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Filing date: **04/11/2023**

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

Proceeding no.	91272699
Party	Plaintiff Exponent, Inc.
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Submission	Testimony For Plaintiff
Filer's name	Thomas J. Vande Sande
Filer's email	tv@hvslc.com
Signature	/thomasjvandesande/
Date	04/11/2023
Attachments	Opposer Exponents Exhibit 4 Part 1.pdf(5380558 bytes ) Opposer Exponents Exhibit 4 Part 2.pdf(4001759 bytes ) Opposer Exponents Exhibit 4 Part 3.pdf(3327641 bytes ) Opposer Exponents Exhibit 5.pdf(2532805 bytes ) Opposer Exponents Exhibit 6.pdf(2444213 bytes ) Opposer Exponents Exhibit 7.pdf(2108162 bytes ) Opposer Exponents Exhibit 8.pdf(3218763 bytes ) Opposer Exponents Exhibit 9 Part 1.pdf(4025767 bytes ) Opposer Exponents Exhibit 9 Part 2.pdf(3689126 bytes ) Opposer Exponents Exhibit 10 Part 1.pdf(5414581 bytes ) Opposer Exponents Exhibit 10 Part 2.pdf(3773558 bytes ) Opposer Exponents Exhibit 11.pdf(3825173 bytes ) Opposer Exponents Exhibit 12.pdf(2571031 bytes ) Opposer Exponents Exhibit 13.pdf(3688627 bytes ) Opposer Exponents Exhibit 14.pdf(2533930 bytes )

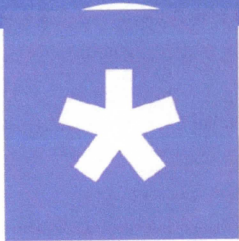
Opposer  
Exponent's  
Exhibit 4  
Part 1



20+



# Land your dream tech job.



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Exponent is a learning platform that helps you prepare for tech interviews in product management, engineering and more. Exponent offers premium courses, hands-on coaching and a community of learners to help you advance your career.

802 people like this

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<https://www.tryexponent.com/>

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[support@tryexponent.com](mailto:support@tryexponent.com)

Education · Science, Technology & Engineering · Business





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### Suggest Edits

Is this category correct?

Science, Technology & Engineering

Yes

Unsure

No

### Photos

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**Google APM Interview Guide**

Exponent

market and Google is considering entering the market with YouTube or Maps. Which would you choose?

Answer Example:

**Assumption**  
I will assume that the user (David) has been able to afford goods in general, and that David's parents have no debt or other responsibilities that would affect his ability to purchase goods.

**Goal**  
What do you want to know? I'd like to know the history of Google's entry into the market and whether or not it's worth it. I'd like to know how they've managed the transition of entering the market. Also, I'd like to know how they've managed to stay afloat in the market. I'd like to know how they've managed to stay afloat in the market. I'd like to know how they've managed to stay afloat in the market. I'd like to know how they've managed to stay afloat in the market.

**Should Google go into the ridesharing market?**

**Ask Me Anything ft. Stephen Cognitiona**

Join us to chat, ask questions, and learn how to ace your upcoming interview with Exponent!

### Videos

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**Exponent PM mock interview with Matt (former Google PM): Estimate Pixel phone photo storage**

48:03

In this live mock PM interview, Stephen mock interviews ...

15

808 Views · a year ago






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Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

Page created - April 18, 2018

### Related Pages

-  **Uber APM Program**  
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-  **Product Manager HQ**  
Education Website Like
-  **This is Product Management**  
Product/Service Like

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Create Page

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Create Post



Photo/Video



Check in



Tag Friends



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5h ·



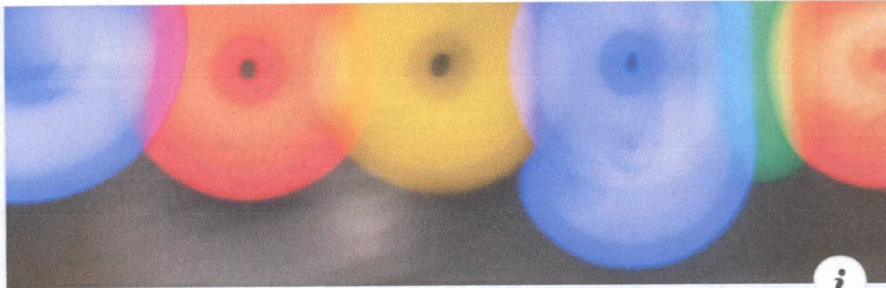
Great just isn't good enough, especially when it comes to employees. Larry Page, co-founder and long-time CEO of Google, is famous for his dedication to "moonshots" and a "10x" mindset.

