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

Proceeding no.	92075281
Party	Plaintiff Nerdio, Inc.
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Date	08/01/2022
Attachments	Motion for Extension of Time.pdf(122147 bytes)

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

In the Matter of Trademark Registration No. 6153453
For the Mark: NERDIO
Date Registered: September 15, 2020

Nerdio, Inc.,)	
a Delaware corporation,)	
)	
Petitioner,)	Cancellation No. 92075281
)	
v.)	
)	
NerdIO Limited)	
a Hong Kong corporation,)	
)	
Respondent.)	
)	

**PETITIONER’S MOTION FOR AN EXTENSION OF TIME TO SERVE NOTICE OF
TESTIMONY DEPOSITION UPON WRITTEN QUESTIONS OF EDMOND KWOK-
KEUNG CHOW ON OFFICER OF THE DEPOSITION**

Petitioner Nerdio, Inc. (“Petitioner”) requests an extension of time to serve the Notice of Testimony Deposition upon Written Questions of Edmond Kwok-Keung Chow on the officer of the deposition until August 12, 2022. Despite the notice for an in person deposition in May, due to another COVID-19 surge, Petitioner is having difficulty finding a court reporter located in Hong Kong to appear in person for a deposition. Petitioner’s counsel contacted counsel for NerdIO Limited (“Respondent”) to request consent for the present motion, no response was received as of this filing.

On May 19, 2022, Petitioner served a Notice of Deposition upon Written Questions of Edmond Kwok-Keung Chow (“Deposition Notice”) on Respondent. On June 7, 2022, Respondent

requested a thirty-day extension of time to file their objections to the questions attached to the Deposition Notice, the request was granted. On July 8, 2022, Respondent served objections to the questions attached to the Deposition Notice. On July 18, 2022, Petitioner served substitute questions on Respondent and requested the Mr. Chow's availability for his deposition.

Within 10 days after the last date when questions, objections, or substitute questions may be served, the deposing party must mail a copy of the notice and copies of all the questions to the officer designated in the notice. TBMP 703.02. Under this rule, Petitioner's deadline to serve the Deposition Notice on the officer was July 28, 2022. However, Petitioner's counsel did not receive Mr. Chow's availability from Respondent's counsel until July 26, 2022 and Petitioner only received two options for dates. The court reporting company Petitioner included in the Deposition Notice was not available on the dates Respondent provided. Petitioner's counsel contacted several additional companies to try and confirm a court reporter, but no in person options were available for the dates Respondent provided. On July 28, 2022, Respondent's counsel agreed to provide Petitioner until August 1, 2022 to confirm a court reporter and send notice to the office for the deposition.

On July 29, 2022, Petitioner requested that the court reporter be allowed to appear remotely because Petitioner's counsel was unable to find a court reporting company with a court reporter in Hong Kong that could attend the in person deposition. However, counsel for Respondent denied Petitioner's request on July 30, 2022. On July 30, 2022, Petitioner's counsel requested additional dates Mr. Chow was available for deposition. On August 1, 2022, Respondent's counsel provided additional dates for Mr. Chow's deposition. Once received, Petitioner's counsel contacted several companies that offer court reporting services. As of this filing, some of the companies have indicated they do not have a representative in Hong Kong who can administer in-person reporting

services on the dates provided. Given the time difference in Hong Kong, Petitioner is still waiting to hear back from the other companies. Petitioner needs additional time to identify a court reporter available to administer the deposition in person on the dates Respondent provided. If this motion granted, Petitioner's new deadline to serve the relevant documents on the officer of the deposition will be August 12, 2022.

Dated: August 1, 2022.

Respectfully submitted,

Nerdio, Inc.

By: /s/ Alexis Crawford Douglas

One of Its Attorneys
Alexis Crawford Douglas
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a copy of the foregoing PETITIONER'S MOTION FOR AN EXTENSION OF TIME TO SERVE NOTICE OF TESTIMONY DEPOSITION UPON WRITTEN QUESTIONS OF EDMOND KWOK-KEUNG CHOW ON OFFICER OF THE DEPOSITION was served, via electronic mail, upon counsel for Respondent on August 1, 2022 at the following address:

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