

ESTTA Tracking number: **ESTTA1346396**

Filing date: **03/15/2024**

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

Proceeding no.	91273672
Party	Defendant DomiDocs, Inc.
Correspondence address	WILLIAM N. MCKENNA IV DOMIDOCs, INC. 2336 SE OCEAN BLVD STE 248 STUART, FL 34996 UNITED STATES Primary email: william@domidocs.com Secondary email(s): es1@domidocs.com 772-210-1124
Submission	Other Motions/Submissions
Filer's name	William N. McKenna
Filer's email	william@domidocs.com
Signature	/William N. McKenna/
Date	03/15/2024
Attachments	Motion_Virtual Deposition.pdf(373596 bytes)

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

TITLE LOCK CORPORATION,)	
)	
Opposer,)	
)	Opposition No. 273673
v.)	
)	In re Serial Nos. 90/484,750; 90/456,625;
DOMIDOCS, INC.,)	90/080,203
)	
Applicant.)	
)	
)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT’S MOTION FOR VIRTUAL DEPOSITION

In this motion, DomiDocs, Inc. (hereinafter the “Applicant”) is requesting that the United States Patent and Trademark Office Trademark Trial and Appeal Board (hereinafter the “Board”) grant this Applicant’s Motion for Virtual Deposition (hereinafter the “Motion for Virtual Deposition”) on the grounds that that an in-person deposition with Home Title Lock, Inc. (hereinafter the “Opposer”) will cause undue hardship on the Applicant.

REQUIREMENTS OF MOTION FOR VIRTUAL DEPOSITION

Under Florida Rule of Civil Procedure 1.310(b)(7), “a deposition may be taken by communication technology . . . if stipulated by the parties or if ordered by the courts on its own motion or on motion of a party.” Fla. R. Civ. P. 1.310. Also, under the Federal Rule of Civil Procedure 30(b)(4), “[t]he parties may stipulate – or the court may on motion order – that a deposition be taken by telephone or other remote means.” Fed. R. Civ. P. 30(b)(4).

APPLICANT’S REQUEST FOR VIRTUAL DEPOSITION

Applicant first requested that the deposition be conducted virtually via email communications with the Opposer’s legal representation on February 29, 2024. In response, the Opposer’s legal representation, Lindsey Bruno, stated that she and her client “do not agree to conduct the deposition virtually and, under the rules, a deposition must be conducted in person unless all parties agree otherwise.” Additionally, the Opposer’s legal representation sent a subsequent email on March 8, 2024 that stated the following: “[her and her client] are entitled to conduct the deposition in a single day (up to 7 hours of testimony not including breaks) and [her and her client] do not agree to taking [the Applicant’s] deposition by remote means” and “[i]f you would like to move the Board to order otherwise, please do so by March 15.” The full email communications are attached as Exhibit A hereto. Subsequently, the Opposer filed a Motion to Compel Deposition Testimony, which is attached as Exhibit B hereto, and informed the Applicant of such and, therefore, the Applicant is now filing this Motion for Virtual Deposition in response.

However, the Applicant's Chief Executive Officer's, William McKenna (hereinafter "Mr. McKenna"), attendance of an in-person deposition would place an undue hardship on Mr. McKenna personally due to Mr. McKenna's attending an in-person deposition with five individuals who had just traveled across the country would be a threat to the Mr. McKenna's health due to Mr. McKenna's already compromised immune system. If needed, Mr. McKenna can provide supporting documentation of Mr. McKenna's compromised immune system from a medical professional who has knowledge of this condition.

Furthermore, Mr. McKenna's attendance of an in-person deposition would place an undue hardship on the Applicant from a business standpoint due to Mr. McKenna's absence and unavailability throughout the day while the deposition is underway. As the Applicant's Chief Executive Officer, Mr. McKenna needs to be able to be contacted several times each business day by key Applicant employees and consultants to discuss and make key business and financial decisions and also by investors and directors to provide key business and financial information about Applicant.

Therefore, for the above personal and business-related reasons that would cause an undue hardship on Applicant and Mr. McKenna and due to the lack of mutual agreement between the parties, Applicant is requesting that the court issue a motion for virtual deposition so that the parties can conduct the deposition virtually.

I hereby certify that a true and complete copy of the foregoing Applicant DomiDocs, Inc.'s Motion for Virtual Deposition has been served on counsel for Opposer, attorneys for Opposer by forwarding said copy on March 15, 2024 by email to: Lewis Rice LLC, 600 Washington Ave., Suite 2500, St. Louis, Missouri 63101, jgreenberg@lewisrice.com, mhickey@lewisrice.com, and ipdocket@lewisrice.com.

/s/ William N. McKenna, IV

William N. McKenna, IV
March 15, 2024

EXHIBIT A

From: Bruno, Lindsey M. <LBruno@lewisrice.com>
Sent: Monday, March 11, 2024 12:56 PM
To: William McKenna <william@domidocs.com>
Cc: Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>; Lynn Williams <es1@domidocs.com>
Subject: RE: Title Lock Corporation v. DomiDocs, Inc.