Here's what you need to know if you want to be a Googler.

<https://blog.tryexponent.com/whats-it-take-to-work-at.../>



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BLOG.TRYEXPONENT.COM

### What's It Take to Work at Google?

Getting hired at Google is as competitive as enrolling in the top I...



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"If you want to build a great product you have to think about what makes a great person. What makes a great person? I use the mind body spirit framework."

Tune in to hear how SC Moatti, Founder at [Products That Count](#), thinks about some of the latest product management trends and insights.

<https://youtu.be/Y9IAAt5hCC0>



YOUTUBE.COM

### Product Management Trends (by Facebook Product Leader)



2



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3d · 🌐



You landed your dream product management job. Now what?  
Here's what you need to do in the first week as a product manager.  
Thanks @AI Dea and [MBASchooled](#) for the collab!

<https://mbaschooled.com/.../how-to-ace-your-first-week.../>

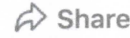
MBASCHOOLED.COM

### How To Ace Your First Week as a New Product Manager

Are you looking to start your new role as a Product Manager? Check out these tips from Stephen Cognetta, a Former PM at Google, an...



1



Write a comment...



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Have you cracked our choose-your-own-adventure interview simulator?

Facebook mobile is down 5%. You're the PM. What do you do? Click the buttons below to see if you can solve our free interview simulation tool.

<http://simulator.tryexponent.com/>

NEW

## Product Management Interview Simulator





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Part 3



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SIMULATOR.TRYEXPONENT.COM

### Interview Simulator by Exponent

A virtual interview simulator brought to you by Exponent, the inte...

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**Exponent**

October 2 at 9:50 AM · 🌐



Want to land the dream Google APM job?

Here's our full free guide to the Google APM interview, including interview stages, sample interview questions, and more.

<https://www.tryexponent.com/guides/google/apm-interview>



# Google APM Interview Guide

Exponent





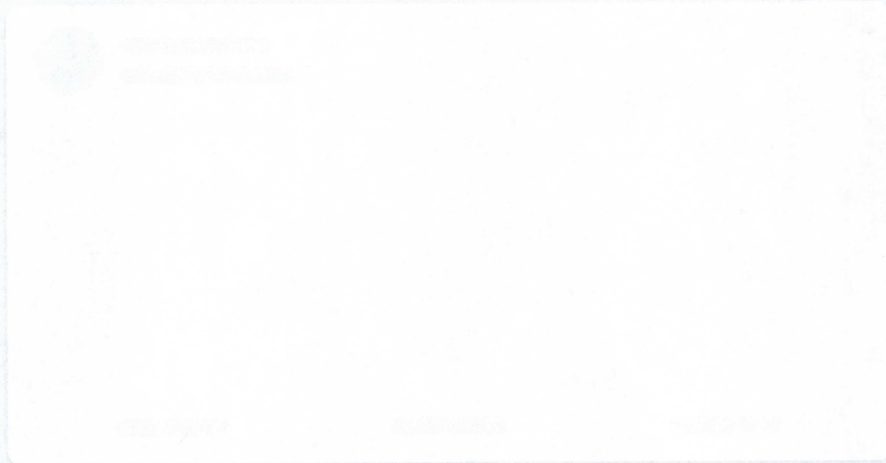
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# Google Courses

Explore all Exponent courses tailored for specific roles, companies, and skills.

