Declaratory Judgment Act,
19 28 U.S.C. § 2201, 2202. This Court has jurisdiction over the subject matter of the declaratory
20 relief claim asserted herein pursuant to 28 U.S.C. §§ 1331 and 1338 and 15 U.S.C. § 1051, *et seq.*

21 12. This Court has personal jurisdiction over Defendants in that Defendants’ willful
22 actions herein alleged took place in and/or caused tortious injury to Facebook in this jurisdiction.

23 13. Venue is proper in this District pursuant to 28 U.S.C. § 1391, as this is a judicial
24 District in which a substantial part of the events giving rise to the claims occurred.

25 **INTRA-DISTRICT ASSIGNMENT**

26 14. This is an Intellectual Property Action within the meaning of Civil Local Rule 3-
27 2(c), and is to be assigned on a District-wide basis accordingly.

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COMMON ALLEGATIONS

FACEBOOK'S BUSINESS

15. Facebook began offering its services in 2004. Since that time, Facebook has become one of the most widely recognized brands in the United States. As of early 2011, Facebook provided online networking services in over 70 languages to over 500 million active users worldwide, more than half of whom typically logged on to the Facebook website on any given day. Facebook users share over 30 billion pieces of content (web links, news stories, blog posts, notes, photo albums, etc.) each month and can interact with 900 million objects (individual profiles, pages, groups, and events). Facebook users spend more than 700 billion minutes per month on facebook.com, making the site the second most trafficked website in the United States and worldwide.

16. Facebook also offers the "Facebook Platform," which allows third parties to use Facebook services on their websites to make those third party websites more social and engaging. To date, more than 2.5 million websites use the Facebook Platform and more than 250 million people engage with Facebook through independent third party websites each month. Since April 2010, an average of 10,000 new websites per day have begun to use features made available through the Facebook Platform, and currently over 80 of the comScore U.S. top 100 websites integrate Facebook features into their independent websites. These third party websites substantially increase the visibility of Facebook and its marks.

17. Facebook is ubiquitous on the web and Facebook users are accustomed to seeing and using Facebook and its products and services across the web, not just on facebook.com. Facebook, and its FACEBOOK trademark, are recognized and renowned in the U.S. and internationally.

FACEBOOK'S FAMOUS TRADEMARK

18. 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 services.

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

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

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

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

20 21. Facebook has been the subject of thousands of unsolicited stories in television,
21 radio, and print media, highlighting Facebook's innovative and successful efforts in online
22 networking. A fictional version of Facebook's founding was depicted in the Academy Award
23 winning film "The Social Network," which has grossed hundreds of millions at the box office
24 since its release in 2010. Facebook has also received numerous awards and recognitions,
25 including a listing in Nielsen's Top 10 Web Brands (ranking Facebook 2nd overall and 1st by
26 hours spent on the site per day) in January 2011; The Webby Award's "People's Voice Winner"
27 for Social Networking in 2007 and 2008; Harvard Business School's "Entrepreneurial Company
28 of the Year" in June 2008; *BusinessWeek's* "The World's 50 Most Innovative Companies" in

1 2008; Business Insider's "Most Likely to Change the World" award in 2009; and The Crunchie
2 Award for Best Overall Startup in 2007, 2008 and 2009. And in 2010, *Time Magazine* named
3 Facebook founder Mark Zuckerberg its Person of the Year.

4 **22.** As a result of the nature and quality of Facebook's services, its widespread use of
5 the FACEBOOK Marks, extensive and continuous media coverage, the high degree of consumer
6 recognition of the FACEBOOK Marks, Facebook's enormous and loyal user base, its numerous
7 trademark registrations and pending applications, and other factors, the FACEBOOK Marks are
8 famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. §
9 1125(c).

10 **DEFENDANTS' FACE BOOK OF SEX NETWORK**

11 **23.** Defendants operate an online adult networking website branded and promoted as
12 "Face Book of Sex," and also operate an extensive "Face Book of Sex" affiliate network that uses
13 infringing advertisements, domain names, and other materials to generate web traffic and
14 revenue.

15 **24.** Defendants use the FACE BOOK OF SEX mark in connection with offering their
16 pornographic adult networking websites facebookofsex.com, prominently displaying the
17 FACE BOOK OF SEX mark on every page of the site.

18 **25.** The FACE BOOK OF SEX mark is a blatant attempt by Defendants to hijack
19 Facebook's fame for illicit financial gain. Defendants' FACE BOOK OF SEX mark is highly
20 similar to and incorporates the entirety of Facebook's FACEBOOK Marks, with only the minor
21 addition of a single space inserted between the words "face" and "book" and the addition of the
22 words "of sex" to merely describe the prurient nature of Defendants' services. Defendants create
23 additional association and connection with Facebook by displaying "FACE BOOK" in one font
24 color and "OF SEX" in another.

25 **26.** Apart from the pornographic content, Defendants offer services under the
26 FACE BOOK OF SEX mark similar to many of the services provided by Facebook. Indeed,
27 Defendants encourage their affiliates to "promote the sexy side of today's social networking
28 phenomenon—facebookofsex.com." Like Facebook, Defendants provide online networking

1 services: users create profiles with photos and personal information; upload, share, and comment
2 on photos, videos, and other online content; update their status; and connect with other users with
3 similar interests. They can also conduct live chats. But unlike Facebook, Defendants permit and
4 indeed encourage the display and posting of pornographic content. Upon accessing the
5 Face Book of Sex site, a visitor immediately encounters highly graphic and sexually explicit
6 images and videos. True and correct copies of screenshots from the Face Book of Sex site
7 (altered to obscure personally identifying information and pornographic images) are attached
8 hereto as Exhibit C and are incorporated by reference as though fully set forth herein.

9 27. Indeed, much of the Face Book of Sex site appears designed to call Facebook to
10 mind. The "Activities" page presents status updates from a user and his or her friends in a
11 manner similar to Facebook's "News Feed." The site includes imitations of Facebook's "Like"
12 and "Comment" features for uploaded content. And a blue band featured across the top of each
13 page evokes the recognizable blue band found across the top of every Facebook page. See
14 Exhibit C at 14-17.

15 28. Defendants' use of the FACE BOOK OF SEX mark on their pornographic
16 networking site infringes, dilutes, and is likely to dilute the famous FACEBOOK Mark, and
17 tarnishes Facebook's reputation.

18 29. Defendants' Face Book of Sex site is just one part of their larger, calculated
19 scheme to misappropriate the FACEBOOK Marks for their own financial gain. Defendants also
20 operate a widespread infringing affiliate network that pays third party website operators (the Doe
21 Defendants) to direct traffic to Defendants' adult networking sites (including
22 facebookofsex.com), encouraging these sites to use materials that dilute and infringe the
23 FACEBOOK Marks.

24 30. Defendants' intent to capitalize on the fame of Facebook's Marks via their affiliate
25 network is clear. In their marketing material, Defendants solicit affiliates to promote the
26 Face Book of Sex site by encouraging affiliates to "be part of the crowd cashing in on" the "new
27 and exciting cobrand" Face Book of Sex, and emphasize that facebookofsex.com has a "highly
28 recognizable name." Attached as Exhibit D is Defendants' affiliate program newsletter (altered

1 to highlight the quotations cited herein), which is incorporated by reference as though fully set
2 forth herein.

3 31. Defendants encourage and directly incentivize the Doe Defendant Affiliates to
4 display the infringing and dilutive FACE BOOK OF SEX mark on their sites. Any party
5 interested in generating revenue may set up an affiliate account with Defendants. They can then
6 create their own “cobranded” site using Defendants’ templates and content, which redirect users
7 to Defendants’ sites. Affiliates can also download infringing online advertisements for use on
8 their sites. These ads prominently display the FACE BOOK OF SEX mark along with sexually
9 explicit material. True and correct copies of a selection of Face Book of Sex ads (altered to
10 obscure pornographic images) available for download by any party that wishes to become an
11 affiliate are attached hereto as Exhibit E and incorporated by reference as if fully set forth herein.
12 The affiliates are then compensated based on the number of users they lead to Defendants’
13 websites, either via an infringing ad or via a “cobranded” Face Book of Sex site. Printouts of
14 Defendants’ webpages promoting its affiliate program (accessed by selecting the “Webmasters,
15 Earn Money!” hyperlink included at the bottom of every page of the facebookofsex.com site) are
16 attached hereto as Exhibit F and are incorporated by reference as though fully set forth herein.

17 32. The pornographic nature of Defendants’ infringing banner ads ensures that the
18 websites on which they appear will also be pornographic or at least adult oriented. The
19 association of the FACEBOOK Marks with these affiliate sites further tarnishes Facebook’s
20 reputation.

21 33. Many of these Doe Defendant Affiliates have also registered or obtained domain
22 names that incorporate the FACE BOOK OF SEX brand, resulting in hundreds of additional
23 infringing domain names directing traffic to Defendants’ sites. These include:
24 facebookofsex.co.uk, facebooksex.de, facebokofsex.us, fbookofsex.com, facebookfosex.com,
25 facebookofsex.biz, facebookofsex.ca, facebook-of-sex.com, facebookofsex.de, facebookofsex.es,
26 blackfacebookofsex.com, facebokofsex.net, facebokofsex.us, and facebookofsexysingles.com, in
27 addition to many other misspellings, derivatives, or abbreviations of the FACEBOOK Marks, or
28 descriptive terms added to the FACEBOOK Marks (collectively the “Face Book of Sex Affiliate

1 Domains”). Each of these domain names forwards or “links” visitors to one of approximately
2 twenty-nine adult networking sites owned and operated by Defendants, including the Face Book
3 of Sex site.

4 34. Not only do Defendants encourage the creation of these infringing domain names
5 and use of the infringing banner ads by the Doe Defendants, but they also directly benefit by
6 using the Face Book of Sex Affiliate Domains to promote and drive traffic to their adult
7 networking sites, including the Face Book of Sex site.

8 35. Defendants are actively and deliberately attempting to co-opt the FACEBOOK
9 Marks for their own financial gain. The FACE BOOK OF SEX mark, the design and operation of
10 the Face Book of Sex site, and the active incentivizing and exploitation of infringing affiliate
11 domain names, cobranded sites, and banner advertisements evidence a sophisticated and
12 methodical scheme to associate Facebook’s marks, services, and fame with Defendants’ adult
13 networking sites. Until Defendants are enjoined, damage to Facebook’s reputation and business
14 will continue.

15 36. Facebook has demanded that Defendants cease violating its trademark rights.
16 Defendants, however, continue to exploit the FACE BOOK OF SEX mark for their own profit
17 and to Facebook’s detriment despite Facebook’s express objection thereto.

18 **FACEBOOK’S USE OF “FRIEND FINDER”**

19 37. Facebook uses the words “friend finder” to refer to and describe a tool on its
20 website that allows users to find friends by searching their email contact lists.

21 38. In response to Facebook’s demands that Defendants cease their infringement and
22 dilution of the FACEBOOK Marks, Defendants raised concerns regarding Facebook’s use of the
23 words “friend finder” in light of Various’s purported rights in the term “FriendFinder.”
24 Defendants have tried to use the purported “FriendFinder” mark as leverage in negotiations,
25 asserting that Facebook must address Defendants’ concerns before they will address Facebook’s
26 trademark claims. True and correct copies of emails from Defendants’ in-house counsel relating
27 this point (highlighting the relevant content) are attached hereto as Exhibits G and H and
28 incorporated by reference as if fully set forth herein.

1 **39.** Various claims exclusive rights in "FriendFinder" based on its use of the term in
2 connection with a variety of adult-themed social networking web sites that help users find friends.
3 Various owns the following U.S. trademark registrations for "FriendFinder" in connection with
4 dating services and related online services:

- 5 • Registration No. 2,962,192 for "FriendFinder" in Classes 38 and 45; and
- 6 • Registration No. 2,937,798 for "AdultFriendFinder" in Classes 38, 41, and 45.

7 True and correct copies of the registration certificates for these marks are attached hereto as
8 Exhibit I and incorporated by reference as though fully set forth herein. These registrations are
9 referred to collectively herein as the "'FriendFinder' Registrations."

10 **40.** Facebook's use of "friend finder" amounts to descriptive fair use and does not
11 infringe Various's purported trademark rights in the "FriendFinder" term. Despite having
12 communicated this fact to Defendants, Defendants continue to assert that Facebook must address
13 the use of the words "friend finder" in conjunction with Facebook's allegations that Defendants
14 are infringing the FACEBOOK Marks.

15 **FIRST CAUSE OF ACTION**
16 **(FEDERAL TRADEMARK DILUTION)**

17 **41.** Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully
18 set forth herein.

19 **42.** As a result of the enormous publicity afforded the FACEBOOK Marks and
20 Facebook's strong and loyal user base, the FACEBOOK Marks are widely recognized by the
21 general public of the United States as a designation of Facebook's services, and are famous.

22 **43.** The FACEBOOK Marks became famous before Defendants and Doe Defendants
23 adopted and began using the FACE BOOK OF SEX mark.

