

ESTTA Tracking number: **ESTTA1244483**

Filing date: **10/27/2022**

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 C. Johnson
Filer's email	TTABLitigationDocket@klgates.com, alexis.douglas@klgates.com, patrick.richards@klgates.com, katy.allor@klgates.com, RiKaleigh.Johnson@klgates.com
Signature	/RiKaleigh C. Johnson/
Date	10/27/2022
Attachments	Declaration of Liz Hoscheid.pdf(558152 bytes) Ex. 1 - Hozcheid - TTAB_NERDIOINC_0000178 - SEALED.pdf(708077 bytes) Ex. 2 - Hozcheid - TTAB_NERDIOINC_0000177 - SEALED.pdf(707851 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.)	
)	

DECLARATION OF ELIZABETH HOSCHIED

I, Elizabeth Hoscheid, declare under penalty of perjury as follows:

1. I am currently the Director of Marketing for Petitioner Nerdio, Inc. (“Petitioner”).

I submit this declaration to provide relevant information regarding Petitioner’s use of the NERDIO mark in United States commerce.

2. The facts stated in this declaration are based on my personal knowledge and information contained in Petitioner’s business records regularly maintained by Petitioner in the normal course of business and to which I have regular access in the course of my job. Unless otherwise noted, the exhibits to which I refer and which are attached to this declaration are copies of documents and other materials from Petitioner’s business records kept in the ordinary course of business. I am informed and believe that the facts stated herein are true.

3. I have been Director of Marketing for Petitioner since February 2019. From March 2016 until February 2019, I acted as Digital Marketing Manager for Petitioner and Petitioner’s predecessor in interest Adar Inc. (“Adar”).

4. On Monday, June 6, 2016, I received instructions to update the Adar LinkedIn page to reflect the company brand change to NERDIO. That same day, I confirmed the page was updated

and that LinkedIn was contacted regarding the company name change. Exhibit A is a true and correct copy of the message conversation that took place on Monday, June 6, 2016.

5. On June 7, 2016 I received confirmation that the LinkedIn page was updated. Exhibit B is a true and correct copy of the message conversation confirming the LinkedIn page was updated.

The signatory, being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this submission, declares that all the statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

Dated: October 26, 2022

A handwritten signature in black ink, appearing to read "Elizabeth Hoscheid", written over a horizontal line.

Elizabeth Hoscheid

CONFIDENTIAL

EXHIBIT 1

CONFIDENTIAL

EXHIBIT 2