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BizOps

System Design

Data Science

UX / Product Design

Behavioral

SQL

Amazon

Google

Facebook

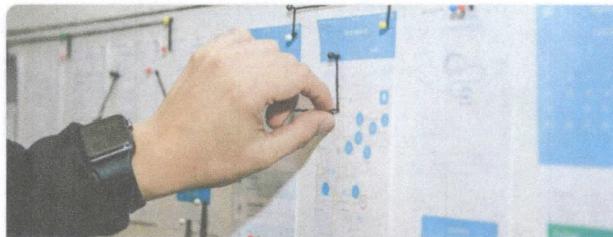
Soluti



## Google PM Interview Course

11 courses 7.3k students

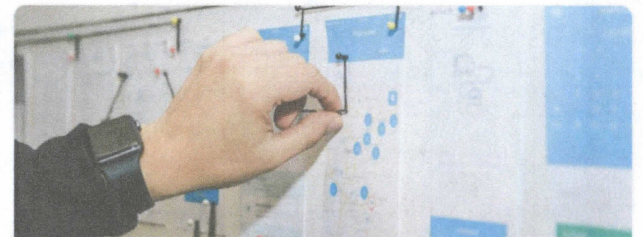
In this course, we'll examine frequently asked questions about the Google interview process,...



## Product Skills Course

4 courses 2k students

This course covers the fundamentals of product management, helping you understand the basic...



## UX / Product Design Interview Course

5 courses 1k students

This course covers what you need to know to ace your product designer interview, including...



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Exhibit 6

grounds that it seeks information protected from discovery as privileged attorney-client communications and as attorney work product. See Exhibit A, No. 3, 4, 6, and 7.

**Document Request No. 6:** All Documents concerning Applicant's knowledge of Opposer or Opposer's Mark, authored prior to the initiation of these proceedings, including, but not limited to, all Documents reflecting communications about Opposer or Opposers use of Opponents Mark or Opposer's trade name.

**Response to Document Request No. 6:** Applicant received the following communication:

FEB 19, 2021



Daniel Shuler, CISSP, PMP · 10:20 AM

**Exponent vs. Exponent**

Stephen, for some reason your Exponent is combing with my Exponent. This is causing a significant amount of confusion across our users and clients, since you are now showing as the Co-Founder for our company. Is it possible to update your company profile name to include a more descriptive name of your company?

I have submitted this request to LinkedIn, but they have indicated this is something that needs to be done from within the company profile.

Please see attached screenshot.

Thanks.  
Daniel

Applicant states it has no other documents related to Opposer's Mark authored prior to the initiation of these proceedings.

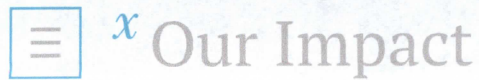
**Document Request No. 7:** Documents sufficient to identify any person actually or intended to be employed, retained, or engaged by Applicant to advertise or promote the Challenged Mark or any goods or services under or in connection with the Challenged Mark.

**Response to Document Request No. 7:** Applicant has not employed, retained, or engaged any person to advertise or promote the Challenged Mark or any goods or services under or in connection with the Challenged Mark. Applicant has the following affiliate partners who are influential in the tech industry space and promote Applicant's brand:

- Raphael Korach
- Mario Gerard
- Ilias Tsigkogiannis
- Zuhayeer Musa
- Alisa Haman
- Ryan Hill

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Exhibit 7





INVESTING IN PEOPLE

# Forever Learners

**HOW WE BUILD SCIENTIFIC KNOWLEDGE AND TALENT**

Exponent consultants are recognized leaders in their fields. We advance scientific and engineering knowledge through our client work and through our commitments to education, teaching, mentoring, and publishing.

