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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.
Correspondence address	ALEXIS CRAWFORD DOUGLAS K&L GATES LLP 70 W MADISON ST, SUITE 3300 CHICAGO, IL 60602 UNITED STATES Primary email: TTABLitigationDocket@klgates.com Secondary email(s): alexis.douglas@klgates.com, patrick.richards@klgates.com, katy.allor@klgates.com, RiKaleigh.Johnson@klgates.com 312-807-4346
Submission	Testimony For Plaintiff
Filer's name	RiKaleigh Johnson
Filer's email	rikaleigh.johnson@yahoo.com, TTABLitigationDocket@klgates.com
Signature	/RiKaleigh Johnson/
Date	09/23/2022
Attachments	Edmond Kwok-Keung Chow 082322 Full Size - Corrected.pdf(182236 bytes) 2. Ex. 1 - Redacted in Entirety.pdf(38130 bytes) 2. Ex. 2 - Redacted in Entirety.pdf(31477 bytes) 2. Ex. 3 - Redacted in Entirety.pdf(32332 bytes) 2. Ex. 4 - Redacted in Entirety.pdf(32423 bytes)



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Transcript of Edmond Kwok- Keung Chow

Date: August 23, 2022

Case: Nerdio, Inc. -v- NerdIO Limited

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

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

Deposition by Written Questions of
EDMOND KWOK-KEUNG CHOW
Conducted Virtually
Tuesday, August 23, 2022
3:08 p.m. HKT

Job No.: 461091
Pages: 1 - 23
Reported by: Cassidy Western, RPR

1 Deposition by Written Questions of EDMOND
2 KWOK-KEUNG CHOW, conducted virtually.

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8 Pursuant to notice, before Cassidy Western,
9 RPR, Notary Public in and for the Commonwealth of
10 Pennsylvania.

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A P P E A R A N C E S

ON BEHALF OF THE RESPONDENT, NERDIO LIMITED,
A HONG KONG CORPORATION:

CHO KWAN HA, ESQUIRE
K&L GATES LLP
44th Floor, Edinburgh Tower
The Landmark
15 Queen's Road Central
Hong Kong

ALSO PRESENT:

Christie Jeon, A/V Technician

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C O N T E N T S

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By The Stenographer	6

E X H I B I T S

(Previously marked and attached to the transcript.)

DEPOSITION EXHIBIT	PAGE
Exhibit 1 NERDIOLTD_0000112-NERDIOLTD_0000121	5
Exhibit 2 NERDIOLTD_0000149, NERDIOLTD_0000154, NERDIOLTD_0000151, NERDIOLTD_0000156, NERDIOLTD_0000162, NERDIOLTD_0000164, NERDIOLTD_0000153, NERDIOLTD_0000155, NERDIOLTD_0000157, NERDIOLTD_0000158, NERDIOLTD_0000152, NERDIOLTD_0000147, NERDIOLTD_0000160, NERDIOLTD_0000145, NERDIOLTD_0000163, NERDIOLTD_0000146	5
Exhibit 3 NERDIOLTD_0000126-NERDIOLTD_0000134	5
Exhibit 4 NERDIOLTD_0000124-NERDIOLTD_0000125	5

1 (Exhibits 1-4 were previously marked for
2 identification and are attached to the
3 transcript.)

4 THE STENOGRAPHER: Will Counsel please
5 stipulate that in lieu of formally swearing in the
6 witness, I will instead ask the witness to
7 acknowledge that their testimony will be true
8 under the penalties of perjury, that Counsel will
9 not object to the admissibility of the transcript
10 based on proceeding in this way, and that the
11 witness has verified that he is, in fact, Edmond
12 Kwok-Keung Chow?