24 **44.** Defendants' and Doe Defendants' use of the FACE BOOK OF SEX mark is likely
25 to cause an association with Facebook arising from the similarity between the FACE BOOK OF
26 SEX mark and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK
27 Marks and weakens the connection in the public's mind between the FACEBOOK Marks and
28 Facebook's services. The FACE BOOK OF SEX mark is likely to cause dilution by blurring

1 based on a number of relevant considerations, including:

2 (a) The FACE BOOK OF SEX mark is nearly identical to the FACEBOOK
3 Marks in that it combines the FACEBOOK mark with a descriptive reference to the prurient
4 nature of Defendants' and Doe Defendants' services;

5 (b) The FACEBOOK Marks are inherently distinctive;

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

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

10 (e) Defendants and Doe Defendants intend to create an association with the
11 FACEBOOK Marks.

12 45. Moreover, Defendants' and Doe Defendants' use of the similar FACE BOOK OF
13 SEX mark in connection with a pornographic web site creates an association with Facebook that
14 harms and tarnishes Facebook's reputation.

15 46. Defendants' and Doe Defendants' acts alleged above have caused, and if not
16 enjoined will continue to cause irreparable and continuing harm to Facebook's marks, business,
17 reputation, and goodwill. Facebook has no adequate remedy at law as monetary damages are
18 inadequate to compensate Facebook for the injuries caused by Defendants and Doe Defendants.

19 47. As a result of Defendants' and Doe Defendants' acts as alleged above, Facebook
20 has incurred damages in an amount to be proven at trial.

21 48. Defendants' and Doe Defendants' wrongful use of the FACE BOOK OF SEX
22 mark is deliberate, willful, and without any extenuating circumstances, and constitutes a willful
23 intent to trade on Facebook's reputation or to cause dilution of the famous FACEBOOK Marks
24 and an exceptional case within the meaning of Lanham Act section 35, 15 U.S.C. § 1117.
25 Facebook is therefore entitled to recover three times the amount of its actual damages, its
26 attorneys' fees and costs incurred in this action, and prejudgment interest.

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**SECOND CAUSE OF ACTION
(CONTRIBUTORY AND VICARIOUS TRADEMARK DILUTION)
(AS TO NAMED DEFENDANTS ONLY)**

49. Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully set forth herein.

50. In connection with Defendants' affiliate program, Defendants have knowingly or recklessly induced or encouraged their affiliates to use in commerce and without Facebook's authorization or consent the FACE BOOK OF SEX mark on the affiliates' websites and in banner ads that drive traffic to Defendants' sites.

51. Similarly, through their affiliate program Defendants have knowingly or recklessly induced or encouraged their affiliates to use and register or obtain the Face Book of Sex Affiliate Domains using the FACE BOOK OF SEX mark and other similar marks.

52. These acts by Defendants' affiliates are likely to cause an association with Facebook arising from the similarity between the FACE BOOK OF SEX mark and the FACEBOOK Marks that impairs the distinctiveness of the FACEBOOK Marks, weakens the connection in the public's mind between the FACEBOOK Marks and Facebook's services, and harms and tarnishes Facebook's reputation, in violation of 15 U.S.C. § 1125(c).

53. Defendants have benefited financially from the dilutive acts of the affiliates they induce and enable through their affiliate program. Defendants have the right and ability to control the dilution occurring on their affiliate network.

54. Furthermore, Defendants are contributing to the ongoing dilution of the FACEBOOK Marks by affiliates whom Defendants know or have reason to know are diluting the FACEBOOK Marks. Defendants nonetheless continue to provide services and consideration to these infringing affiliates.

55. Defendants' acts alleged above have caused, and if not enjoined will continue to cause irreparable and continuing harm to Facebook's marks, business, reputation, and goodwill. Facebook has no adequate remedy at law as monetary damages are inadequate to compensate Facebook for the injuries caused by Defendants.

56. As a result of Defendants' acts as alleged above, Facebook has incurred damages

1 in an amount to be proven at trial.

2 57. Defendants' wrongful use of the FACE BOOK OF SEX mark is deliberate,
3 willful, and without any extenuating circumstances, and constitutes a willful intent to trade on
4 Facebook's reputation or to cause dilution of the famous FACEBOOK Marks and an exceptional
5 case within the meaning of Lanham Act section 35, 15 U.S.C. § 1117. Facebook is therefore
6 entitled to recover three times the amount of its actual damages, its attorneys' fees and costs
7 incurred in this action, and prejudgment interest.

8 **THIRD CAUSE OF ACTION**
9 **(TRADEMARK DILUTION UNDER CAL. BUS. & PROF. CODE § 14247)**

10 58. Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully
11 set forth herein.

12 59. The FACEBOOK Marks are distinctive and famous within the meaning of section
13 14247 of the California Business and Professions Code.

14 60. Defendants' and Doe Defendants' use of the FACE BOOK OF SEX mark began
15 after the FACEBOOK Marks became famous.

16 61. Defendants' and Doe Defendants' continued use of the FACE BOOK OF SEX
17 mark is likely to cause injury to Facebook's business reputation and/or the dilution of the
18 distinctive quality of Facebook's famous FACEBOOK Marks, in violation of California Business
19 and Professions Code § 14247.

20 62. Defendants' and Doe Defendants' acts alleged above have caused, and if not
21 enjoined will continue to cause irreparable and continuing harm to Facebook's marks, business,
22 reputation, and goodwill. Facebook has no adequate remedy at law as monetary damages are
23 inadequate to compensate Facebook for the injuries caused by Defendants and Doe Defendants.

24 63. As a result of Defendants' and Doe Defendants' acts as alleged above, Facebook
25 has incurred damages in an amount to be proven at trial.

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**FOURTH CAUSE OF ACTION
(FEDERAL FALSE DESIGNATION OF ORIGIN)**

64. Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully set forth herein.

65. In connection with Defendants' and Doe Defendants' services, Defendants and Doe Defendants have used in commerce and without Facebook's authorization or consent the FACE BOOK OF SEX mark, which is very similar to the registered and common law FACEBOOK Marks.

66. Such acts are likely to cause confusion and deception among the public and/or are likely to lead the public to believe that Facebook has authorized, approved, or somehow sponsored Defendants' and Doe Defendants' use of the FACE BOOK OF SEX mark in connection with their services.

67. The aforesaid wrongful acts of Defendants and Doe Defendants constitute the use of a false designation of origin and false description or representation, all in violation of 15 U.S.C. § 1125(a).

68. Defendants' and Doe Defendants' acts alleged above have caused, and if not enjoined will continue to cause irreparable and continuing harm to Facebook's marks, business, reputation, and goodwill. Facebook has no adequate remedy at law as monetary damages are inadequate to compensate Facebook for the injuries caused by Defendants and Doe Defendants.

69. As a result of Defendants' and Doe Defendants' acts as alleged above, Facebook has incurred damages in an amount to be proven at trial.

70. Defendants' wrongful use of the FACE BOOK OF SEX mark is deliberate, willful, and without any extenuating circumstances, and constitutes a knowing use of Facebook's Marks and an exceptional case within the meaning of Lanham Act section 35, 15 U.S.C. § 1117. Facebook is therefore entitled to recover three times the amount of its actual damages, its attorneys' fees and costs incurred in this action, and prejudgment interest.

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**FIFTH CAUSE OF ACTION
(FEDERAL TRADEMARK INFRINGEMENT)**

71. Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully set forth herein.

72. The FACEBOOK Marks are distinctive, widely recognized by the general public of the United States as a designation of Facebook's services, and famous.

73. The FACE BOOK OF SEX mark is very similar to the registered FACEBOOK Marks in appearance, sound, and commercial impression.

74. Although the user generated content of the sites differs as Facebook does not permit the posting of pornographic material, Defendants' and Doe Defendants' underlying services are the same as and/or related to many of Facebook's services.

75. Facebook, Defendants, and Doe Defendants offer their services through the same channel of trade, i.e., the internet.

76. Facebook is informed and believes, and based thereon alleges, that Defendants and Doe Defendants adopted the FACE BOOK OF SEX mark with knowledge of, and the intent to call to mind, create a likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered FACEBOOK Marks.

77. Facebook has given Defendants notice that they are violating its trademark rights. Defendants continue to use the FACE BOOK OF SEX mark despite Facebook's express objection thereto.

78. Defendants' and Doe Defendants' continued use of the FACE BOOK OF SEX mark has and will continue to injure Facebook by causing a likelihood that the public will be confused or mistaken into believing that the goods or services provided by Defendants are endorsed or sponsored by or associated with Facebook.

79. Facebook has no control over the nature and quality of the services offered by Defendants and Doe Defendants under the FACE BOOK OF SEX mark. Facebook's reputation, goodwill, and the value of Facebook's registered and common law marks have been and will continue to be damaged by Defendants' and Doe Defendants' continued use of the FACE BOOK

1 OF SEX name and mark. Because of the likelihood of confusion between the parties' marks, any
2 defects, faults, or deleterious aspects found within Defendants' and Doe Defendants' services
3 marketed under the FACE BOOK OF SEX mark will negatively reflect upon and injure the
4 reputation that Facebook has established for the services it offers in connection with the
5 registered FACEBOOK Marks. As such, Defendants and Doe Defendants are liable to Facebook
6 for infringement of a registered mark under 15 U.S.C. §1114.

7 80. Defendants' and Doe Defendants' acts alleged above have caused, and if not
8 enjoined will continue to cause irreparable and continuing harm to Facebook's marks, business,
9 reputation, and goodwill. Facebook has no adequate remedy at law as monetary damages are
10 inadequate to compensate Facebook for the injuries caused by Defendants and Doe Defendants.

11 81. As a result of Defendants' and Doe Defendants' acts as alleged above, Facebook
12 has incurred damages in an amount to be proven at trial.

13 82. Defendants' and Doe Defendants' wrongful use of the FACE BOOK OF SEX
14 mark is deliberate, willful, and without any extenuating circumstances, and constitutes a knowing
15 use of Facebook's Marks and an exceptional case within the meaning of Lanham Act section 35,
16 15 U.S.C. § 1117. Facebook is therefore entitled to recover three times the amount of its actual
17 damages, its attorneys' fees and costs incurred in this action, and prejudgment interest.

18 **SIXTH CAUSE OF ACTION**
19 **(COMMON LAW TRADEMARK INFRINGEMENT)**

20 83. Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully
21 set forth herein.

22 84. Defendants' and Doe Defendants' acts alleged herein and specifically, without
23 limitation, their use of the FACE BOOK OF SEX mark, infringe Facebook's exclusive trademark
24 rights in the FACEBOOK Marks, in violation of the common law.

25 85. Defendants' and Doe Defendants' acts alleged above have caused, and if not
26 enjoined will continue to cause irreparable and continuing harm to Facebook's marks, business,
27 reputation, and goodwill. Facebook has no adequate remedy at law as monetary damages are
28 inadequate to compensate Facebook for the injuries caused by Defendants and Doe Defendants.

1 **86.** As a result of Defendants' and Doe Defendants' acts as alleged above, Facebook
2 has incurred damages in an amount to be proven at trial.

3 **87.** Defendants' and Doe Defendants' wrongful use of the FACE BOOK OF SEX
4 mark is deliberate, willful, and in reckless disregard of Facebook's trademark rights, entitling
5 Facebook to the recovery of punitive damages.

6 **SEVENTH CAUSE OF ACTION**
7 **(CONTRIBUTORY AND VICARIOUS TRADEMARK INFRINGEMENT)**
8 **(AS TO NAMED DEFENDANTS ONLY)**

8 **88.** Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully
9 set forth herein.

10 **89.** Members of Defendants' affiliate program have infringed and are infringing the
11 FACEBOOK Marks in violation of California and federal law through use of the FACE BOOK
12 OF SEX mark and the Face Book of Sex Affiliate Domains.

13 **90.** Defendants intentionally induce their affiliates to infringe Facebook's mark
14 through the Face Book of Sex affiliate program.

15 **91.** On information and belief, Defendants know or have reason to know that their
16 affiliates are engaged in acts that constitute infringement of the FACEBOOK Marks. Despite
17 this, Defendants provide services and consideration to the infringing affiliates through their
18 comprehensive affiliate program.

19 **92.** Defendants are thus contributing to the ongoing infringement of the FACEBOOK
20 Marks by affiliates whom Defendants know or have reason to know are infringing the
21 FACEBOOK Marks.

22 **93.** Defendants have benefitted financially from the affiliates' infringing acts they
23 induce or enable through their affiliate program. Defendants have the right and ability to control
24 the infringement occurring on their affiliate network.

25 **94.** Defendants' acts alleged above have caused, and if not enjoined will continue to
26 cause irreparable and continuing harm to Facebook's marks, business, reputation, and goodwill.
27 Facebook has no adequate remedy at law as monetary damages are inadequate to compensate
28 Facebook for the injuries caused by Defendants.

1 103. Defendants' and Doe Defendants' acts alleged above have caused, and if not
2 enjoined will continue to cause irreparable and continuing harm to Facebook's marks, business,
3 reputation, and goodwill. Facebook has no adequate remedy at law as monetary damages are
4 inadequate to compensate Facebook for the injuries caused by Defendants and Doe Defendants.