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x

INSIGHTS

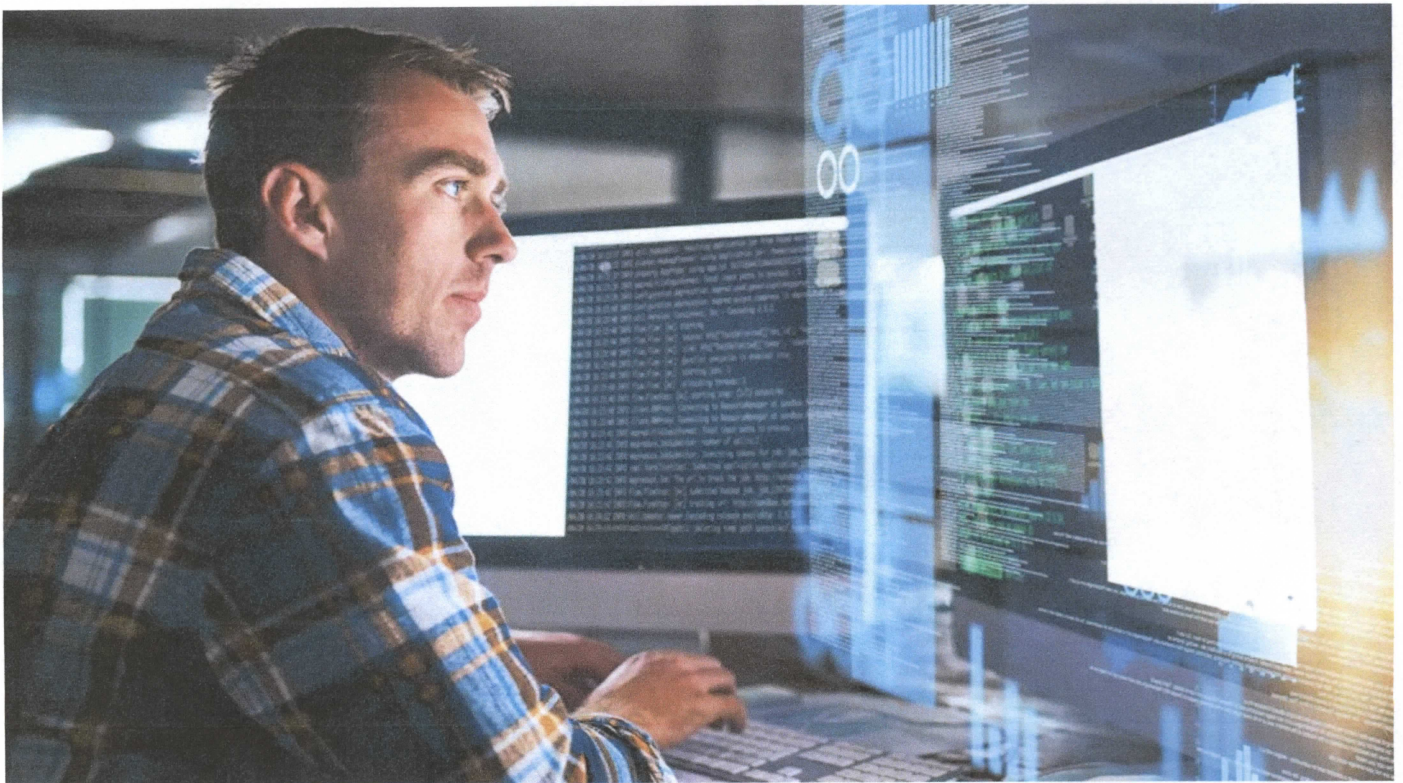
# Science & Engineering Insights for Your Path Forward

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Exhibit 9  
Part 1



THOUGHT LEADERSHIP

# The Importance of Project Management in Timely Software Deployment





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*September 19, 2019*

In 2002, the National Institute of Standards and Technology estimated that software errors cost the U.S. economy an estimated [\\$59.5 billion annually](#). Since then, multiple studies have shown that large-scale software implementations routinely experience significant budget and schedule overruns:

- In 2013, the Standish Group, an IT research advisory firm, issued a report documenting that in 2012 as [much as 74%](#)  of IT software project implementations ran behind schedule.
- Panorama Consulting found that [54% of enterprise resource planning](#)  implementation projects in 2013 were over budget to varying degrees and the dominant reason for budget overruns for software systems was expansion of project scope (17%), while the second dominant reason was unanticipated technical or organizational problems (15%).

The licensed professional electrical and computer engineers in Exponent's Electrical Engineering & Computer Science practice have investigated large-scale enterprise software systems for over 10 years. Based on experience, poor project management in the early stages of software construction can contribute to ineffective solutions, development delays, personal injury, and potential litigation.

A number of project management missteps can adversely affect the timing and quality of software deployment. One common issue is a misalignment between customer requirements and system design during the requirements engineering phase of a project. This can occur for a variety of reasons including poor

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Exponent's  
Exhibit 9  
Part 2

communication, resource overloading, aggressive marketing, and a lack of adequate engineering requirements.

These factors can lead to a failure of the software to meet the customer's expectations. Alternatively, the software product may meet a customer's expectations but experience significant installation delays. Common contributors include frequent changes to project scope or customer requirements, establishing unreasonable project timelines, accidents, and inaccurate cost estimates at the project's onset.