13 THE WITNESS: Yes.

14 MS. HA: That's confirmed.

15 THE STENOGRAPHER: All right. Thank
16 you.

17 Mr. Chow, do you hereby acknowledge that
18 your testimony will be true under the penalties of
19 perjury?

20 THE WITNESS: Yes.

21 THE STENOGRAPHER: Thank you.

22

1 EDMOND KWOK-KEUNG CHOW,
2 of lawful age, being first duly sworn or affirmed
3 to testify to the truth, the whole truth, and
4 nothing but the truth, was examined and testified
5 as follows:

6 EXAMINATION

7 Q 1. Please state your full name and home
8 address.

9 A Edmond Kwok-Keung Chow at 7A 240 Prince
10 Edward Road, Kowloon, Hong Kong.

11 Q 2. What is your date of birth?

12 A October 20th, 1969.

13 Q 3. What is your work history?

14 A I am a registered professional engineer
15 in Canada. I have worked as a software developer
16 and research and development manager in the
17 telecom industry in both Canada and China.

18 Q 4. Have you ever been employed?

19 A Yes.

20 Q 5. Have you ever owned a business?

21 A Yes.

22 Q 6. Are you currently employed?

1 A I'm not employed by others. I work for
2 myself.

3 Q 7. Do you currently own business?

4 A Yes.

5 Q 8. If you are employed, where are you
6 employed?

7 A Not applicable.

8 Q 9. If you own a business, what business
9 do you own?

10 A NerdIO Limited.

11 Q 10. If you are employed, please state
12 the business address of your employers.

13 A Not applicable.

14 Q 11. If you own a business, please state
15 the business address of your business.

16 A 7A 240 Prince Edward Road, Kowloon, Hong
17 Kong.

18 Q 12. If you are employed, please state
19 your current position and job title.

20 A Not applicable.

21 Q 13. If you own a business, please state
22 your current position and job title.

1 A Founder and CEO of NerdIO Limited.

2 Q 14. Are you currently employed by
3 NerdIO Limited?

4 A No. I own the company.

5 Q 15. Please state your current position
6 and job title.

7 A Founder and CEO of NerdIO Limited.

8 Q 16. How long have you held your current
9 position and job title?

10 A About 23 years.

11 Q 17. What other positions have you held?

12 A Not applicable.

13 Q 18. What were the periods of time for
14 each position?

15 A Not applicable.

16 Q 19. What are your current
17 responsibilities at NerdIO Limited?

18 A In the roles of patent engineer,
19 software developer, and business development. I
20 run the company.

21 Q 20. Are you familiar with NerdIO
22 Limited's business record keeping?

1 A Yes.

2 Q 21. Did you assist NerdIO Limited's
3 collection of evidence submitted in connection
4 with this proceeding?

5 A Yes.

6 Q 22. Does NerdIO Limited currently offer
7 services to customers in the United States?

8 A Yes.

9 Q 23. What services does NerdIO Limited
10 currently offer to customers in the United States?

11 A Software design, development, and
12 consulting. They are more fully described in the
13 registration.

14 Q 24. Does NerdIO Limited currently
15 render services to customers in the United States?

16 A Yes.

17 Q 25. What services does NerdIO Limited
18 currently render to customers in the United
19 States?

20 A Software design, development, and
21 consulting. They are more fully described in the
22 registration.

1 Q 26. Has NerdIO Limited rendered all of
2 the services listed in Registration No. 6153453 to
3 customers in the United States in connection with
4 the NERDIO mark?

5 A Yes.

6 Q 26a. If no, what services have not been
7 rendered?

8 A Not applicable.

9 Q 27. What Internet-enabled services does
10 NerdIO Limited design for customers in the United
11 States in connection with the NERDIO mark?

12 A Virtual patent marking.

13 Q 28. What Internet-enabled services does
14 NerdIO Limited develop for customers in the United
15 States in connection with the NERDIO mark?

16 A Virtual patent marking.

17 Q 29. What software products does NerdIO
18 Limited develop for customers in the United States
19 in connection with the NERDIO mark?