Attached please find Title Lock's Motion to Compel Deposition Testimony and exhibits thereto, which were just filed with the Board.

From: William McKenna <william@domidocs.com>
Sent: Friday, March 8, 2024 11:47 AM
To: Bruno, Lindsey M. <LBruno@lewisrice.com>
Cc: Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>; Lynn Williams <es1@domidocs.com>
Subject: [EXTERNAL] RE: Title Lock Corporation v. DomiDocs, Inc.

We are in disagreement please file your motion with the board. I will not be there...

Thank You,

William.

Founder & CEO

From: Bruno, Lindsey M. <LBruno@lewisrice.com>
Sent: Friday, March 8, 2024 12:12 PM
To: William McKenna <william@domidocs.com>
Cc: Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>; Lynn Williams <es1@domidocs.com>
Subject: RE: Title Lock Corporation v. DomiDocs, Inc.

Mr. McKenna,

As I previously explained, we are entitled to conduct the deposition in a single day (up to 7 hours of testimony, not including breaks) and we do not agree to taking your deposition by remote means. If you would like to move the Board to order otherwise, please do so by March 15. If you do not file a motion by that date, we will expect you to appear for your previously noticed deposition on March 21 at the Courtyard hotel located at 7615 SW Lost River Road, Stuart, FL 34997.

Thanks,
Lindsey

From: William McKenna <william@domidocs.com>
Sent: Wednesday, March 6, 2024 10:06 AM
To: Bruno, Lindsey M. <LBruno@lewisrice.com>
Cc: Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>;

Lynn Williams <es1@domidocs.com>

Subject: [EXTERNAL] RE: Title Lock Corporation v. DomiDocs, Inc.

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Ms. Bruno,

While I enjoy your tenacity there is zero chance I will be participating in an in-person deposition for this matter.

After two Moderna shots that have caused irreversible physical conditions and my two bouts with Covid my immune system is compromised.

I am not willing to sit in a motel conference room with 5 people that have unnecessarily travelled across the country on public transportation.

There are very specific legal rules regarding unnecessary hardship on parties when it comes to depositions.

It should also be noted that I have a very small business where my absence would be extremely detrimental to the company and its employees.

I'll look for your Zoom invite for a virtual deposition on March 21st.

PS. Does your client know that you are unnecessarily incurring expenses on their behalf? I pinged them on LinkedIn to such.

Thank You,

William.

Founder & CEO

From: Bruno, Lindsey M. <LBruno@lewisrice.com>

Sent: Tuesday, March 5, 2024 11:43 AM

To: William McKenna <william@domidocs.com>

Cc: Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>;

Lynn Williams <es1@domidocs.com>

Subject: RE: Title Lock Corporation v. DomiDocs, Inc.

Mr. McKenna:

The Courtyard hotel located at 7615 SW Lost River Road, Stuart, FL 34997 has a meeting space we can use for the deposition. Are you available for a full-day deposition at this location on March 21 or 22? If not, please let us know what date works for you.

Thanks,
Lindsey

From: Bruno, Lindsey M.

Sent: Thursday, February 29, 2024 9:11 AM

To: William McKenna <william@domidocs.com>

Cc: Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>;

Lynn Williams <es1@domidocs.com>

Subject: RE: Title Lock Corporation v. DomiDocs, Inc.

Mr. McKenna,

We do not agree to conduct the deposition virtually and, under the rules, a deposition must be conducted in person unless all parties agree otherwise. See Fed. R. Civ. P. 30(b)(4); TBMP 404.06. Do you have a preferred location with a conference room that can seat at least five people? If not, we will find an appropriate location.

Additionally, please plan to block out the entire day (from 9 am until 5 pm) for the deposition on March 21, as we are entitled to conduct the deposition in a single day (up to 7 hours of testimony, not including breaks). See Fed. R. Civ. P. 30(d)(1); TMBP 404.06(c). We are also entitled to an additional 7 hours for the corporate representative deposition, but as mentioned in my prior email, we are hopeful that we can knock out both depositions on March 21 since you have indicated you will be the only designee on behalf of DomiDocs.

Thanks,
Lindsey

From: William McKenna <william@domidocs.com>
Sent: Thursday, February 29, 2024 7:55 AM
To: Lynn Williams <es1@domidocs.com>; Bruno, Lindsey M. <LBruno@lewisrice.com>
Cc: Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>
Subject: [EXTERNAL] RE: Title Lock Corporation v. DomiDocs, Inc.

I am only available for a Virtual Deposition and in 2hr daily increments.
Please coordinate with Lynn...thx.

Thank You,

William.

Founder & CEO

From: Lynn Williams <es1@domidocs.com>
Sent: Thursday, February 29, 2024 8:41 AM
To: Bruno, Lindsey M. <LBruno@lewisrice.com>
Cc: William McKenna <william@domidocs.com>; Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>
Subject: Re: Title Lock Corporation v. DomiDocs, Inc.