5 104. Facebook is entitled to cancellation of the facebookofsex.com domain name and
6 Face Book of Sex Affiliate Domains, or transfer of the domains to Facebook, along with
7 monetary compensation and statutory penalties pursuant to the Anti-Cybersquatting Consumer
8 Protection Act, 15 U.S.C. § 1125(d).

9
10 **NINTH CAUSE OF ACTION**
11 **(CONTRIBUTORY AND VICARIOUS VIOLATION OF THE**
12 **ANTI-CYBERSQUATTING CONSUMER PROTECTION ACT, 15 U.S.C. § 1125)**
13 **(AS TO NAMED DEFENDANTS ONLY)**

14 105. Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully
15 set forth herein.

16 106. Facebook is informed and believes and based thereon alleges that its use of the
17 distinctive and famous FACEBOOK Marks began years prior to the Doe Defendants' acquisition
18 of the Face Book of Sex Affiliate Domains. By the time Doe Defendants acquired the Face Book
19 of Sex Affiliate Domains, the FACEBOOK Marks were widely recognized as an indicator of
20 source for Facebook's services, and were famous.

21 107. Facebook is informed and believes and based thereon alleges that Defendants
22 intentionally induced the Doe Defendants to acquire and make use of the Face Book of Sex
23 Affiliate Domains to drive traffic to Defendants' sites.

24 108. The Face Book of Sex Affiliate Domains are confusingly similar to and/or dilutive
25 of the FACEBOOK Marks.

26 109. Facebook is informed and believes and based thereon alleges that Defendants
27 induced the Doe Defendants to acquire and use the Face Book of Sex Affiliate Domains with a
28 bad faith intent to profit from the FACEBOOK Marks, and that Defendants know or have reason
to know that their affiliates are engaged in acts that amount to cybersquatting in violation of 15
U.S.C. § 1125(d).

1 **110.** Defendants have benefitted financially from the affiliates' registration and use of
2 the Face Book of Sex Affiliate Domains which they induce or enable through Defendants'
3 affiliate program. Defendants have the right and ability to control the cybersquatting occurring
4 on their affiliate network.

5 **111.** Furthermore, Defendants are contributing to the ongoing use of the Face Book of
6 Sex Affiliate Domains, which Defendants know or have reason to know harms Facebook in
7 violation of federal law. Defendants nonetheless continue to provide services and consideration
8 to these infringing affiliates.

9 **112.** Defendants' acts alleged above have caused, and if not enjoined will continue to
10 cause irreparable and continuing harm to Facebook's marks, business, reputation, and goodwill.
11 Facebook has no adequate remedy at law as monetary damages are inadequate to compensate
12 Facebook for the injuries caused by Defendants.

13 **113.** Facebook is entitled to monetary compensation and statutory penalties arising
14 from Defendants' acts alleged above pursuant to the Anti-Cybersquatting Consumer Protection
15 Act, 15 U.S.C. § 1125(d).

16 **TENTH CAUSE OF ACTION**
17 **(UNFAIR COMPETITION UNDER CAL. BUS. & PROF. CODE §§ 17200, ET SEQ)**

18 **114.** Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully
19 set forth herein.

20 **115.** By the acts described herein, Defendants and Doe Defendants have engaged in
21 unlawful and unfair business practices that have injured and will continue to injure Facebook in
22 its business and property, in violation of California Business and Professions Code §§ 17200, *et*
23 *seq.*

24 **116.** Defendants' and Doe Defendants' acts alleged above have caused, and if not
25 enjoined will continue to cause irreparable and continuing harm to Facebook's marks, business,
26 reputation, and goodwill. Facebook has no adequate remedy at law as monetary damages are
27 inadequate to compensate Facebook for the injuries caused by Defendants and Doe Defendants.

28 **117.** As a direct and proximate result of Defendants' conduct alleged herein,

1 Defendants have been unjustly enriched and should be ordered to disgorge any and all profits
2 earned as a result of such unlawful conduct.

3 **ELEVENTH CAUSE OF ACTION**
4 **(DECLARATORY RELIEF)**
5 **(AS TO DEFENDANT VARIOUS ONLY)**

6 **118.** Facebook incorporates by reference paragraphs 1 through 40, inclusive, as if fully
7 set forth herein.

8 **119.** As a result of the facts alleged above, an actual controversy now exists between
9 Facebook and Various relating to Facebook's right to use and current use of the descriptive words
10 "friend finder" to refer to its friend finder tool, for which Facebook desires a declaration of rights.

11 **120.** A declaratory judgment is necessary in that Various, by its pattern of conduct, has
12 asserted that Facebook's use of the words "friend finder" violates Various's rights in its purported
13 "FriendFinder" marks, notwithstanding Facebook's assertion that it is making descriptive fair use
14 of those words, such that Various has created a real and reasonable apprehension of liability on
15 the part of Facebook.

16 **121.** Facebook thus seeks to have the Court declare that Facebook is making descriptive
17 fair use of the words "friend finder," or in the alternative, that Various's "FriendFinder"
18 Registrations are subject to cancellation on the grounds that the terms registered therein are
19 descriptive and have not acquired secondary meaning in the marketplace.

20 **122.** The declaratory relief sought herein will settle the controversy between the parties,
21 allow Facebook to continue using the descriptive words "friend finder," and eliminate the current
22 uncertainty and threat of challenge associated with Various's assertions.

23 **PRAYER FOR RELIEF**

24 **WHEREFORE,** Facebook prays:

25 **A.** That this Court grant injunctive relief enjoining Defendants, Doe
26 Defendants, and all others acting in concert with and having knowledge thereof, from using the
27 FACE BOOK OF SEX mark and any similar trade name or mark or variant thereof as a trade
28 name, trademark, service mark, domain name, or for any other purpose;

1 **B.** That this Court order Defendants and Doe Defendants to account to
2 Facebook any and all revenues and profits that Defendants and Doe Defendants have derived
3 from the wrongful actions alleged herein and pay all damages which Facebook has sustained by
4 reason of the acts complained of herein, and that such damages be trebled;

5 **C.** That this Court award Facebook the costs of this action and its reasonable
6 attorneys' fees and expenses;

7 **D.** That this Court award Facebook punitive damages;

8 **E.** That this Court order the Registrar of the facebookofsex.com domain name
9 and Face Book of Sex Affiliate Domains to cancel or transfer the registrations to Facebook;

10 **F.** That this Court award Facebook statutory damages of \$100,000 for each of
11 the infringing domain names registered by Defendants or Doe Defendants;

12 **G.** That this Court grant other equitable and additional relief to address the
13 proliferation of infringing domain names created through the Face Book of Sex affiliate network,
14 including but not limited to requiring Defendants to cease accepting traffic from or paying money
15 to any affiliate site using an infringing domain name or a Face Book of Sex banner ad;

16 **H.** That this Court declare Facebook's rights in connection with its use of the
17 words "friend finder," and specifically declare that Facebook is making descriptive fair use of the
18 words "friend finder," or in the alternative, direct the U.S. Patent & Trademark Office to cancel
19 Defendants' "FriendFinder" Registrations on the grounds that the terms registered therein are
20 descriptive and have not acquired secondary meaning in the marketplace.

21 **I.** That this Court grant such other and further relief as it should deem just.

22 Dated: April 13, 2011

COOLEY LLP
MICHAEL G. RHODES (SBN 116127)
ANNE H. PECK (SBN 124790)
JEFFREY T. NORBERG (SBN 215087)
GAVIN L. CHARLSTON (SBN 253899)

26 /s/ Anne H. Peck

27 Anne H. Peck
Attorneys for Plaintiff
FACEBOOK, INC.

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DEMAND FOR JURY TRIAL

Plaintiff Facebook, Inc. hereby demands a trial by jury on all issues for which a trial by jury may be had.

Dated: April 13, 2011

COOLEY LLP
MICHAEL G. RHODES
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON

/s/ Anne H. Peck

Anne H. Peck
Attorneys for Plaintiff
FACEBOOK, INC.

EXHIBIT

83

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TIMELINES, INC.,)	
)	
Plaintiff-Counterdefendant,)	
)	Civil Action No. 11-cv-06867
v.)	Judge John W. Darrah
)	
FACEBOOK, INC.,)	
)	
Defendant-Counterplaintiff.)	

**DEFENDANT FACEBOOK, INC.'S OBJECTIONS & RESPONSES TO
PLAINTIFF TIMELINES, INC.'S SECOND SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Defendant Facebook, Inc. ("Facebook") hereby submits the following objections and responses to the Second Set of Requests for Admissions ("Requests") propounded by Plaintiff Timelines, Inc. ("Plaintiff"). The responses contained herein are based on information reasonably available to Facebook as of the date of the response. Facebook's discovery efforts are ongoing. Facebook expressly reserves the right to revise or supplement these responses.

I. GENERAL RESPONSES.

The following General Responses apply to each Request and are hereby incorporated by reference into the individual responses to each Request, and shall have the same force and effect as if fully set forth in the individual response to each Request.

1. Facebook's responses to the Requests are (a) made to the best of Facebook's current employees' present knowledge, information, and belief; (b) at all times subject to such additional or different information that discovery or further investigation may disclose; and (c) while based on the present state of Facebook's recollection, subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Facebook's further

discovery or investigation.

2. Facebook reserves the right to make any use of, or to introduce at any hearing, trial, or elsewhere, information or documents responsive to the Requests but discovered subsequent to the date of these responses, including, but not limited to, any such information or documents obtained in discovery in this action.

3. The provision of a response to any of these Requests does not constitute a waiver of any objection regarding the use of said response in these proceedings. Facebook reserves all objections or other questions as to competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Facebook's responses herein and any information, document or thing identified or produced in response to the Requests.

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

II. GENERAL OBJECTIONS.

Whether or not separately set forth in response to each Request, Facebook makes the following General Objections to each and every Definition, Instruction, and Request made in Plaintiff's Second Set of Requests for Admission.

1. Facebook objects generally to all Requests to the extent they purport to seek information reflecting activities, such as the use of the term "timeline" in connection with a feature of Facebook's new user interface, that occurs, may occur, or has occurred outside of the United States, on the grounds that such Requests seek discovery not relevant or reasonably calculated to lead to the discovery of admissible evidence, are overbroad and unduly burdensome, and would subject Facebook to unreasonable annoyance and oppression. Subject to

its General Objections and Responses and its specific objections and responses below, Facebook will produce responses and information reflecting activities within the United States only.

2. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, insofar as any such Request seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Such information shall not be provided in response to the Requests. Any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege or right with respect to such information or documents or of any work product immunity that may attach thereto.

3. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, to the extent they purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific Request on the ground that such enlargement, expansion, or alteration renders said Request vague, ambiguous, unintelligible, unduly broad, and uncertain.

4. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, to the extent that they seek unilaterally to impose an obligation to provide information greater than that required by the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Northern District of Illinois, or any order in this matter.

5. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, insofar as each such Request seeks information protected from disclosure pursuant to Federal Rule of Evidence 501. Such information shall not be produced in response to the Requests and any inadvertent production thereof shall not be deemed a waiver of any privilege with respect to such information.

6. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, insofar as each Request seeks information that is not reasonably calculated to lead to

the discovery of admissible evidence that is relevant to proving one or more of the parties' claims or defenses, as provided by Federal Rule of Civil Procedure 26(b)(1) and Federal Rules of Evidence 401 and 402. Facebook objects on the grounds that said demands are overly broad, and would subject Facebook to undue annoyance, oppression, burden, and expense. Such information shall not be produced in response to the Requests.

7. Facebook objects generally to Definition No. 1, which defines the terms "Defendant," "Facebook", and "you," as vague, ambiguous, overbroad, and unduly burdensome. In particular, Facebook objects generally to the extent the defined terms include: (a) divisions of Facebook that were not involved with the subject matter at issue; (b) subsidiaries, affiliates, or predecessors in interest that are different juristic entities than Facebook; or (c) individuals outside the scope of permissible discovery. In the context of these Requests, Facebook construes the terms "Defendant," "Facebook," and "you" to mean Facebook, Inc. and its officers, directors, and employees when such persons are expressly acting on Facebook's behalf with respect to the subject matter at issue.

8. Facebook objects generally to Definition No. 4, which defines the term "Facebook Timeline," as seeking information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence to the extent the term may be interpreted to encompass more than the "timeline" feature of Facebook's new user interface.

9. Facebook objects generally to all Definitions, Instructions, and Requests in which the terms "refer," "referring," "relate," "relating to," "concerning," "evidence," "reflect," "containing," "pertaining," "indicating," "showing," "constituting," "describing," "discussing," "pertaining," or similar phrases appears. These terms are overly broad, vague, ambiguous, and unintelligible, require subjective judgment on the part of Facebook and its counsel, and would

require a conclusion or opinion of counsel in violation of the attorney work product doctrine.

10. Facebook objects generally to Definition Nos. 6, 7, and 17, which define the terms “communication,” “writing,” and “document(s),” to the extent the definitions attempt or purport to impose discovery obligations on Facebook beyond those authorized by the Federal Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Northern District of Illinois.

11. Facebook objects generally to Definition Nos. 12, 13, 14, 15, 16, and 18, which define the terms “identify,” “identification,” and “describe in detail,” to the extent the definitions attempt or purport to impose discovery obligations on Facebook beyond those authorized by the Federal Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Northern District of Illinois.