20 A Cloud-based websites.

21 Q 30. What services for cloud-based
22 virtual patent marking does NerdIO Limited develop

1 for customers in the United States in connection
2 with the NERDIO mark?

3 A Sorry. Do you mind repeating the
4 question?

5 Q 30. What services for cloud-based
6 virtual patent marking does NerdIO Limited develop
7 for customers in the United States in connection
8 with the NERDIO mark?

9 A Virtual patent marking.

10 Q 31. What software-based solutions does
11 NerdIO Limited develop for customers in the United
12 States in connection with the NERDIO mark?

13 A Virtual patent marking.

14 Q 32. What technology for cloud-based
15 virtual patent marking does NerdIO Limited develop
16 for customers in the United States in connection
17 with the NERDIO mark?

18 A Serverless, high-availability,
19 autoscaling, self-documenting platform for virtual
20 marking.

21 Q 33. What custom cloud-based websites
22 does NerdIO Limited develop for customers in the

1 United States in connection with the NERDIO mark?

2 A Will you please repeat that?

3 Q 33. What custom cloud-based websites
4 does NerdIO Limited develop for customers in the
5 United States in connection with the NERDIO mark?

6 A A shipping center called Blaine Postal
7 Service or Postal Center. Oh, sorry. Let me try
8 that again.

9 It's a shipping center website called
10 Blaine Postal Center. Yeah.

11 Q 34. State the dates during which NerdIO
12 Limited first rendered the following services in
13 the United States: the development of
14 Internet-enabled services, software products,
15 services for cloud-based virtual patent marking,
16 software-based solutions, technology for
17 cloud-based virtual patent marking, and custom
18 cloud-based websites.

19 A February 3rd, 2020 for cloud-based
20 websites.

21 The rest were December -- or at least
22 December 18th, 2019.

1 Q 35. State the dates during which NerdIO
2 Limited first rendered the following service in
3 the United States: the design of Internet-enabled
4 services.

5 A At least December 18th, 2019.

6 Q 36. Does NerdIO Limited offer services
7 via the Internet?

8 A Yes.

9 Q 37. What services does NerdIO Limited
10 offer via the Internet?

11 A Virtual patent marking.

12 Q 38. When did NerdIO Limited first offer
13 services via the Internet?

14 A At least December 18th, 2019.

15 Q 39. Describe any instance of NerdIO
16 Limited's offer of services via the Internet
17 before early February 2020.

18 A Virtual patent marking, at least
19 December 18th, 2019.

20 Q 40. Describe all channels of trade in
21 the United States through which NerdIO Limited has
22 offered for sale goods under or in connection with

1 the NERDIO mark.

2 A Web and email.

3 Q 41. Describe all channels of trade in
4 the United States through which NerdIO Limited has
5 offered for sale services under or in connection
6 with the NERDIO mark.

7 A Web and email.

8 Q 42. Identify all geographic locations
9 within the United States where NerdIO Limited has
10 used the NERDIO mark between July 16, 2013 and
11 current, including the dates of use in each
12 geographic location.

13 A The services are offered through the
14 Internet and are not limited to a particular
15 state. And such services started at least by
16 December 18th, 2019.

17 Q 43. Identify all additional services
18 NerdIO Limited intends to offer under the NERDIO
19 mark in the United States.

20 A Review scores services covered by one or
21 more patents dubbed NerdIO Trust.

22 Q 44. Is NerdIO Limited the registrant

1 for the domain name Nerdio.com?

2 A No.

3 Q 45. When did you purchase Nerdio.com
4 domain name registration?

5 A December 1999. I think it's
6 December 12th, 1999.

7 Q 46. Why did you register the domain
8 name Nerdio.com?

9 A For my company in Internet-enabled
10 products and services.

11 Q 47. What services do you offer through
12 the website at Nerdio.com?

13 A Software design, development, and
14 consulting. They are more fully described in the
15 registration.

16 Q 48. When did you first post content on
17 the website at the Nerdio.com domain name related
18 to the services that you offer in the United
19 States?