Hello,

Yes, please schedule both for the same day as Mr. McKenna will be the sole designee. In addition, can he schedule a virtual deposition?

Thank you,
Lynn

*****ALL TIMES OFFERED ARE IN EASTERN TIME*****

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Lynn Williams
Executive Assistant to the CEO

DomiDocs.com

O: (833) 366-4362 Ext 103

D: (512) 281-7604

E: lynn@domidocs.com

DomiDocs, Inc.
2336 SE Ocean Blvd., Ste 248
Stuart, FL 34996

[HomeLock Commercial](#)
[Title Company Program](#)
[Residential Builder Program](#)

From: Lynn Williams <es1@domidocs.com>
Date: Tuesday, February 27, 2024 at 4:24 PM
To: Bruno, Lindsey M. <LBruno@lewisrice.com>
Cc: William McKenna <william@domidocs.com>, Hickey, Michael J. <MHickey@lewisrice.com>, Greenberg, John B. <JGreenberg@lewisrice.com>
Subject: Re: Title Lock Corporation v. DomiDocs, Inc.

Hello,

Yes, please schedule both for the same day as Mr. McKenna will be the sole designee. In addition, can we schedule a virtual deposition?

Thank you,
Lynn

*****ALL TIMES OFFERED ARE IN EASTERN TIME*****

?

Lynn Williams
Executive Assistant to the CEO

DomiDocs.com

O: (833) 366-4362 Ext 103

D: (512) 281-7604

E: lynn@domidocs.com

DomiDocs, Inc.
2336 SE Ocean Blvd., Ste 248
Stuart, FL 34996

[HomeLock Commercial](#)
[Title Company Program](#)
[Residential Builder Program](#)

From: Bruno, Lindsey M. <LBruno@lewisrice.com>
Date: Tuesday, February 27, 2024 at 4:07 PM
To: Lynn Williams <es1@domidocs.com>
Cc: William McKenna <william@domidocs.com>, Hickey, Michael J. <MHickey@lewisrice.com>, Greenberg, John B. <JGreenberg@lewisrice.com>
Subject: RE: Title Lock Corporation v. DomiDocs, Inc.
Lynn:

Thank you for reaching out.

We understand that the address listed below (2336 SE Ocean Blvd, Suite 248, Stuart, FL 34996) is DomiDocs' business address; however, it also appears to be a UPS store. Do you have a private conference room where we could conduct these depositions? The room would need to seat at least five people. If not, we can look into whether there is a law office in or around the Stuart area that can accommodate us.

Additionally, although Mr. McKenna's deposition and the corporate representative deposition have been noticed for separate days, I'm sure we can conduct them both on the same day if Mr. McKenna will be the sole corporate designee. Please let us know.

Thanks,
Lindsey

From: Lynn Williams <es1@domidocs.com>
Sent: Tuesday, February 27, 2024 2:30 PM
To: Bruno, Lindsey M. <LBruno@lewisrice.com>
Cc: William McKenna <william@domidocs.com>; Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>
Subject: [EXTERNAL] Re: Title Lock Corporation v. DomiDocs, Inc.

Hello,

I am writing on behalf of Mr. William McKenna to confirm the scheduling of these dispositions.

Please confirm the times and locations:

March 21, 2024 at 9:00 a.m. EST at 2336 SE Ocean Blvd, Suite 248, Stuart, FL 34996

March 22, 2024 at 9:00 a.m. EST at 2336 SE Ocean Blvd, Suite 248, Stuart, FL 34996

Thank you,
Lynn

*****ALL TIMES OFFERED ARE IN EASTERN TIME*****

?

Lynn Williams
Executive Assistant to the CEO

DomiDocs.com

O: (833) 366-4362 Ext 103

D: (512) 281-7604

E: lynn@domidocs.com

DomiDocs, Inc.
2336 SE Ocean Blvd., Ste 248
Stuart, FL 34996

[HomeLock Commercial](#)
[Title Company Program](#)
[Residential Builder Program](#)

From: William McKenna <william@domidocs.com>
Date: Tuesday, February 27, 2024 at 10:59 AM
To: Lynn Williams <es1@domidocs.com>
Subject: FW: Title Lock Corporation v. DomiDocs, Inc.

Thank You,

William.

Founder & CEO

From: Bruno, Lindsey M. <LBruno@lewisrice.com>
Sent: Monday, February 19, 2024 10:22 AM
To: William McKenna <william@domidocs.com>
Cc: Hickey, Michael J. <MHickey@lewisrice.com>; Greenberg, John B. <JGreenberg@lewisrice.com>
Subject: Title Lock Corporation v. DomiDocs, Inc.

Mr. McKenna:

Please see attached correspondence and deposition notices.

Thanks,
Lindsey

Error! Filename not specified. Lindsey M. Bruno
lbruno@lewisrice.com

600 Washington Avenue
Suite 2500
St. Louis, Missouri 63101-1311
314.444.7842 (direct)
314.612.7842 (fax)
www.lewisrice.com

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