III. SPECIFIC OBJECTIONS & RESPONSES TO REQUESTS FOR ADMISSION.

Without waiving or limiting in any manner any of the foregoing General Responses or Objections, but rather incorporating them into each of the following responses to the extent applicable, Facebook responds to the specific Requests as follows:

REQUEST FOR ADMISSION NO. 9:

Admit that Exhibit 1 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Callsource, Inc.*, No. 91179524.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 9: Admitted.

REQUEST FOR ADMISSION NO. 10:

Admit that Exhibit 2 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Spartan Brands Inc.*, No. 91179559.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 10: Admitted.

REQUEST FOR ADMISSION NO. 11:

Admit that Exhibit 3 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Diane K. Danielson*, No. 91179599.

RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 11: Admitted.

REQUEST FOR ADMISSION NO. 12:

Admit that Exhibit 4 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Oral Roberts University*, No. 91179687.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 12: Admitted.

REQUEST FOR ADMISSION NO. 13:

Admit that Exhibit 5 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Allison N. Witherspoon*, No. 91180146.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 13: Admitted.

REQUEST FOR ADMISSION NO. 14:

Admit that Exhibit 6 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. iQzone, Inc.*, No. 91187544.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 14: Admitted.

REQUEST FOR ADMISSION NO. 15:

Admit that Exhibit 7 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. RockYou, Inc.*, No. 91188457.

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 15: Admitted.

REQUEST FOR ADMISSION NO. 16:

Admit that Exhibit 8 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Jeremy McNeill Lee*, No. 91188901.

RESPONSE TO REQUEST FOR ADMISSION NO. 16:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 16: Admitted.

REQUEST FOR ADMISSION NO. 17:

Admit that Exhibit 9 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. PetsVetSpace, LLC*, No. 91189492.

RESPONSE TO REQUEST FOR ADMISSION NO. 17:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 17: Admitted.

REQUEST FOR ADMISSION NO. 18:

Admit that Exhibit 10 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Everclear Communications Inc.*, No. 91191915.

RESPONSE TO REQUEST FOR ADMISSION NO. 18:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 18: Admitted.

REQUEST FOR ADMISSION NO. 19:

Admit that Exhibit 11 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. AK Media, LLC, D/B/A Doctorbook*, No. 91192686.

RESPONSE TO REQUEST FOR ADMISSION NO. 19:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 19: Admitted.

REQUEST FOR ADMISSION NO. 20:

Admit that Exhibit 12 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Philip J. Gearing, Jr.*, No. 91192805.

RESPONSE TO REQUEST FOR ADMISSION NO. 20:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 20: Admitted.

REQUEST FOR ADMISSION NO. 21:

Admit that Exhibit 13 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. GreenCode Technologies, Inc.*, No. 91193152.

RESPONSE TO REQUEST FOR ADMISSION NO. 21:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 21: Admitted.

REQUEST FOR ADMISSION NO. 22:

Admit that Exhibit 14 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Lawyerbook*, No. 91193901.

RESPONSE TO REQUEST FOR ADMISSION NO. 22:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 22: Admitted.

REQUEST FOR ADMISSION NO. 23:

Admit that Exhibit 15 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Teachbook.com LLC*, No. 91194136.

RESPONSE TO REQUEST FOR ADMISSION NO. 23:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 23: Admitted.

REQUEST FOR ADMISSION NO. 24:

Admit that Exhibit 16 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. White Digital Media Limited*, No. 91194242.

RESPONSE TO REQUEST FOR ADMISSION NO. 24:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 24: Admitted.

REQUEST FOR ADMISSION NO. 25:

Admit that Exhibit 17 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Duane Kithinji Kingoriah, et al.*, No. 91194530.

RESPONSE TO REQUEST FOR ADMISSION NO. 25:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 25: Admitted.

REQUEST FOR ADMISSION NO. 26:

Admit that Exhibit 18 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Femillionaires, LLC*, No. 91195842.

RESPONSE TO REQUEST FOR ADMISSION NO. 26:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 26: Admitted.

REQUEST FOR ADMISSION NO. 27:

Admit that Exhibit 19 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Think Computer Corporation*, No. 91198355.

RESPONSE TO REQUEST FOR ADMISSION NO. 27:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 27: Admitted.

REQUEST FOR ADMISSION NO. 28:

Admit that Exhibit 20 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. WHERE, Inc.*, No. 91198868.

RESPONSE TO REQUEST FOR ADMISSION NO. 28:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 28: Admitted.

REQUEST FOR ADMISSION NO. 29:

Admit that Exhibit 21 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Willis Group Limited*, No. 91198885.

RESPONSE TO REQUEST FOR ADMISSION NO. 29:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 29: Admitted.

REQUEST FOR ADMISSION NO. 30:

Admit that Exhibit 22 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Resorb Networks, Inc.*, No. 91198929.

RESPONSE TO REQUEST FOR ADMISSION NO. 30:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 30: Admitted.

REQUEST FOR ADMISSION NO. 31:

Admit that Exhibit 23 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Bob Weiss*, No. 91199373.

RESPONSE TO REQUEST FOR ADMISSION NO. 31:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 31: Admitted.

REQUEST FOR ADMISSION NO. 32:

Admit that Exhibit 24 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. SNRG VENTURES LLC*, No. 91200221.

RESPONSE TO REQUEST FOR ADMISSION NO. 32:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 32: Admitted.

REQUEST FOR ADMISSION NO. 33:

Admit that Exhibit 25 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. SiteTools, Inc.*, No. 91200694.

RESPONSE TO REQUEST FOR ADMISSION NO. 33:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 33: Admitted.

REQUEST FOR ADMISSION NO. 34:

Admit that Exhibit 26 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Rottenbook, Inc.*, No. 91200810.

RESPONSE TO REQUEST FOR ADMISSION NO. 34:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 34: Admitted.

REQUEST FOR ADMISSION NO. 35:

Admit that Exhibit 27 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Tradonomi Ltd.*, No. 91200953.

RESPONSE TO REQUEST FOR ADMISSION NO. 35:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 35: Admitted.

REQUEST FOR ADMISSION NO. 36:

Admit that Exhibit 28 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Famos LLC*, No. 91200954.

RESPONSE TO REQUEST FOR ADMISSION NO. 36:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 36: Admitted.

REQUEST FOR ADMISSION NO. 37:

Admit that Exhibit 29 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Facebarkk LLC*, No. 91200986.

RESPONSE TO REQUEST FOR ADMISSION NO. 37:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 37: Admitted.

REQUEST FOR ADMISSION NO. 38:

Admit that Exhibit 30 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Ted Martin Sichelman, et al.*, No. 91200994.

RESPONSE TO REQUEST FOR ADMISSION NO. 38:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 38: Admitted.

REQUEST FOR ADMISSION NO. 39:

Admit that Exhibit 31 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Gunther Eysenbach*, No. 91201187.

RESPONSE TO REQUEST FOR ADMISSION NO. 39:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 39: Admitted.

REQUEST FOR ADMISSION NO. 40:

Admit that Exhibit 32 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Andrew Jay Isaak*, No. 91201652.

RESPONSE TO REQUEST FOR ADMISSION NO. 40:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 40: Admitted.

REQUEST FOR ADMISSION NO. 41:

Admit that Exhibit 33 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Bob Weiss*, No. 91201810.

RESPONSE TO REQUEST FOR ADMISSION NO. 41:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 41: Admitted.

REQUEST FOR ADMISSION NO. 42:

Admit that Exhibit 34 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Brett Blair*, No. 91201837.

RESPONSE TO REQUEST FOR ADMISSION NO. 42:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 42: Admitted.

REQUEST FOR ADMISSION NO. 43:

Admit that Exhibit 35 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Jason A. Fedore*, No. 91202245.

RESPONSE TO REQUEST FOR ADMISSION NO. 43:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 43: Admitted.

REQUEST FOR ADMISSION NO. 44:

Admit that Exhibit 36 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. myEworkBook Inc.*, No. 91202363.

RESPONSE TO REQUEST FOR ADMISSION NO. 44:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 44: Admitted.

REQUEST FOR ADMISSION NO. 45:

Admit that Exhibit 37 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. The Gracebook Inc.*, No. 91203537.

RESPONSE TO REQUEST FOR ADMISSION NO. 45:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 45: Admitted.

REQUEST FOR ADMISSION NO. 46:

Admit that Exhibit 38 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Ronald Peter Spickenagel II*, No. 91203577.

RESPONSE TO REQUEST FOR ADMISSION NO. 46:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 46: Admitted.

REQUEST FOR ADMISSION NO. 47:

Admit that Exhibit 39 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Bob Weiss*, No. 91203861.

RESPONSE TO REQUEST FOR ADMISSION NO. 47:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 47: Admitted.

REQUEST FOR ADMISSION NO. 48:

Admit that Exhibit 40 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Goober Networks, Inc.*, No. 91203968.

RESPONSE TO REQUEST FOR ADMISSION NO. 48:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 48: Admitted.

REQUEST FOR ADMISSION NO. 49:

Admit that Exhibit 41 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Cleveland Brown*, No. 91204316.

RESPONSE TO REQUEST FOR ADMISSION NO. 49:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 49: Admitted.

REQUEST FOR ADMISSION NO. 50:

Admit that Exhibit 42 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. TAKNOLOGY, INC.*, No. 91204601.

RESPONSE TO REQUEST FOR ADMISSION NO. 50:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 50: Admitted.

REQUEST FOR ADMISSION NO. 51:

Admit that Exhibit 43 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. 1 Chronicles 4:10, LLC*, No. 91204658.

RESPONSE TO REQUEST FOR ADMISSION NO. 51:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 51: Admitted.

REQUEST FOR ADMISSION NO. 52:

Admit that Exhibit 44 is a true and authentic copy of the notice of opposition filed by Facebook in the TTAB proceeding *Facebook, Inc. v. Shane M. Thompson*, No. 91205379.

RESPONSE TO REQUEST FOR ADMISSION NO. 52:

Facebook objects to this Request on the ground that it seeks discovery that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Facebook responds as follows to Request No. 52: Admitted.

Dated: July 23, 2012



Michael G. Rhodes (*pro hac vice*)

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Attorneys for Defendant-Counterplaintiff
FACEBOOK, INC.

CERTIFICATE OF SERVICE

I, Brendan J. Hughes, counsel for Defendant-Counterplaintiff Facebook, Inc., hereby certify that I caused a true and correct copy of **DEFENDANT FACEBOOK, INC.'S OBJECTIONS & RESPONSES TO PLAINTIFF TIMELINES, INC.'S SECOND SET OF REQUESTS FOR ADMISSION** to be served upon the following counsel for Plaintiff by email on July 23, 2012:

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Dated: July 23, 2012



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166703 /DC

EXHIBIT

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WALL

Word Mark WALL

Goods and Services IC 038. US 100 101 104. G & S: Providing online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images. FIRST USE: 20040900. FIRST USE IN COMMERCE: 20040900

IC 042. US 100 101. G & S: Computer services, namely, hosting online web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; and computer services in the nature of customized web pages featuring user-defined information, personal profiles and information. FIRST USE: 20040900. FIRST USE IN COMMERCE: 20040900

IC 045. US 100 101. G & S: Internet based introduction and social networking services. FIRST USE: 20040900. FIRST USE IN COMMERCE: 20040900

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78920335

Filing Date June 29, 2006

Current Basis 1A

Original Filing Basis 1B

Published for Opposition October 2, 2007

Registration 3723894



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POKE

Word Mark POKE
Goods and Services

IC 009. US 021 023 026 036 038. G & S: Computer application software for mobile devices which facilitates online services for social networking and for allowing data retrieval, upload, download, access and management; computer software to enable uploading, downloading, accessing, transmitting, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks

IC 038. US 100 101 104. G & S: Providing access to computer databases in the fields of social networking, social introduction and dating; peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users; providing access to computer, electronic and online databases; telecommunications services, namely, electronic transmission of data, messages and information; providing online forums for communication on topics of general interest; providing online communications links which transfer web site and mobile device users to other local and global web pages; providing user access to third party web sites hosted on computer servers accessible via a global computer network; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; broadcast communication services, namely, electronic transmission of audio and video over computer or other communication networks, and electronic transmission of data, information, audio and video images; delivery of digital music by electronic transmission; text messaging services

IC 042. US 100 101. G & S: Application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing of audio and video content, photographic images, text, graphics and data; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites and mobile devices; computer services, namely, creating indexes of information, sites



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FACEBOOK POKE

Word Mark **FACEBOOK POKE**

Goods and Services

IC 009. US 021 023 026 036 038. G & S: Computer application software for mobile devices which facilitates online services for social networking and for allowing data retrieval, upload, download, access and management; computer software to enable uploading, downloading, accessing, transmitting, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks

IC 038. US 100 101 104. G & S: Providing access to computer databases in the fields of social networking, social introduction and dating; peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users; providing access to computer, electronic and online databases; telecommunications services, namely, electronic transmission of data, messages and information; providing online forums for communication on topics of general interest; providing online communications links which transfer web site and mobile device users to other local and global web pages; providing user access to third party web sites hosted on computer servers accessible via a global computer network; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; broadcast communication services, namely, electronic transmission of audio and video over computer or other communication networks, and electronic transmission of data, information, audio and video images; delivery of digital music by electronic transmission; text messaging services