20 A At least January 7th, 2020.

21 Q 49. Is ed@nerdio.com your email
22 address?

1 A Yes.

2 Q 50. Is ed@dvmmy.com your email address?

3 A Yes.

4 Q 51. Is edkchow@yahoo.com your email
5 address?

6 A Yes.

7 Q 52. In 2016, were you contacted with an
8 offer to purchase the nerdio.com domain?

9 A Yes.

10 Q 53. What are the documents attached
11 hereto as Exhibit 1, previously marked as
12 NERDIOLTD_0000112-NERDIOLTD_0000121?

13 A Oh, I need to be shown the documents.

14 (Brief discussion off the record.)

15 A Okay. Will you please repeat the
16 question?

17 Q 53. What are the documents attached
18 hereto as Exhibit 1, previously marked as
19 NERDIOLTD_0000112-NERDIOLTD_0000121?

20 A Correspondence from different parties in
21 relation to unsolicited offers to buy my domain,
22 nerdio.com.

1 Q 54. Do the email addresses
2 ed@nerdio.com, ed@dvmmy.com, and edkchow@yahoo.com
3 appear in the documents attached hereto as
4 Exhibit 1?

5 A Yes.

6 Q 55. Are the documents attached as
7 Exhibit 1, a true and accurate copy of emails
8 exchanged regarding an offer to purchase the
9 domain name registration for nerdio.com?

10 A Cannot confirm.

11 Q 56. Was there an active website with
12 content offering services under the NERDIO brand
13 at Nerdio.com at the time the emails attached as
14 Exhibit 1 were exchanged?

15 A No.

16 Q 57. Describe the services offered under
17 the NERDIO brand at Nerdio.com at the time the
18 emails attached in Exhibit 1 were exchanged.

19 A Not applicable.

20 Q 58. When did NerdIO Limited become
21 aware of Nerdio, Inc.?

22 A When my patent attorney forwarded me the

1 petition for cancellation.

2 Q 59. When did NerdIO Limited begin using
3 Nerdio.com to offer services?

4 A At least by December -- no, no. Could
5 you repeat the question?

6 Q 59. When did NerdIO Limited begin using
7 Nerdio.com to offer services?

8 A At least by January 7th, 2020.

9 Q 60. Does NerdIO Limited control the
10 email address hi@nerdio.com?

11 A Yes.

12 Q 61. Have you received emails at
13 hi@nerdio.com?

14 A Yes.

15 Q 62. Has NerdIO Limited ever received
16 emails about Petitioner at hi@nerdio.com?

17 A I don't recall I have ever received
18 email from Nerdio, Inc. at hi@nerdio.com.

19 Q 63. What are the documents attached
20 hereto as Exhibit 2, previously marked as
21 NERDIOLTD_0000149, NERDIOLTD_0000154,
22 NERDIOLTD_0000151, NERDIOLTD_0000156,

1 NERDIOLTD_0000162, NERDIOLTD_0000164,
2 NERDIOLTD_0000153, NERDIOLTD_0000155,
3 NERDIOLTD_0000157, NERDIOLTD_0000158,
4 NERDIOLTD_0000152, NERDIOLTD_0000147,
5 NERDIOLTD_0000160, NERDIOLTD_0000145,
6 NERDIOLTD_0000163, and NERDIOLTD_0000146?

7 A I believe they are contact submissions
8 through the website nerdio.com.

9 Q 64. Does the email address
10 hi@nerdio.com appear in the documents attached
11 hereto as Exhibit 2?

12 A Yes.

13 Q 65. Are the documents attached as
14 Exhibit 2 a true and accurate copy of emails
15 NerdIO Limited received at hi@nerdio.com?