Our team at Exponent recently investigated an insurance claim that involved an enterprise-scale software deployment delay. We were asked to determine whether the requested multi-million-dollar claim was reasonable based on the scope of work for the software installation and to evaluate whether a fire that occurred at the facility had contributed to the deployment delay. To complete this task, we coupled our experience in fire investigation with our experience in project management and electrical and software engineering to identify the software components needed for effective installation.

After performing an in-depth analysis of the project timeline, scope, and work performed, we calculated the cost for the delay to be ~20% of the original multi-million-dollar claim, because our estimate excluded costs that would have been incurred regardless of the incident. We also demonstrated how the delay caused by the fire incident actually provided a benefit to the organization, as it allowed the developers more time to rectify existing gaps in the software system. The matter was quickly settled after our report was delivered.

## How Exponent Can Help

This project illustrates Exponent's multidisciplinary approach to problem solving and software failure investigations. Our team includes certified software quality engineers, project management professionals, and subject matter experts in multiple technical areas where software is used as an application. Our experience



over decades of failure investigations enables us to determine the root cause of software failure, to elucidate risks based on industry standards, and to provide peer-reviewed, well-supported opinions on the results of each investigation.



## Contact us

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## Interested in joining our team?

VIEW OUR CURRENT OPENINGS

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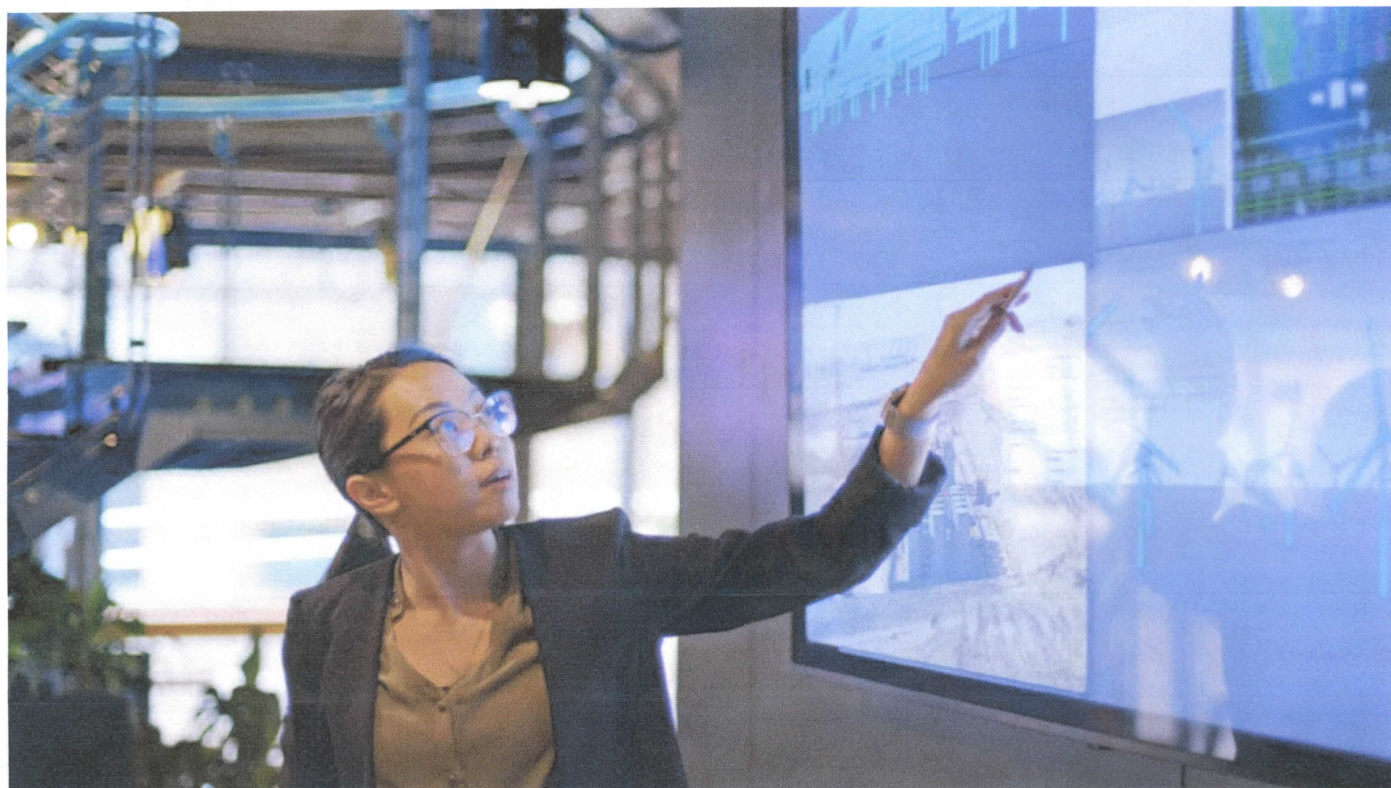
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Exhibit 10  
Part 1