IC 042. US 100 101. G & S: Application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing of audio and video content, photographic images, text, graphics and data; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites and mobile devices; computer services, namely, creating indexes of information, sites



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LIKE

Word Mark LIKE
Goods and Services IC 045. US 100 101. G & S: Social introduction, networking and dating services; providing social services and information in the field of personal development, namely, self-improvement, self-fulfillment, charitable, philanthropic, volunteer, public and community services, and humanitarian activities; Identification verification services, namely, providing authentication of personal identification information

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85020085
Filing Date April 21, 2010
Current Basis 1B
Original Filing Basis 1B
Published for Opposition April 17, 2012

Owner (APPLICANT) Facebook Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025

Attorney of Record Sally M. Abel

Type of Mark SERVICE MARK



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LIKE

Word Mark LIKE

Goods and Services IC 041. US 100 101 107. G & S: Providing computer, electronic and online databases in the field of entertainment and in the fields of secondary, collegiate, social and community interest groups; on-line journals, namely, blogs in the fields of entertainment, education, social, political, cultural, economic, scientific and general interest; electronic publishing services, namely, publication of text and graphic works of others via computer and communications networks in the fields of entertainment, education, social, political, cultural, economic, scientific and general interest; publishing of electronic publications; entertainment services, namely, providing temporary use of interactive, multiplayer and single player games for games played via computer or communication networks; providing information about online computer games and video games via computer or communication networks; arranging and conducting competitions for video gamers and computer game players; contest and incentive award programs designed to recognize, reward and encourage individuals and groups which engage in self-improvement, self-fulfillment, charitable, philanthropic, volunteer, public and community service and humanitarian activities and sharing of creative work product

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85020083

Filing Date April 21, 2010

Current Basis 1B



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LIKE

Word Mark LIKE

Goods and Services IC 038. US 100 101 104. G & S: Providing access to computer databases in the fields of social networking, social introduction and dating; Peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users; Providing access to computer, electronic and online databases; telecommunications services, namely, electronic transmission of data, messages and information; providing online forums for communication on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing access to web sites for others hosted on computer servers accessible via a global computer network; providing access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over computer or other communication networks, namely, uploading, posting, displaying, tagging, and electronically transmitting data, information, audio and video images; Delivery of digital music by electronic transmission

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85020082

Filing Date April 21, 2010

Current Basis 1B



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LIKE

Word Mark LIKE

Goods and Services IC 035. US 100 101 102. G & S: Compiling of information into computer databases; marketing, advertising and promotion services, namely, providing advertising space on the internet, providing tools for interactive marketing, and providing tools for advertisers to provide customized content to consumers; market research and business marketing information services, namely, facilitating person-to-person, person-to-business, business-to-person, and business-to-business sharing of relevant information about brands, media and online content; advertising services, namely, promoting the goods and services of others via computer and communication networks by compiling information into computer databases and allowing consumers to share information about the goods and services of others; charitable services, namely, promoting public awareness about charitable, philanthropic, volunteer, public and community service and humanitarian activities

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85020080

Filing Date April 21, 2010

Current Basis 1B

Original Filing Basis 1B



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LIKE

Word Mark LIKE
Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software development tools; Computer software for use as an application programming interface (API); Application programming interface (API) for computer software which facilitates online services for social networking, building social networking applications and for allowing data retrieval, upload, download, access and management; Computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85020077
Filing Date April 21, 2010
Current Basis 1B
Original Filing Basis 1B
Published for Opposition April 17, 2012
Owner (APPLICANT) Facebook Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park



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LIKE

Word Mark LIKE
Goods and Services IC 036. US 100 101 102. G & S: Financial transaction processing services, namely, clearing and reconciling financial transactions via computer and communication networks; Electronic processing and transmission of bill payment data for users of computer and communication networks; Electronic funds transfer services; Bill payment services; Financial exchange services, namely, providing a virtual currency for use by members of an online community via computer and communication networks
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85020081
Filing Date April 21, 2010
Current Basis 1B
Original Filing Basis 1B
Published for Opposition September 20, 2011
Owner (APPLICANT) Facebook Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025
Attorney of Record Sally M. Abel



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LIKE

Word Mark LIKE

Goods and Services IC 042. US 100 101. G & S: Computer services, namely, creating on-line virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating indexes of information, sites and other resources available on computer networks; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio, video, photographic images, text, graphics and data; 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 technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining blogs for others. providing a web hosting platform for use of non-downloadable software in connection with interactive, multiplayer and single player games for third parties

Standard Characters Claimed



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Word Mark LIKE

Goods and Services IC 045. US 100 101. G & S: Social introduction, networking and dating services; providing social services and information in the field of personal development, namely, self-improvement, self-fulfillment, charitable, philanthropic, volunteer, public and community services, and humanitarian activities; Identification verification services, namely, providing authentication of personal identification information

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.11.14 - Finger pointing (gesture); Fingers walking (gesture) ; Gestures (OK, thumbs up, thumbs down, fingers walking, handshake, finger pointing); Hands and fingers forming the following: handshake, finger pointing, fingers walking, OK sign, and thumbs up or thumbs down; Handshake (gesture); OK gesture; Thumbs up or thumbs down (gesture)
 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 85020073

Filing Date April 21, 2010

Current Basis 1B

Original Filing Basis 1B

Published for Opposition April 17, 2012

Owner (APPLICANT) Facebook Inc. CORPORATION DELAWARE 1601 S. California Ave. Palo Alto CALIFORNIA 94301

Attorney of Sally M. Abel



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Word Mark LIKE

Goods and Services IC 042. US 100 101. G & S: Computer services, namely, creating on-line virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating indexes of information, sites and other resources available on computer networks; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio, video, photographic images, text, graphics and data; 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 technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining blogs for others. providing a web hosting platform for use of non-downloadable software in connection with interactive, multiplayer and single player games for third parties

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



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Word Mark LIKE

Goods and Services IC 041. US 100 101 107. G & S: Providing computer, electronic and online databases in the field of entertainment and in the fields of secondary, collegiate, social and community interest groups; on-line journals, namely, blogs in the fields of entertainment, education, social, political, cultural, economic, scientific and general interest; electronic publishing services, namely, publication of text and graphic works of others via computer and communications networks in the fields of entertainment, education, social, political, cultural, economic, scientific and general interest; publishing of electronic publications; entertainment services, namely, providing temporary use of interactive, multiplayer and single player games for games played via computer or communication networks; providing information about online computer games and video games via computer or communication networks; arranging and conducting competitions for video gamers and computer game players; Contest and incentive award programs designed to recognize, reward and encourage individuals and groups which engage in self-improvement, self-fulfillment, charitable, philanthropic, volunteer, public and community service and humanitarian activities and sharing of creative work product

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.11.14 - Finger pointing (gesture); Fingers walking (gesture) ; Gestures (OK, thumbs up, thumbs down, fingers walking, handshake, finger pointing); Hands and fingers forming the following: handshake, finger pointing, fingers walking, OK sign, and thumbs up or thumbs down; Handshake (gesture); OK gesture; Thumbs up or thumbs down (gesture)
 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 85020068

Filing Date April 21, 2010



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Word Mark LIKE

Goods and Services IC 038. US 100 101 104. G & S: Providing access to computer databases in the fields of social networking, social introduction and dating; Peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users; Providing access to computer, electronic and online databases; telecommunications services, namely, electronic transmission of data, messages and information; providing online forums for communication on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing access to web sites for others hosted on computer servers accessible via a global computer network; providing access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over computer or other communication networks, namely, uploading, posting, displaying, tagging, and electronically transmitting data, information, audio and video images; Delivery of digital music by electronic transmission

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.11.14 - Finger pointing (gesture); Fingers walking (gesture) ; Gestures (OK, thumbs up, thumbs down, fingers walking, handshake, finger pointing); Hands and fingers forming the following: handshake, finger pointing, fingers walking, OK sign, and thumbs up or thumbs down; Handshake (gesture); OK gesture; Thumbs up or thumbs down (gesture)

26.11.21 - Rectangles that are completely or partially shaded

Serial Number 85020066

Filing Date April 21, 2010



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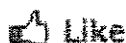
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Word Mark LIKE

Goods and Services IC 036. US 100 101 102. G & S: Financial transaction processing services, namely, clearing and reconciling financial transactions via computer and communication networks; Electronic processing and transmission of bill payment data for users of computer and communication networks; Electronic funds transfer services; Bill payment services; Financial exchange services, namely, providing a virtual currency for use by members of an online community via computer and communication networks

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.11.14 - Finger pointing (gesture); Fingers walking (gesture) ; Gestures (OK, thumbs up, thumbs down, fingers walking, handshake, finger pointing); Hands and fingers forming the following: handshake, finger pointing, fingers walking, OK sign, and thumbs up or thumbs down; Handshake (gesture); OK gesture; Thumbs up or thumbs down (gesture)
 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 85020064

Filing Date April 21, 2010

Current Basis 1B

Original Filing Basis 1B

Published for Opposition April 17, 2012

Owner (APPLICANT) Facebook Inc. CORPORATION DELAWARE 1601 S. California Ave. Palo Alto CALIFORNIA 94301



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Word Mark LIKE

Goods and Services IC 035. US 100 101 102. G & S: Compiling of information into computer databases; marketing, advertising and promotion services, namely, providing advertising space on the internet, providing tools for interactive marketing, and providing tools for advertisers to provide customized content to consumers; market research and business marketing information services, namely, facilitating person-to-person, person-to-business, business-to-person, and business-to-business sharing of relevant information about brands, media and online content; advertising services, namely, promoting the goods and services of others via computer and communication networks by compiling information into computer databases and allowing consumers to share information about the goods and services of others; charitable services, namely, promoting public awareness about charitable, philanthropic, volunteer, public and community service and humanitarian activities

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.11.14 - Finger pointing (gesture); Fingers walking (gesture) ; Gestures (OK, thumbs up, thumbs down, fingers walking, handshake, finger pointing); Hands and fingers forming the following: handshake, finger pointing, fingers walking, OK sign, and thumbs up or thumbs down; Handshake (gesture); OK gesture; Thumbs up or thumbs down (gesture)
 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 85020062

Filing Date April 21, 2010

Current Basis 1B



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Word Mark LIKE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software development tools; Computer software for use as an application programming interface (API); Application programming interface (API) for computer software which facilitates online services for social networking, building social networking applications and for allowing data retrieval, upload, download, access and management; Computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.11.14 - Finger pointing (gesture); Fingers walking (gesture) ; Gestures (OK, thumbs up, thumbs down, fingers walking, handshake, finger pointing); Hands and fingers forming the following: handshake, finger pointing, fingers walking, OK sign, and thumbs up or thumbs down; Handshake (gesture); OK gesture; Thumbs up or thumbs down (gesture)
 26.11.21 - Rectangles that are completely or partially shaded

Serial Number 85020058

Filing Date April 21, 2010

Current Basis 1B

Original Filing Basis 1B

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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 045. US 100 101. G & S: Social introduction, networking and dating services; providing social services and information in the field of personal development, namely, self-improvement, self-fulfillment, charitable, philanthropic, volunteer, public and community services, and humanitarian activities; Identification verification services, namely, providing authentication of personal identification information. FIRST USE: 20040204. FIRST USE IN COMMERCE: 20040204

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85147955

Filing Date October 7, 2010

Current Basis 1B

Original Filing Basis 1B

Published for Opposition July 12, 2011

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025

Attorney of Record Anne Peck

Prior 3734637;3801147;AND OTHERS



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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 041. US 100 101 107. G & S: providing computer, electronic and online databases in the field of cultural commentary, social entertainment events, art, performing arts, music, dance, and education; on-line journals, namely, blogs in the fields of cultural commentary, social entertainment events, art, performing arts, music, dance, education, politics, culture, economics, and science; electronic publishing services, namely, publication of text and graphic works of others via computer and communications networks in the fields of cultural commentary, social entertainment events, art, performing arts, music, dance, education, politics, culture, economics, and science; publishing of electronic publications; entertainment services, namely, providing temporary use of interactive, multiplayer and single player games for games played via computer or communication networks; providing information about online non-downloadable computer games and video games via computer or communication networks; arranging and conducting competitions for video gamers and computer game players; contest and incentive award programs designed to recognize, reward and encourage individuals and groups which engage in self-improvement, self-fulfillment, charitable, philanthropic, volunteer, public and community service and humanitarian activities and sharing of creative work product

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85147937

Filing Date October 7, 2010

Current Basis 1B



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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Cards, namely, business cards and non-magnetically encoded identity cards

IC 035. US 100 101 102. G & S: Business card design services

IC 040. US 100 103 106. G & S: Printing services

IC 042. US 100 101. G & S: Providing temporary use of online non-downloadable software for creating business and identity cards for facilitating social and business networking; developing customized web pages and other data feed formats featuring user-defined information in the form of online business and identity cards for facilitating social and business networking; identity card design services