16 A Cannot confirm. I need to go through.

17 Q 66. Does NerdIO Limited offer virtual
18 workstation implementation services in the United
19 States?

20 A No.

21 Q 67. Does NerdIO Limited offer Azure
22 services in the United States?

1 A No.

2 Q 68. Does NerdIO Limited offer MSP
3 Channel Partners services in the United States?

4 A No.

5 Q 69. Does NerdIO Limited have a
6 representative named Joseph who attended a TAG
7 meeting in April 2020?

8 A No.

9 Q 70. Does NerdIO Limited have a
10 representative named Tony Cai?

11 A No.

12 Q 71. Has any representative of NerdIO
13 Limited attended an ID Agent show in Orlando,
14 Florida?

15 A No.

16 Q 72. Does NerdIO Limited offer WVD
17 implementation services in the United States?

18 A No.

19 Q 73. Does NerdIO Limited have a
20 representative named Joseph Landes?

21 A No.

22 Q 74. Has NerdIO Limited ever received

1 letters regarding NerdIO Limited's use of the
2 NERDIO mark from Nerdio, Inc.?

3 A No.

4 Q 75. What are the documents attached
5 hereto as Exhibit 3, previously marked as
6 NERDIOLTD_0000126-NERDIOLTD_0000134?

7 A Please repeat the question.

8 Q 75. What are the documents attached
9 hereto as Exhibit 3, previously marked as
10 NERDIOLTD_0000126-NERDIOLTD_0000134?

11 A It's my correspondence with a law firm
12 representing a company called ADAR, Inc.

13 Q 76. Are the documents attached as
14 Exhibit 3 a true and accurate copy of letters
15 NerdIO Limited received from Nerdio, Inc.
16 regarding NerdIO Limited's use of the NERDIO mark?

17 A Cannot confirm.

18 Q 77. Has NerdIO Limited ever sent a
19 letter to Nerdio, Inc. regarding NerdIO Limited's
20 use of the NERDIO mark?

21 A No.

22 Q 78. What are the documents attached

1 hereto as Exhibit 4, previously marked as
2 NERDIOLTD_0000124-NERDIOLTD_0000125?

3 A Please repeat the question.

4 Q 78. What are the documents attached
5 hereto as Exhibit 4, previously marked as
6 NERDIOLTD_0000124-NERDIOLTD_0000125?

7 A My correspondence with the law firm
8 representing ADAR in relation to the mark, NERDIO.

9 Q 79. Are the documents attached as
10 Exhibit 4 a true and accurate copy of the letter
11 NerdIO Limited sent to Nerdio, Inc. regarding
12 NerdIO Limited's use of the NERDIO mark?

13 A No, because I have never corresponded
14 with Nerdio, Inc. in relation to the use of the
15 mark NERDIO, period.

16 (Off the record at 3:36 p.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, CASSIDY WESTERN, RPR, Reporter and Notary
3 Public within and for the Commonwealth of
4 Pennsylvania do hereby certify:

5 That EDMOND KWOK-KEUNG CHOW, the witness
6 whose deposition is hereinbefore set forth, was
7 duly sworn by me before the commencement of such
8 deposition and that such deposition was taken
9 before me and is a true record of the testimony
10 given by such witness. I further certify that the
11 deposition of EDMOND KWOK-KEUNG CHOW occurred via
12 videoconference on Tuesday, August 23, 2022,
13 commencing at 3:08 p.m. to 3:36 p.m.

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1 I further certify that I am not related to
2 any of the parties to this action by blood or
3 marriage, I am not employed by or an attorney to
4 any of the parties to this action, and that I am
5 in no way interested, financially or otherwise, in
6 the outcome of this matter.

7 IN WITNESS WHEREOF, I have hereunto set my
8 hand this 2nd day of September, 2022.
9 My commission expires August 4, 2025.

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Cassidy Western, RPR

A			
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EXHIBIT 1

REDACTED IN ITS ENTIRETY

EXHIBIT 2

REDACTED IN ITS ENTIRETY

EXHIBIT 3

REDACTED IN ITS ENTIRETY

EXHIBIT 4

REDACTED IN ITS ENTIRETY