THOUGHT LEADERSHIP

# Stop Assuming Your Data Scientist is a Metallurgist or Meteorologist

Why organizations should integrate data analytics with domain expertise for meaningful decision-making



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*February 4, 2021*

Over 40% of companies worldwide use [big data analytics](#) to make business and operational decisions. Benefits include more strategic decision-making, improved control of operational processes, reduced uncertainty, and better understanding customers, risks, and costs. Unfortunately, organizations sometimes fail to realize these benefits by relying solely on data analytics without domain-specific insight.

Data analytics performed without domain expertise can lead to conclusions or predictions that don't make sense in the real world and drive decisions that may in turn introduce risks to the reliability, integrity, or safety of products or infrastructure. In contrast, organizations who combine data analytics with domain expertise can leverage a cross-disciplinary approach to efficiently collect and analyze data, optimize predictions, and support decision-making.

Bottom line? Stop assuming data scientists are metallurgists, meteorologists, or other domain experts. Instead, prioritize the integration of data science and domain expertise throughout a project to obtain meaningful results that can help you make practical business and operational decisions.

## Integrated from the Start

It can be tempting for an organization to offload a data analytics project to a third party and turn its attention to other business until the work is done. While effective data scientists might excel at mathematical modeling, it is critical that the analytical trends and correlations produced make sense in the real world and that insights can be integrated into operational workflow. In our experience, this is best accomplished by integrating data analytics and applications-based domain expertise from the beginning of a project.

Suppose you are interested in understanding consumer behavior and send a survey to your customers. A data scientist can certainly analyze responses and offer insights. However, the integrity of the conclusions they draw will depend critically on how well the survey was designed.

*Did you bias your customers' answers by asking questions in the wrong order? Did your phrasing encourage the answer you wanted? Are you surveying only your most frequent customers?*

Drawing meaningful conclusions about consumer behavior, like most data-driven projects, requires a cross-disciplinary team. In this example, that includes experts in statistics, psychology, and human behavior working alongside data scientists.

## Leveraging the Right Data

Opposer  
Exponent's  
Exhibit 10  
Part 2

As another example, a utility may employ a third-party partner to provide data-driven recommendations on areas with the highest risks to assets from regional weather patterns and other outside forces. By including a utilities expert in the initial data collection process, the team can ensure that the most critical input data is leveraged.

For example, an advanced algorithm could suggest based on analysis of limited field data that the higher the humidity, the less corrosion a pipeline will incur. A metallurgist closely integrated into this work could determine whether or not this prediction is accurate and, if needed, partner with the data scientist to redirect the model.

This type of scientific integration throughout a project can drive more engineering-informed results and help organizations avoid safety, reliability, or quality issues down the line. In this example, the analysis team (data scientist, utilities expert, and metallurgist) contributes expertise while executing an approach grounded in engineering realities. This type of solution development allows for a highly multi-disciplinary approach that incorporates critical considerations from different domains.

Similarly, domain experts can help data scientists ensure that models target the correct variable or issue from the onset. For example, if humidity is a known, unavoidable issue in a given project, it may not be useful to let it dominate a model's analytics. By coupling mathematical modeling with domain expertise, organizations can avoid exclusively focusing on known variables or eliminating secondary variables that may influence a model's outcome in a given population or region.

## How Exponent Can Help

Exponent's multi-disciplinary team of engineers and scientists has both data analytics and domain expertise to help organizations across industries obtain the most meaningful results for real-world decision-making. Our data scientists are

software agnostic and have the analytical tools to accommodate the cloud service, dashboard, and platform of choice for a given organization. We also have domain experts in a wide variety of disciplines, including but not limited to:

- Corrosion engineers trained in metallurgy
- Environmental scientists who understand both the effects of weather and pollution and environmental regulations across countries
- Electrical engineers who understand battery behavior
- Toxicologists who can speak about consumer safety based on analytical results
- Human factors experts who understand consumer behavior.