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85440332

Filing Date October 5, 2011

Current Basis 1B

Original Filing Basis 1B



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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 038. US 100 101 104. G & S: providing access to computer databases in the fields of social networking, social introduction and dating; peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users; providing access to computer, electronic and online databases; telecommunications services, namely, electronic transmission of data, messages and information; providing online forums for communication on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing user access to third party web sites hosted on computer servers accessible via a global computer network; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; broadcast communication services, namely, electronic transmission of audio and video over computer or other communication networks, and electronic transmission of data, information, audio and video images; delivery of digital music by electronic transmission; text messaging services

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85147930

Filing Date October 7, 2010

Current Basis 1B

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FACEBOOK

Word Mark FACEBOOK
Goods and Services IC 035. US 100 101 102. G & S: compiling of information into computer databases; marketing, advertising and promotion services; market research services, namely, research in the fields of collegiate life, virtual community and social networking; advertising services, namely, promoting the goods and services of others via computer and communication networks; operating on-line marketplaces for sellers of goods and/or services; online retail store services featuring digital media, namely, pre-recorded digital sound, video and data recordings featuring music, text, video, games, comedy, drama, action, adventure or animation; charitable services, namely, promoting public awareness about charitable, philanthropic, volunteer, public and community service and humanitarian activities
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85147898
Filing Date October 7, 2010
Current Basis 1B
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Published for Opposition February 21, 2012
Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025



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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 042. US 100 101. G & S: computer services, namely, creating on-line virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; computer services, namely, hosting on-line web facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing of audio and video content, photographic images, text, graphics and data; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating indexes of information, sites and other resources available on computer networks; providing temporary use of non-downloadable software applications for enabling, facilitating, or enhancing social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio and video content, photographic images, text, graphics and data; 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 technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining blogs for others; providing a web hosting platform for use of non-downloadable software for enabling, facilitating or enhancing interactive, multiplayer and single player games for third parties

Standard Characters Claimed



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FACEBOOK

Word Mark FACEBOOK
Goods and Services IC 036. US 100 101 102. G & S: Financial transaction processing services, namely, clearing and reconciling financial transactions via computer and communication networks; Electronic processing and transmission of bill payment data for users of computer and communication networks; Electronic funds transfer services; Bill payment services; Financial exchange services, namely, providing a virtual currency for use by members of an online community via computer and communication networks

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85147910

Filing Date October 7, 2010

Current Basis 1B

Original Filing Basis 1B

Published for Opposition July 26, 2011

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025

Attorney of Record Anne Peck



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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software development tools; Computer software for use as an application programming interface (API); Application programming interface (API) for computer software which facilitates online services for social networking, building social networking applications and for allowing data retrieval, upload, download, access and management; Computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85147879

Filing Date October 7, 2010

Current Basis 1B

Original Filing Basis 1B

Published for Opposition July 26, 2011

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025

Attorney of Anne Peck



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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 009. US 021 023 026 036 038. G & S: Magnetically encoded gift cards

 IC 016. US 002 005 022 023 029 037 038 050. G & S: Gift cards

 IC 035. US 100 101 102. G & S: Pre-paid gift card services, namely, issuing gift card certificates that may be redeemed for goods or services

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85121339

Filing Date September 1, 2010

Current Basis 1B

Original Filing Basis 1B

Published for Opposition July 26, 2011

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025

Attorney of Record Anne Peck

Prior Registrations 3734637;3793608;3881770;AND OTHERS

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL



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FACEBOOK

Word Mark	FACEBOOK
Goods and Services	IC 035. US 100 101 102. G & S: providing an online directory information service featuring information regarding, and in the nature of, collegiate life, classifieds, virtual community and social networking. FIRST USE: 20040204. FIRST USE IN COMMERCE: 20040204
	IC 038. US 100 101 104. G & S: providing online chat rooms for registered users for transmission of messages concerning collegiate life, classifieds, virtual community and social networking. FIRST USE: 20040204. FIRST USE IN COMMERCE: 20040204
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78574726
Filing Date	February 24, 2005
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 18, 2005
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration	3041791



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FACEBOOK

Word Mark	FACEBOOK
Goods and Services	(CANCELLED) IC 035. US 100 101 102. G & S: [providing an online directory information service featuring information regarding, and in the nature of, collegiate life, classifieds, virtual community and social networking]. FIRST USE: 20041116. FIRST USE IN COMMERCE: 20041116
	IC 038. US 100 101 104. G & S: providing online chat rooms for registered users for transmission of messages concerning collegiate life, classifieds, virtual community and social networking. FIRST USE: 20041116. FIRST USE IN COMMERCE: 20041116
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78574730
Filing Date	February 24, 2005
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 4, 2005
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration	3122052



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FACEBOOK

Word Mark FACEBOOK
Goods and Services IC 025. US 022 039. G & S: Clothing for men women, and children, namely, shirts, t-shirts, jackets, tops, sweat shirts, headwear, hats, caps. FIRST USE: 20060200. FIRST USE IN COMMERCE: 20060200
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78981126
Filing Date August 29, 2006
Current Basis 1A
Original Filing Basis 1B
Published for Opposition February 13, 2007
Registration Number 3659516
Registration Date July 21, 2009
Owner (REGISTRANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025
Attorney of Record Anne H. Peck
Prior Registrations 3041791;3122052
Type of Mark TRADEMARK



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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 025. US 022 039. G & S: Clothing for men, women and children, namely, bottoms, pants, loungewear, sweat pants. FIRST USE: 20100506. FIRST USE IN COMMERCE: 20100506

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78962629

Filing DateA ugust 29, 2006

Current Basis 1A

Original Filing Basis 1B

Published for Opposition February 13, 2007

Registration Number 3826546

Registration Date July 27, 2010

Owner (REGISTRANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025

Attorney of Record Anne H. Peck

Prior Registrations 3041791;3122052

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE



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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 035. US 100 101 102. G & S: Advertising and information distribution services, namely, providing classified advertising space via the global computer network; promoting the goods and services of others over the Internet; providing on-line computer databases and on-line searchable databases in the field of classifieds. FIRST USE: 20040204. FIRST USE IN COMMERCE: 20040400

IC 038. US 100 101 104. G & S: Providing online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; provision of on-line forums for the transmission of photographic images; provision of on-line forums for communications on topics of general interest. FIRST USE: 20040204. FIRST USE IN COMMERCE: 20040204

IC 041. US 100 101 107. G & S: Providing on-line computer databases and on-line searchable databases in the field of collegiate life concerning college athletics, concerts, entertainment events, art, performing arts, music, dance and academics; providing on-line computer databases and on-line searchable databases featuring collegiate student groups concerning subjects in the fields of academics and entertainment. FIRST USE: 20040204. FIRST USE IN COMMERCE: 20040204

IC 042. US 100 101. G & S: Computer services, namely, hosting online web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; and 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 discussion, get feedback from their peers, form virtual communities, and engage in social networking; peer-to-browser photo sharing services, namely, providing a website featuring



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FACEBOOK

Word Mark	FACEBOOK
Goods and Services	IC 018. US 001 002 003 022 041. G & S: Bags, namely, all purpose sports bags, all purpose carrying bags, bags and hold-alls for sports clothing, tote bags, book bags, carry-all bags, traveling bags; umbrellas; briefcase-type portfolios. FIRST USE: 20050900. FIRST USE IN COMMERCE: 20050900
	IC 020. US 002 013 022 025 032 050. G & S: Picture frames. FIRST USE: 20050900. FIRST USE IN COMMERCE: 20050900
	IC 021. US 002 013 023 029 030 033 040 050. G & S: Insulating sleeves for beverage cans; insulating sleeves for beverage bottles; portable can coolers; portable bottle coolers; thermally insulated containers for beverages. FIRST USE: 20090500. FIRST USE IN COMMERCE: 20090500
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77978174
Filing Date	March 7, 2007
Current Basis	1A
Original Filing Basis	1B



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FACEBOOK

**Word Mark
Goods and
Services**

FACEBOOK

IC 009. US 021 023 026 036 038. G & S: Computer software development tools for social networking, building social networking applications and for allowing data retrieval, upload, access and management; application programming interface (API) for third-party software and online services for social networking, building social networking applications and for allowing data retrieval, upload, access and management. FIRST USE: 20060800. FIRST USE IN COMMERCE: 20060800

IC 038. US 100 101 104. G & S: providing access to computer databases; electronic transmission of instant messages and data. FIRST USE: 20040200. FIRST USE IN COMMERCE: 20040200

IC 041. US 100 101 107. G & S: Electronic publishing services, namely, publishing of online works of others featuring user-created text, audio, video, and graphics; providing on-line journals and web logs featuring user-created content. FIRST USE: 20040200. FIRST USE IN COMMERCE: 20040200

IC 042. US 100 101. G & S: Providing temporary use of non-downloadable software applications for classifieds, virtual community, social networking, photo sharing, and transmission of photographic images. FIRST USE: 20040200. FIRST USE IN COMMERCE: 20040200

**Standard
Characters
Claimed**

**Mark Drawing
Code**

(4) STANDARD CHARACTER MARK



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FACEBOOK

Word Mark
Goods and Services

FACEBOOK

IC 009. US 021 023 026 036 038. G & S: Software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other communications network. FIRST USE: 20060800. FIRST USE IN COMMERCE: 20060800

IC 038. US 100 101 104. G & S: Audio and video broadcasting services over the Internet or other communications network, namely, uploading, posting, showing, displaying, tagging and electronically transmitting information, audio, and video clips; providing on-line chat rooms, listservers, and on-line forums for transmission of messages among computer users concerning user-defined content; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest. FIRST USE: 20040200. FIRST USE IN COMMERCE: 20040200

IC 041. US 100 101 107. G & S: On-line journals, namely, blogs featuring user-defined content. FIRST USE: 20040200. FIRST USE IN COMMERCE: 20040200

IC 042. US 100 101. G & S: Application service provider (ASP) featuring software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other communications network. FIRST USE: 20040200. FIRST USE IN COMMERCE: 20040200

Standard Characters Claimed



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FACEBOOK

Word Mark	FACEBOOK
Goods and Services	IC 018. US 001 002 003 022 041. G & S: Bags, namely, backpacks, beach bags, gym bags; drawstring pouches. FIRST USE: 20100500. FIRST USE IN COMMERCE: 20100500
	IC 021. US 002 013 023 029 030 033 040 050. G & S: Bottle openers; plastic cups; mugs; cups; foam drink holders; glass and porcelain giftware, namely, cups; beverage glassware. FIRST USE: 20090911. FIRST USE IN COMMERCE: 20090911
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77125103
Filing Date	March 7, 2007
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	October 2, 2007
Registration Number	3917332
Registration Date	February 8, 2011
Owner	(REGISTRANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park



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FACEBOOK

Word Mark FACEBOOK
Goods and Services IC 042. US 100 101. G & S: Providing temporary use of non-downloadable software applications for video sharing. FIRST USE: 20070600. FIRST USE IN COMMERCE: 20070600
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77039123
Filing Date November 7, 2006
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 25, 2009
Registration Number 3814888
Registration Date July 6, 2010
Owner (REGISTRANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025
Attorney of Record Anne H. Peck
Prior Registrations 3041791;3122052
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE



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Word Mark	FACEBOOK
Goods and Services	IC 038. US 100 101 104. G & S: Providing access to computer databases in the fields of social networking, social introduction and dating. FIRST USE: 20050800. FIRST USE IN COMMERCE: 20050800
	IC 045. US 100 101. G & S: Social introduction, networking and dating services; providing social services and information in the field of personal development, namely, self-improvement, self-fulfillment, charitable, philanthropic, volunteer, public and community services, and humanitarian activities. FIRST USE: 20050800. FIRST USE IN COMMERCE: 20050800
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.02 - Plain single line rectangles; Rectangles (single line)
Serial Number	77896325
Filing Date	December 17, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	November 23, 2010
Registration Number	4102824
Registration	February 21, 2012



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Word Mark FACEBOOK
Goods and Services IC 035. US 100 101 102. G & S: Compiling of information into computer databases. FIRST USE: 20050800. FIRST USE IN COMMERCE: 20050800

IC 042. US 100 101. G & S: Computer services, namely, creating on-line virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; computer services, namely, creating indexes of information, sites and other resources available on computer networks; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio, video, photographic images, text, graphics and data. FIRST USE: 20050800. FIRST USE IN COMMERCE: 20050800

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design 26.11.21 - Rectangles that are completely or partially shaded



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Word Mark **FACEBOOK**

Goods and Services IC 038. US 100 101 104. G & S: Peer-to-peer photo sharing services, namely, electronic transmission of digital photo files among internet users. FIRST USE: 20050800. FIRST USE IN COMMERCE: 20050800

IC 041. US 100 101 107. G & S: Providing computer, electronic and online databases in the field of entertainment and in the fields of secondary, collegiate, social and community interest groups; on-line journals, namely, blogs in the fields of entertainment, education, social, political, cultural, economic, scientific and general interest; electronic publishing services, namely, publication of text and graphic works of others via computer and communications networks in the fields of entertainment, education, social, political, cultural, economic, scientific and general interest; publishing of electronic publications; entertainment services, namely, providing temporary use of interactive, multiplayer and single player games for games played via computer or communication networks; providing information about online computer games and video games via computer or communication networks; arranging and conducting competitions for video gamers and computer game players. FIRST USE: 20050800. FIRST USE IN COMMERCE: 20050800

