

ESTTA Tracking number: **ESTTA890433**

Filing date: **04/17/2018**

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

Proceeding	91233945
Party	Defendant One Technologies, LLC
Correspondence Address	DUSTIN MAUCK REGITZMAUCK PLLC 1700 PACIFIC AVE, SUITE 1280 DALLAS, TX 75201 UNITED STATES Email: dustin@regitzmauck.com, mike@regitzmauck.com
Submission	Defendant's Notice of Taking Testimony
Filer's Name	Dustin Mauck
Filer's email	dustin@regitzmauck.com
Signature	/Dustin Mauck/
Date	04/17/2018
Attachments	Amended Notice of Election to Take Oral Cross-Examination of Declarants.pdf(46011 bytes )

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

Serial No. 86/943,937  
Mark: BETTER CREDIT, BETTER LIFE  
Filing Date: March 17, 2016

Progrexion IP, Inc.	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91233945
	§	
One Technologies, LLC,	§	
	§	
Applicant.	§	
	§	

**AMENDED NOTICE OF ELECTION TO TAKE ORAL CROSS-EXAMINATION OF  
DECLARANTS AND STIPULATION REGARDING REMOTE DEPOSITIONS**

Pursuant to 37 C.F.R. § 2.123(c), Applicant One Technologies, LLC provides notice that it elects to take oral cross-examination of declarants **Sable Peterson** and **Emily Madsen**, whose declarations were filed in these proceedings by Opposer Progrexion IP, Inc. on March 19, 2018. The parties have now finalized the examination times and locations for each deponent. The examinations will take place on **April 26, 2018**. The examinations will continue day to day until completed. The cross-examinations of these declarants do not waive any rights of the Applicant to depose these or any other Opposer declarants or witnesses during Applicant’s Trial Period, and Applicant expressly reserves the right to depose these and any other witnesses testifying or otherwise offering evidence on behalf of Opposer in these proceedings during Applicant’s Trial

Period or as otherwise authorized by the Board, separate and apart from Applicant's right to cross-examine these declarants pursuant to 37 C.F.R. § 2.123(c):

**Emily Madsen**

Deposition Start Time: 1:00pm Mountain Daylight Time  
Deponent Location: Workman Nydegger  
60 East South Temple, Suite 1000  
Salt Lake City, UT 84111

**Sable Petersen**

Deposition Start Time: 4:30pm Mountain Daylight Time  
Deponent Location: Workman Nydegger  
60 East South Temple, Suite 1000  
Salt Lake City, UT 84111

Counsel for Applicant will be examining the witnesses remotely via video conference from:

Esquire Deposition Solutions  
1700 Pacific Avenue, Suite 1000  
Dallas, TX 75201

Pursuant to agreement of counsel for the parties, the examinations will take place with One Technologies, LLC counsel examining the witnesses from Dallas, Texas via video conference while the declarants will be providing testimony via videoconference from Salt Lake City, Utah before a duly certified court reporter/official who will administer the oaths and produce the transcripts and exhibits for use in these proceedings. Exhibits will be introduced electronically. All parties wishing to review the exhibits will need to bring a computer or tablet to the depositions. All parties have the option of paying a charge to download the official exhibits at the conclusion of the proceeding. Upon written notice to the other party, party representatives will have the opportunity to view the deposition proceedings from other remote locations for an additional charge. Remote deposition and court reporter services will be provided by Esquire Deposition Solutions.

**STIPULATION**

The parties hereby stipulate to the taking of these depositions remotely via videoconference as described above:

/James W. McConkie III/  
John C. Stringham, Reg. No. 40,831  
James W. McConkie III

**WORKMAN NYDEGGER**  
60 East South Temple, Suite 1000  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707  
jstringham@wnlaw.com  
jmconkie@wnlaw.com  
docketing@wnlaw.com  
ldocketing@wnlaw.com

ATTORNEYS FOR OPPOSER  
PROGREXION IP, INC.

Dated: April 17, 2018

/Michael B. Regitz/  
Michael B. Regitz, Reg. #55,838  
Dustin M. Mauck, Reg. #57,872

**RegitzMauck PLLC**  
1700 Pacific Avenue, Suite 2610  
Dallas, Texas 75201  
Telephone: (214) 414-3813  
Facsimile: (214) 414-3814  
mike@regitzmauck.com  
dustin@regitzmauck.com

COUNSEL FOR APPLICANT  
ONE TECHNOLOGIES, LLC

Respectfully Submitted,

/Michael B. Regitz/  
Dustin M. Mauck, Reg. #57,872  
dustin@regitzmauck.com  
Michael B. Regitz, Reg. #55,838  
mike@regitzmauck.com

**RegitzMauck PLLC**  
1700 Pacific Avenue, Suite 2610  
Dallas, Texas 75201  
Telephone: (214) 414-3813  
Facsimile: (214) 414-3814

COUNSEL FOR APPLICANT  
ONE TECHNOLOGIES, LLC

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing AMENDED NOTICE OF ELECTION TO TAKE ORAL CROSS-EXAMINATION OF DECLARANTS AND STIPULATION REGARDING REMOTE DEPOSITIONS has been served on Opposer's counsel of record by forwarding said copy on April 17, 2018, via e-mail to:

John C. Stringham  
Workman Nydegger  
60 East South Temple, Suite 1000  
Salt Lake City, Utah 84111  
[jstringham@wnlaw.com](mailto:jstringham@wnlaw.com)

James W. McConkie  
[jmconkie@wnlaw.com](mailto:jmconkie@wnlaw.com)

Jennifer Hunter  
[jhunter@wnlaw.com](mailto:jhunter@wnlaw.com)

/Michael B. Regitz/  
Michael B. Regitz, Reg.# 55,838