*x*

**AUTHORS**

*x*

Contact us

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Exhibit 11



## Together, We Advance Science & Engineering

Every day, our professionals advance their fields, contribute to building a pipeline of scientific and engineering talent, and lend their expertise to standards-setting committees and organizations.

### Scientific Publications

On average, Exponent consultants and staff author, co-author, and contribute annually to more than 200 peer-reviewed scientific and engineering publications — on topics ranging from improving public health to preventing building collapses.

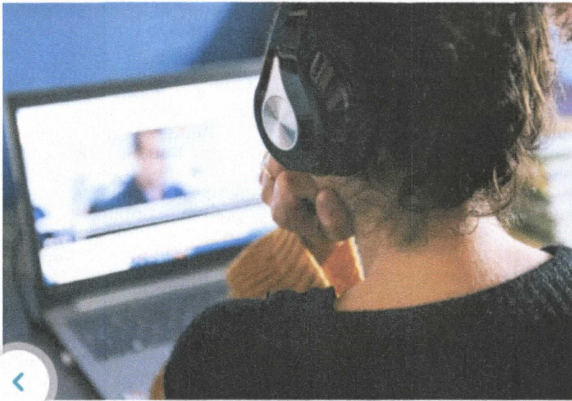
## Academic Appointments

Today, more than 50 of our full-time consultants serve as adjunct professors, lecturers, instructors, and advisors at universities across the country and around the world.

## Committees & Boards

Exponent staff serve on more than 250 individual scientific and engineering committees and advisory boards, including the International Standards Organization and Underwriters Laboratories.

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Exponent's  
Exhibit 12



### Personal Development

Exponent's online Learning Management System contains all the firm's internal trainings and learning plans to support you in expanding your knowledge and refining your skills.



### The Buddy Program

As a newcomer to Exponent, we pair you with a "buddy" who is similar in their office location, expertise, or position as a go-to point of contact to help familiarize you with our culture and your role.



### The Mentorship Program

Exponent enables you to accelerate in your technical specialty through ongoing training and leadership opportunities, including engagement with executives and decision-makers, and support in building lasting relationships with your peers.

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Exponent's  
Exhibit 13

## Academic Appointments

More than 50 Exponent consultants currently hold positions at academic institutions, where they serve as:



Professors



Research Professors



Adjunct and Associate Faculty



Lecturers



Instructors



Advisors

### Sample of Institutions We Serve

### Sample of Topics We Teach

- Arizona State University
- Columbia University
- Drexel University
- Georgetown University School of Medicine
- Georgia Institute of Technology
- Johns Hopkins University
- Massachusetts Institute of Technology
- New York University
- Stanford University
- Sun Yat-sen University
- University of California, Berkeley
- University of California, Davis
- University of California, Los Angeles
- University of Michigan

### Academic Appointments

More than 50 Exponent consultants currently hold positions at academic institutions, where they serve as:



Professors



Research Professors



Adjunct and Associate Faculty



Lecturers



Instructors



Advisors

### Sample of Institutions We Serve



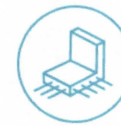
Materials Engineering



Structural Engineering



Engineering Management



Civil Engineering



Environmental/Ecological Sciences



Epidemiology/Toxicology



Vehicle & Aircraft Technology



Mechanical/Industrial Engineering



Product Design/Development



Health Sciences



Electrical Engineering



Failure Analysis

### Sample of Topics We Teach



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Exponent's  
Exhibit 14

OUR COMMUNITY

# Join over 200,000 people using Exponent



**Amit**  
PM, Technical, Amazon

I have strongly recommended it to all my peers preparing for PM interviews.



**Daniel**  
Product Manager, Google

Three weeks of studying Exponent helped me land a PM offer.



**Jerry**  
APM, Google

I highly recommend Exponent if you're looking to prep for PM interviews.



**Rupal K.**  
Product Designer, Meta

As a Product Designer, no other online resource could've better prepared me for my FAANG interviews!



**Nicole**  
UX Designer, Qualtrics

I'm so glad I came across Exponent - I appreciated the clean user experience & community. The step by step guides helped me feel less overwhelmed a...



**Adam Schneider**  
TPM, Google

Exponent's videos and interactive mock interviews were invaluable to my preparation.