IC 042. US 100 101. G & S: 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 technology that enables users to upload and share video, photos, text, graphics and data; creating and maintaining blogs for others; providing a web hosting platform for use of non-downloadable software in connection with interactive, multiplayer and single player games for third parties. FIRST USE: 20050800. FIRST USE IN COMMERCE: 20050800

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS



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Word Mark **FACEBOOK**
Goods and Services IC 038. US 100 101 104. G & S: Providing access to computer, electronic and online databases; telecommunications services, namely, electronic transmission of data, messages and information; providing online forums for communication on topics of general interest; providing online communications links which transfer web site users to other local and global web pages; providing access to web sites for others hosted on computer servers accessible via a global computer network; providing access to third party web sites by enabling users to log in through a universal username and password via a global computer network and other communication networks; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; audio, text and video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged audio, text and video content of others; audio, text and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting audio clips, text and video clips of others. FIRST USE: 20050800. FIRST USE IN COMMERCE: 20050800

IC 045. US 100 101. G & S: Identification verification services, namely, providing authentication of personal identification information. FIRST USE: 20081200. FIRST USE IN COMMERCE: 20081200

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
 26.11.25 - Rectangles with one or more curved sides

Serial Number 77896318

Filing Date December 17, 2009



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Word Mark FACEBOOK
Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software development tools; Computer software for use as an application programming interface (API); Application programming interface (API) for computer software which facilitates online services for social networking, building social networking applications and for allowing data retrieval, upload, download, access and management; Computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks. FIRST USE: 20060800. FIRST USE IN COMMERCE: 20060800
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
 26.11.25 - Rectangles with one or more curved sides
Serial Number 77896312
Filing Date December 17, 2009
Current Basis 1A
Original Filing Basis 1B
Published for Opposition May 25, 2010
Registration Number 3935447
Registration Date March 22, 2011



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List At: OR to record: **Record 65 out of 106**

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FBOOK

Word Mark FBOOK
Goods and Services (ABANDONED) IC 038. US 100 101 104. G & S: Providing services in relation to online chat rooms for transmission of messages and online directory information for registered users featuring information regarding, and in the nature of, collegiate life, general interest; classifieds, virtual community, social networking; telecommunication services, namely, worldwide switched text and message transmission services, electronic message sending and outcall notification services; providing transmission services in relation to using mobile devices, namely, to look up user profile information, search for users, send messages to users, post information viewable by users, add contacts, and provide notifications
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78920347
Filing Date June 29, 2006
Current Basis 1B
Original Filing Basis 1B
Published for Opposition August 28, 2007
Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304



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FB

Word Mark FB
Goods and Services IC 038. US 100 101 104. G & S: Providing online chat rooms and electronic bulletin boards for transmission of messages among registered users in the fields of collegiate life, general interest, classifieds, virtual community, and for social networking; and peer-to-peer photo sharing services, namely, electronic transmission of digital images among Internet and mobile device users

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85562193
Filing Date March 6, 2012
Current Basis 1B
Original Filing Basis 1B
Published for Opposition February 12, 2013
Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025

Attorney of Record Gavin Charlston
Type of Mark SERVICE MARK
Register PRINCIPAL



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FB

Word Mark	FB
Goods and Services	IC 045. US 100 101. G & S: Internet based social introduction and social networking services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85562177
Filing Date	March 6, 2012
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	February 12, 2013
Owner	(APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025
Attorney of Record	Gavin Charlston
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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FB

Word Mark FB

Goods and Services IC 042. US 100 101. G & S: Providing temporary use of non-downloadable software applications over the internet to users for social networking, photo sharing, video sharing, transmission of photographic images, connecting to a virtual community, and posting items for sale through online classified advertisements; Computer services, namely, hosting online web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions, and providing a website featuring on-line computer databases and searchable databases that gives computer users the ability to upload, exchange and share photos and videos; and computer services in the nature of customized web pages featuring user defined information, personal profiles and information

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77521965

Filing Date July 14, 2008

Current Basis 1B

Original Filing Basis 1B

Published for November 24, 2009



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FB

Word Mark	FB
Goods and Services	IC 035, US 100 101 102, G & S: Providing a web site that enables users to post items for sale through on-line classified advertisements; promoting the goods and services of others over the Internet
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77521957
Filing Date	July 14, 2008
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	June 2, 2009
Owner	(APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025
Attorney of Record	Anne H. Peck
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE



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FB

Word Mark	FB
Goods and Services	(ABANDONED) IC 038. US 100 101 104. G & S: Providing online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77521962
Filing Date	July 14, 2008
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	December 9, 2008
Owner	(APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025
Attorney of Record	Anne H. Peck
Type of Mark Register	SERVICE MARK PRINCIPAL



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F8

Word Mark	F8
Goods and Services	IC 009, US 021 023 026 036 038. G & S: downloadable electronic publications, namely, journals featuring user-specified content in the field of entertainment, education, social, scientific and general interest
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77970088
Filing Date	March 26, 2010
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	February 22, 2011
Owner	(APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Mento Park CALIFORNIA 94025
Attorney of Record	Anne H. Peck
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	



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F8

Word Mark F8

Goods and Services IC 035. US 100 101 102. G & S: organizing exhibitions and events in the field of software development for commercial or advertising purposes. FIRST USE: 20070500. FIRST USE IN COMMERCE: 20070500

IC 041. US 100 101 107. G & S: on-line journals, namely, blogs in the field of entertainment, education, social, scientific and general interest; arranging and conducting educational conferences; organizing exhibitions and events in the field of software development for educational purposes. FIRST USE: 20070500. FIRST USE IN COMMERCE: 20070500

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77982988

Filing Date March 26, 2010

Current Basis 1A

Original Filing Basis 1B

Published for Opposition February 22, 2011

Registration Number 4119056



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FACEBOOK PAGES

**Word Mark
Goods and
Services**

FACEBOOK PAGES

IC 009. US 021 023 026 036 038. G & S: Computer software development tools for social networking, building social networking applications and for allowing data retrieval, upload, access and management; application programming interface (API) for use with third-party software and for use with online services for social networking, building social networking applications and for allowing data retrieval, upload, access and management; Software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other communications network. FIRST USE: 20120500. FIRST USE IN COMMERCE: 20120500

IC 035. US 100 101 102. G & S: Providing an online directory information service featuring information regarding, and in the nature of, collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; advertising and information distribution services, namely, providing classified advertising space via the global computer network; promoting the goods and services of others over the Internet; providing on-line computer databases and on-line searchable databases in the field of classifieds. FIRST USE: 20071100. FIRST USE IN COMMERCE: 20071100

IC 038. US 100 101 104. G & S: Providing online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; telecommunication services, namely, worldwide switched text and message transmission services, electronic message sending and outcall notification services; providing electronic and digital transmission of voice, data, images, signals, and messages in relation to using mobile devices, namely, to look up user profile information, search for users, send messages to users, post



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FACEBOOK ADS

Word Mark FACEBOOK ADS
Goods and Services IC 035. US 100 101 102. G & S: Advertising and information distribution services, namely, providing advertising space via the global computer network; promoting the goods and services of others over the Internet; providing on-line computer databases and on-line searchable databases in the field of classifieds. FIRST USE: 20071100. FIRST USE IN COMMERCE: 20071100

IC 038. US 100 101 104. G & S: Providing access to information, audio, and video via websites, online forums, chat rooms, electronic mail and blogs over the Internet; providing access to computer databases; electronic transmission of instant messages and data; providing on-line computer databases and on-line searchable databases in the fields of transmission of photographic images, provision of virtual communities, and provision of on-line forums for communications on topics of general interest. FIRST USE: 20071100. FIRST USE IN COMMERCE: 20071100

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77321779
Filing Date November 5, 2007
Current Basis 1A
Original Filing Basis 1B
Published for Opposition September 22, 2009



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FACEBOOK INSIGHTS

Word Mark	FACEBOOK INSIGHTS
Goods and Services	IC 035. US 100 101 102. G & S: Marketing, advertising and promotion services; providing marketing and advertising consultation services; providing market research and information services; providing marketing data; creation of marketing tools to provide market information, namely, demographics, advertising performance, and trends; advertising and information distribution services, namely, providing advertising space via the global computer network; promoting the goods and services of others over the Internet. FIRST USE: 20071100. FIRST USE IN COMMERCE: 20071100
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77324177
Filing Date	November 7, 2007
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	November 11, 2008
Registration Number	3793608
Registration Date	May 25, 2010



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FACEPILE

Word Mark FACEPILE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Application programming interface (API) for computer software for use with online services for social networking that allows for data retrieval, data download, and data access; computer software for use in downloading, accessing, displaying, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks

 IC 042. US 100 101. G & S: Providing temporary use of non-downloadable software applications for enabling or facilitating social networking; application service provider (ASP) featuring software for use in streaming, posting, displaying, linking, and sharing of electronic media or information

 IC 045. US 100 101. G & S: Internet based social introduction and networking services

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85261643

Filing Date March 8, 2011

Current Basis 1B

Original Filing Basis NO FILING BASIS

Published for March 20, 2012



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FACE

Word Mark	FACE
Goods and Services	IC 038. US 100 101 104. G & S: Telecommunication services, namely, providing online chat rooms and electronic bulletin boards for transmission of messages among computer users in the field of general interest and concerning social and entertainment subject matter, none primarily featuring or relating to motoring or to cars
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78980756
Filing Date	December 1, 2005
Current Basis	1B
Original Filing Basis	1B;44D
Published for Opposition	May 25, 2010
Owner	(APPLICANT) FACEBOOK, INC. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Anne Peck



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REACH GENERATOR

Word Mark REACH GENERATOR
Goods and Services IC 035. US 100 101 102. G & S: Advertising; business management; business administration; office functions; marketing, advertising and promotion services; advertising services, namely, promoting the goods and services of others via computer, communication, mobile, and wireless networks; advertising and business management consultancy; on-line advertising for others; market research; business analysis
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85698856
Filing Date August 8, 2012
Current Basis 1B;44D
Original Filing Basis 1B;44D
Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 Willow Road Menlo Park CALIFORNIA 94025
Attorney of Record Anne H.Peck
Priority Date February 8, 2012
Type of Mark SERVICE MARK
Register PRINCIPAL



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GRAPH SEARCH

Word Mark GRAPH SEARCH

Goods and Services IC 009. US 021 023 026 036 038. G & S: Downloadable computer software providing access to computer network-based indexes of consumer and registered user information, websites and resources; computer application software for mobile devices in the nature of mobile phones and tablet computers, namely, software providing access to computer network-based indexes of consumer and registered user information, websites and resources

IC 035. US 100 101 102. G & S: Providing business information online from a computer database or the Internet; providing information online regarding the products and services of others from a computer database or the Internet; providing online databases featuring information relating to employers and employees and places of employment

IC 038. US 100 101 104. G & S: Telecommunication services; providing access to databases; transmission of database information via telecommunications networks; electronic exchange of data stored in databases accessible via telecommunication networks

IC 041. US 100 101 107. G & S: Providing online computer databases for entertainment purposes

IC 042. US 100 101. G & S: Providing a web site featuring temporary use of non-downloadable software; computer services, namely, creating computer network-based indexes of consumer and registered user information, websites and resources

IC 045. US 100 101. G & S: Providing online computer databases in the field of social introduction, social networking, and dating



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List At: OR to record: **Record 102 out of 106**

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SOCIAL ADS

Word Mark	SOCIAL ADS
Goods and Services	(ABANDONED) IC 035. US 100 101 102. G & S: advertising and information distribution services, namely, providing advertising space via the global computer network; promoting the goods and services of others over the Internet. FIRST USE: 20071030. FIRST USE IN COMMERCE: 20071030
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77316928
Filing Date	October 30, 2007
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Facebook, Inc. CORPORATION DELAWARE 156 University Avenue Palo Alto CALIFORNIA 94301
Attorney of Record	Anne H. Peck
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	DEAD



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Start List At: OR Jump to record: **Record 103 out of 106**

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SOCIALADS

Word Mark SOCIALADS
Goods and Services (ABANDONED) IC 035, US 100 101 102, G & S: Advertising and information distribution services, namely, providing advertising space via the global computer network; promoting the goods and services of others over the Internet
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77287043
Filing Date September 24, 2007
Current Basis 1B
Original Filing Basis 1A
Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 156 University Avenue Palo Alto CALIFORNIA 94301
Attorney of Record Anne H. Peck
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date February 26, 2009

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EXHIBIT

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United States of America

United States Patent and Trademark Office

THE TIMELINE OF YOUR LIFE

Reg. No. 4,208,948

Registered Sep. 18, 2012

**Int. Cls.: 9, 35, 38, 41, 42
and 45**

ORPHIONICS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
43 CALLE AKELIA
SAN CLEMENTE, CA 92673

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

FOR: COMPUTER SOFTWARE FOR SOCIAL NETWORKING, BUILDING SOCIAL NETWORKING APPLICATIONS AND FOR ALLOWING DATA RETRIEVAL, UPLOAD, ACCESS AND MANAGEMENT; APPLICATION PROGRAMMING INTERFACE (API) COMPUTER SOFTWARE FOR THIRD-PARTY SOFTWARE AND ONLINE SERVICES FOR SOCIAL NETWORKING, BUILDING SOCIAL NETWORKING APPLICATIONS AND FOR ALLOWING DATA RETRIEVAL, UPLOAD, ACCESS AND MANAGEMENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-22-2011; IN COMMERCE 7-22-2011.

