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

Proceeding	92056629
Party	Plaintiff Octagon Law Group Inc.
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Submission	Motion to Quash
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Date	10/15/2013
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OCTAGON LAW GROUP INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92056629
)	Registration No. 2,470,833
OCTAGON WORLDWIDE HOLDINGS B.V.))	Mark: OCTAGON
)	
Registrant.)	

**MOTION TO QUASH REGISTRANT'S
30(B)(6) NOTICE OF DEPOSITION OF PETITIONER**

Petitioner hereby requests that the Trademark Trial and Appeal Board issue an order quashing Registrant's Notice of Deposition of Petitioner and denying Registrant's Motion to Take Petitioner's Deposition Orally.

Registrant seeks to depose a person designated under *Fed. R. Civ. P. 30(b)* who has knowledge of various aspects of Petitioner's business. Because Petitioner is a Canadian company, all of its officers, owners, and employees are Canadian citizens residing in Canada. Therefore, it has no presence in the United States. Consequently, the taking of depositions must be in accordance with *37 CFR §2.120(c)* and *§2.124* which allow for depositions of a foreign party upon written questions. In accordance with *TBMP §521*, Petitioner seeks to quash the Motion, which is in violation of *§2.124*.

The Trademark Trial and Appeal Board, however, has the discretion to order that a deposition be taken by oral examination on motion for good cause. Registrant has filed such a motion setting forth its good cause for seeking to take its deposition orally. Registrant states that Petitioner has crucial knowledge and information of how it will be

damaged by the continued registration of Octagon Worldwide's registration for the mark OCTAGON. Petitioner is not denying Registrant this information, but it is unclear why such information cannot be obtained through written questions. Petitioner's claim of damages is not a complex issue that would require a back and forth exchange to discover the relevant evidence which is the main advantage of an oral deposition. Furthermore, Petitioner has set forth clearly in its petition for cancellation that it is being denied registration of its Octagon Marks based on Registrant's registration for the mark OCTAGON. Thus, it is patently clear what damage Petitioner is suffering as a result of the continued registration of the mark OCTAGON as is, that is, without an amendment to the recitation of services.

Even though Registrant is willing to come to Toronto for the deposition, the time that the likely deponent will have to set aside for such deposition amounts to a significant inconvenience and loss of income. It is scheduled to take place during the day when the deponent charges an hourly rate for his time. By allowing the deponent to respond to written questions on his own time, he will not suffer lost income from having to attend a deposition during a time of day when he is most likely to generate income.

In addition to the inconvenience to the deponent, there would also be the unnecessary expense of having the undersigned travel to Toronto for the deposition. If the deposition is conducted by written questions, Petitioner would not have to incur this expense.

It is clear that the equities in this case do not justify granting the motion. The advantage of an oral deposition is tenuous at best given the issues involved while the hardship to Petitioner is real and substantial.

It is clear that the equities in this case do not justify granting the motion. The advantage of an oral deposition is tenuous at best given the issues involved while the hardship to Petitioner is real and substantial.

Because Registrant has not set forth good cause to justify an oral deposition of deponent, Petitioner requests that the motion to take Petitioner's Deposition Orally be denied and the Notice of Deposition quashed.

OCTAGON LAW GROUP INC.

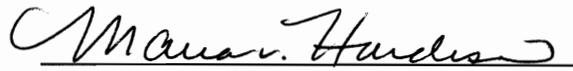
Date: October 15, 2013

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CERTIFICATE OF SERVICE

I hereby certify that Motion to Quash Registrant's 30(b)(6) Notice of Deposition of Petitioner were mailed, postage prepaid, this 15th day of October 2013, to:

Tamara Carmichael, Esq.
Melanie Howard, Esq.
Loeb & Loeb LLP
345 Park Avenue
New York, New York 10154


Maria v. Hardison
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