

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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August 9, 2022

Cancellation No. 92075281

*Nerdio, Inc.*

*v.*

*NerdIO Limited*

**Nicole Thier, Paralegal Specialist:**

Petitioner's motion (filed August 4, 2022) to withdraw its previously filed motions (40-41 TTABVUE) for an extension to take and serve notice of testimony upon written questions is granted.

Trial dates remain as previously set forth in the Board's order, copied below.

Defendant's 30-day Trial Period Ends	9/7/2022
Plaintiff's Rebuttal Disclosures Due	9/22/2022
Plaintiff's 15-day Rebuttal Period Ends	10/22/2022
Plaintiff's Opening Brief Due	12/21/2022
Defendant's Brief Due	1/20/2023
Plaintiff's Reply Brief Due	2/4/2023
Request for Oral Hearing (optional) Due	2/14/2023

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the

manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).

### **TIPS FOR FILING EVIDENCE, TESTIMONY, OR LARGE DOCUMENTS**

The Board requires each submission to meet the following criteria before it will be considered: 1) pages must be legible and easily read on a computer screen; 2) page orientation should be determined by its ease of viewing relevant text or evidence, for example, there should be no sideways or upside-down pages; 3) pages must appear in their proper order; 4) depositions and exhibits must be clearly labeled and numbered – use separator pages between exhibits and clearly label each exhibit using sequential letters or numbers; and 5) the entire submission should be text-searchable. Additionally, submissions must be compliant with Trademark Rules 2.119 and 2.126. Submissions failing to meet all of the criteria above may require re-filing. **Note:** Parties are strongly encouraged to check the entire document before filing.<sup>1</sup> The Board will not extend or reset proceeding schedule dates or other deadlines to allow time to re-file documents. For more tips and helpful filing information, please visit the [ESTTA help](#) webpage.

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<sup>1</sup> To facilitate accuracy, ESTTA provides thumbnails to view each page before submitting.