FOR: PROVIDING ON-LINE INFORMATION IN THE FIELD OF BUSINESS EVENT PLANNING AND MANAGEMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-22-2011; IN COMMERCE 7-22-2011.

FOR: PROVIDING ON-LINE FORUMS AND BULLETIN BOARDS FOR USERS FOR TRANSMISSION OF MESSAGES CONCERNING SOCIAL AND BUSINESS EVENTS; PROVIDING ACCESS TO COMPUTER DATABASES; ELECTRONIC TRANSMISSION OF INSTANT MESSAGES AND DATA; PROVIDING ON-LINE CHAT ROOMS FOR REGISTERED USERS OF MESSAGES IN THE FIELD OF GENERAL INTEREST AND SOCIAL NETWORKING, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 7-22-2011; IN COMMERCE 7-22-2011.

FOR: ELECTRONIC PUBLISHING SERVICES, NAMELY, PUBLISHING OF ON-LINE WORKS OF OTHERS FEATURING USER-CREATED TEXT AND GRAPHICS FEATURING SOCIAL AND BUSINESS EVENTS; PROVIDING ON-LINE EVENT PAGES FEATURING USER-CREATED CONTENT, NAMELY, PROVIDING A WEBSITE FOR ENTERTAINMENT PURPOSES WHERE USERS CAN VIEW AND POST DIGITAL FILES AND MEDIA PERTAINING TO SOCIAL AND BUSINESS EVENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 7-22-2011; IN COMMERCE 7-22-2011.



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,208,948 FOR: PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE SOFTWARE APPLICATIONS FOR VIRTUAL COMMUNITY, SOCIAL NETWORKING, PHOTO SHARING, AND TRANSMISSION OF PHOTOGRAPHIC IMAGES; COMPUTER SERVICES, NAMELY, HOSTING ONLINE WEB FACILITIES FOR OTHERS FOR ORGANIZING AND CONDUCTING ONLINE MEETINGS, GATHERINGS, AND INTERACTIVE DISCUSSIONS; COMPUTER SERVICES, NAMELY, PROVIDING CUSTOMIZED WEB PAGES FEATURING USER-DEFINED INFORMATION AND PERSONAL PROFILES; COMPUTER SERVICES, NAMELY, 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 IN THE FIELD OF SOCIAL AND BUSINESS EVENTS; PEER-TO-BROWSER PHOTO SHARING SERVICES, NAMELY, PROVIDING A WEBSITE FEATURING TECHNOLOGY ENABLING USERS TO UPLOAD, VIEW AND DOWNLOAD DIGITAL FILES AND MEDIA, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-22-2011; IN COMMERCE 7-22-2011.

FOR: INTERNET BASED INTRODUCTION AND SOCIAL NETWORKING SERVICES; PROVIDING ON-LINE COMPUTER DATABASES AND ON-LINE SEARCHABLE DATABASES IN THE FIELD OF SOCIAL NETWORKING, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 7-22-2011; IN COMMERCE 7-22-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-431,097, FILED 9-23-2011.

MATTHEW MCDOWELL, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT

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Timeline of Eye Disease

Word Mark	TIMELINE OF EYE DISEASE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Electronic publications, namely, books featuring ophthalmology topics recorded on computer media
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85572679
Filing Date	March 18, 2012
Current Basis	1B
Original Filing Basis	1A
Published for Opposition	December 11, 2012
Owner	(APPLICANT) Robert F. Melendez, MD, MBA DBA EyeCare Publications, LLC LIMITED LIABILITY COMPANY NEW MEXICO 735 Grey Hawk Dr. NE Rio Rancho NEW MEXICO 87144
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EYE DISEASE" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead
Indicator LIVE

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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

Dynamic Timeline

Word Mark	DYNAMIC TIMELINE
Goods and Services	IC 042. US 100 101. G & S: Providing an interactive website featuring technology that allows users to preserve memories and personal stories
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85794452
Filing Date	December 4, 2012
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	February 19, 2013
Owner	(APPLICANT) My Lasting Legacy, LLC AKA Legacy Builder LIMITED LIABILITY COMPANY TEXAS 1101 Raintree Circle, Suite 180 Allen TEXAS 75013
Attorney of Record	W. Kenneth Paxton, Jr.
Type of Mark	SERVICE MARK
Register	PRINCIPAL

Live/Dead Indicator LIVE

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EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TIMELINES, INC.,)	
)	
Plaintiff-Counterdefendant,)	
)	Civil Action No. 11-cv-06867
v.)	Judge John W. Darrah
)	
FACEBOOK, INC.,)	
)	
Defendant-Counterplaintiff.)	

DEFENDANT FACEBOOK, INC.'S SUPPLEMENTAL INITIAL DISCLOSURES

Defendant Facebook, Inc. ("Facebook"), by and through its attorneys, hereby supplements its initial disclosures under FED. R. CIV. P. 26(a)(1) and 26(e)(1)(A). Facebook bases its supplemental initial disclosures on information reasonably available to Facebook as of the date below. Facebook reserves the right to further supplement, alter, or amend these disclosures as discovery progresses and as additional information becomes available through its ongoing investigation or discovery. Furthermore, Facebook reserves the right to further supplement, alter, or amend these initial disclosures at appropriate intervals as provided for in FED. R. CIV. P. 26(e)(1). Additional supplemental disclosures will be made to the extent that they are not mooted by future discovery responses or have not otherwise been made known to Plaintiff Timelines, Inc. ("Plaintiff") during the discovery process or in writing.

By making these supplemental initial disclosures, Facebook is not waiving its right to object to the production of such documents or testimony of such witnesses on any ground, including without limitation: (1) on the basis of privilege or work product protection; (2) on the ground that the information sought is not relevant to the subject matter of this litigation, and is not reasonably calculated to lead to the discovery of admissible evidence; and (3) on the ground

that the information sought is not sufficiently relevant to justify the burden or expense of production. Further, Facebook is not making a representation that it has identified every document, tangible thing, or witness that may possibly be relevant to this proceeding. These disclosures represent a good faith effort to identify information that Facebook reasonably believes is required by FED. R. CIV. P. 26(a)(1).

I. SUPPLEMENTAL IDENTIFICATION OF WITNESSES -- FED. R. CIV. P. 26(a)(1)(A)(i)

Subject to the qualifications set forth above, Facebook hereby supplements its initial disclosures by identifying the following additional individuals and entities as likely to have discoverable information that Facebook may use to support its defenses and counterclaims:

- **Eric Antonow**
Vice President, Product Marketing
Facebook, Inc.
1601 Willow Road
Menlo Park, California 94025

* Plaintiff may only contact Mr. Antonow through Facebook's counsel.

Subjects of Knowledge: Facebook's adoption and use of the term "timeline" in connection with a feature of its user interface; and Facebook's efforts to promote and market its "timeline" feature.

- **International Reading Association**
800 Barksdale Rd.
PO Box 8139
Newark, DE 19714-8139

Subjects of Knowledge: Use of the term "timeline(s)"; generic and/or descriptive nature of the term "timeline(s)"; the absence of consumer confusion between International Reading Association's use of the term "timeline(s)" and Plaintiff's use of the terms "timeline" and "timelines"; the absence of any demand by Plaintiff that the International Reading Association cease using the term "timeline(s)" in connection with its products or services; and the likelihood of market disadvantage if the International Reading Association is unable to use the term "timeline(s)."

- **KIDASA Software, Inc.**
1114 Lost Creek Blvd., Suite 300
Austin, TX 78746

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between KIDASA Software’s use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that KIDASA Software cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if KIDASA Software is unable to use the term “timeline(s).”

- **Massachusetts Institute of Technology**
77 Massachusetts Avenue
Cambridge, MA 02139-4307

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between MIT’s use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that MIT cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if MIT is unable to use the term “timeline(s).”

- **Mnemograph, LLC**
611 North Haines
Boise, ID 83712

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between Mnemograph’s use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that Mnemograph cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if Mnemograph is unable to use the term “timeline(s).”

- **SmartDraw, LLC/ SmartDraw Software, LLC / SmartDraw.com, LLC**
9909 Mira Mesa Blvd.
San Diego, CA 92131

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between SmartDraw’s use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that SmartDraw cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if SmartDraw is unable to use the term “timeline(s).”

- **TimelineIndex.com**
Leidsekade 85 HS
Amsterdam 1017 pn
The Netherlands

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between TimelineIndex.com’s use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that TimelineIndex.com cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if TimelineIndex.com is unable to use the term “timeline(s).”

- **Tom Snyder Productions, Inc.**
100 Talcott Avenue
Watertown, MA 02472-5703

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between Tom Snyder Productions’ use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that Tom Snyder Productions cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if Tom Snyder Productions is unable to use the term “timeline(s).”

- **Twitter, Inc.**
1355 Market St, Suite 900
San Francisco, CA 94103

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between Twitter’s use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that Twitter cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if Twitter is unable to use the term “timeline(s).”

- **Underlying Inc. DBA Dipity**
1010 Pennsylvania Avenue
San Francisco, CA 94107

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between Dipity’s use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that Dipity cease using the term

“timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if Dipity is unable to use the term “timeline(s).”

- **Our Timelines**
13 Turning Wheel
Glasgow, MT 59230

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between Our Timelines’ use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that Our Timelines cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if Our Timelines is unable to use the term “timeline(s).”

- **Timetoast**
32 Angelis Apartments 69
69 Graham Street
London, London N1 8LH

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between Timetoast’s use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that Timetoast cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if Timetoast is unable to use the term “timeline(s).”

- **Webalon Ltd. DBA Tiki-Toki Timeline Software**
148 Dawlish Road,
London, E10 6QN

Subjects of Knowledge: Use of the term “timeline(s)”; generic and/or descriptive nature of the term “timeline(s)”; the absence of consumer confusion between Tiki-Toki’s use of the term “timeline(s)” and Plaintiff’s use of the terms “timeline” and “timelines”; the absence of any demand by Plaintiff that Tiki-Toki cease using the term “timeline(s)” in connection with its products or services; and the likelihood of market disadvantage if Tiki-Toki is unable to use the term “timeline(s).”

Facebook’s investigation and discovery efforts in this matter are ongoing. Facebook is informed and believes that there are potentially other persons who may possess discoverable information that Facebook may use to support its defenses and counterclaims. Facebook

reserves the right to designate such persons as witnesses in the future as such witnesses become known to Facebook.

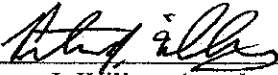
II. SUPPLEMENTAL IDENTIFICATION OF DOCUMENTS -- FED. R. CIV. P. 26(a)(1)(A)(ii)

Subject to the qualifications set forth above, Facebook hereby supplements its initial disclosures by identifying the following additional categories of documents that Facebook may use to support its defenses and counterclaims:

- Publicly available dictionary definitions demonstrating the generic and/or descriptive nature of the term "timeline(s)";
- Publicly available articles demonstrating the widespread use of the term "timeline(s)" in a generic and/or descriptive manner by the media;
- Publicly available documents and/or documents produced by third parties demonstrating the widespread use of the term "timeline(s)" in a generic and/or descriptive manner by competitors; and
- Publicly available documents and/or documents produced by Plaintiff evidencing Plaintiff's own use of the term "timeline(s)" in a generic and/or descriptive manner.

Unless otherwise specified above, the identified categories of documents are located at Cooley LLP, 777 6th Street, NW, Suite 1100, Washington, DC 20001.

Dated: September 6, 2012


Peter J. Willsey (*pro hac vice*)
Brendan J. Hughes (*pro hac vice*)
COOLEY LLP
777 6th Street, NW, Suite 1100
Washington, DC 20001
Tel: (202) 842-7800
Fax: (202) 842-7899
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bhughes@cooley.com

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San Francisco, CA 94111-5800
Tel: (415) 693-2000
Fax: (415) 693-2222
Email: rhodesmg@cooley.com

Steven D. McCormick (IL Bar No. 1824260)
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300 North LaSalle
Chicago, IL 60654-3406
Tel: (312) 862-2000
Fax: (312) 862-2200
Email: smccormick@kirkland.com

Attorneys for Defendant FACEBOOK, INC.

CERTIFICATE OF SERVICE

I, Bonnie Nelson, hereby certify that I caused a true and correct copy of **DEFENDANT FACEBOOK, INC.'S SUPPLEMENTAL INITIAL DISCLOSURES** to be served upon the following counsel for Plaintiff by FedEx on September 6, 2012:

Raven Moore
REED SMITH LLP
10 South Wacker Drive, 40th Floor
Chicago, Illinois 60606-7507
Tel: (312) 207-1000
Fax: (312) 207-6400
Email: rmoore@reedsmith.com

Dated: September 6, 2012



Bonnie Nelson
Paralegal
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