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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.
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Submission	Plaintiff's Notice of Reliance
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	Notice of Reliance - Printed Publications - internet materials.pdf(98371 bytes) Exhibit 1 - blog post.pdf(690494 bytes) Exhibit 2 - Ex. RR - TTAB_NERDIOINC_0002433 - SEALED.pdf(711962 bytes) Exhibit 3 - wayback website - Web capture_24-8-2022_11323_web.archive.org.pdf(1087802 bytes) Exhibit 4 - Twitter - 2016.pdf(276944 bytes) Exhibit 5 - Nerdio website Exhibit 4 to Vladimirskiy Declaration - TS DR - Trade-mark Application 87078739.pdf(1158304 bytes) Exhibit 6 - Pages from 08. Ex. H - TSDR - Trademark Application 87066 441 - Respondent's website.pdf(2893486 bytes) Exhibit 7 - Wiki Page.pdf(927022 bytes) Exhibit 8 - Wayback Machine gentnerdio.com-plans.pdf(657213 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 NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

UNDER 37 C.F.R. § 2.122(e)

Pursuant to Rule 2.122(e) of the Trademark Rules of Practice, 37 C.F.R. § 2.122(e) and TBMP §704.08(b), Petitioner Nerdio, Inc. ("Petitioner"), by and through its undersigned counsel, hereby makes of record and notifies Respondent NerdIO Limited ("Respondent") of its reliance on the following printed publications:

1. A true and correct printout of the getnerdio.com web page from June 12, 2016 accessed at <http://web.archive.org/web/20160612194624/getnerdio.com/blog/welcome-to-nerdio> and printed on August 25, 2022, a copy of which is attached hereto as Exhibit 1. Petitioner will rely on this web page to show Petitioner's priority in the NERDIO mark and Petitioner's marketing and advertising of services under Petitioner's NERDIO mark.

2. A true and correct printout of the Petitioner's getnerdio.com web page accessed at <https://privatecloud.getnerdio.com/> printed on May 27, 2021, a copy of which is attached hereto as Exhibit 2. Petitioner will rely on this web page to show the likelihood of confusion factor

relatedness of channels of trade and channels of trade used by Petitioner in connection with the advertising and sale of services under Petitioner's NERDIO mark.

3. A true and correct printout of the [getnerdio.com](http://web.archive.org/web/20160603045258/http://getnerdio.com/) web page from June 3, 2016 accessed at <http://web.archive.org/web/20160603045258/http://getnerdio.com/> and printed on August 24, 2022, a copy of which is attached hereto as Exhibit 3. Petitioner will rely on this web page to show Petitioner's priority in the NERDIO mark, Petitioner's trademark use, and the likelihood of confusion factor relatedness of channels of trade.

4. A true and correct printout of [twitter.com](http://twitter.com/GetNerdio/status/737992665975885824) web page with a June 1, 2016 tweet from the Nerdio branded [twitter.com](http://twitter.com/GetNerdio/status/737992665975885824) account accessed at <http://twitter.com/GetNerdio/status/737992665975885824> published on June 1, 2016 and printed on July 21, 2022, a copy of which is attached hereto as Exhibit 4. Petitioner will rely on this web page to show Petitioner's priority in the NERDIO mark, Petitioner's trademark use, and the likelihood of confusion factor relatedness of channels of trade.

5. A true and correct printout of the [getnerdio.com](http://getnerdio.com/plans) web page accessed at getnerdio.com/plans on and or between June 17, 2016-June 20, 2016 and submitted on June 21, 2016 as a Specimen with Petitioner's application to register the NERDIO mark, a copy of which is attached hereto as Exhibit 5. Petitioner will rely on this web page to show Petitioner's priority in the NERDIO mark, Petitioner's trademark use, and the likelihood of confusion factor relatedness of channels of trade.

6. A true and correct printout of the Respondent's website accessed at www.nerdio.com and printed on July 10, 2020, a copy of which is attached hereto as Exhibit 6. Petitioner will rely on this web page to show Petitioner's priority in the NERDIO mark,

Petitioner's trademark use, and the likelihood of confusion factor relatedness of channels of trade.

7. A true and correct printout of a Wikipedia.com web page for Petitioner's predecessor in interest Adar, Inc. accessed at https://en.wikipedia.org/wiki/Adar,_Inc and printed on August 25, 2022, a copy of which is attached hereto as Exhibit 7. Petitioner will rely on this web page to show Petitioner's priority in the NERDIO mark and Petitioner's marketing and advertising of services under Petitioner's NERDIO mark.

8. A true and correct printout of the getnerdio.com web page from June 03, 2016 accessed at <http://web.archive.org/web/20160603045750/getnerdio.com/plans> and printed on October 27, 2022, a copy of which is attached hereto as Exhibit 8. Petitioner will rely on this web page to show Petitioner's priority in the NERDIO mark and Petitioner's marketing and advertising of services under Petitioner's NERDIO mark.

Dated this 27th day of October 2022.

By: /Alexis Crawford Douglas/
Attorneys for Petitioner
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a copy of the foregoing Notice of Reliance on Trademark Application Under 37 C.F.R. § 2.122(e) was served, via electronic mail, upon counsel for Respondent via email on October 27, 2022 at the following address:

Jacqueline M. Lesser
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/ RiKaleigh C. Johnson/
RiKaleigh C. Johnson

EXHIBIT 1



URL: http://getnerdio.com/blog/welcome-to-nerdio. Accessed - http://web.archive.org/web/20160612194624/getnerdio.com/blog/welcome-to-nerdio
Date Accessed: 8/25/22

Login Geek Out

How Plans About Blogs

Welcome to Nerdio

May 31, 2016 (229 Views)



Welcome to Nerdio.

Nerdio represents an entirely new concept in IT services for small and mid-sized businesses. We call it streaming IT (that's a phrase you'll be hearing a lot of, by the way).

What's streaming IT?

It's simple: It's the decentralization and delivery of critical IT services to your business. It's a pain-reliever for you as a business owner or IT professional. It's IT that is wholly managed by us, the networking and IT experts, so that you can concentrate at doing what you do best—running your business.

Think about it: No more IT infrastructure management. No more software updates to think about. No more devices to support. No more wondering how much your IT team will need to spend to fix this problem or that problem.

Nerdio does all that. Nerdio virtualizes your entire IT environment—hardware, software, and support. We stream the IT to your business so that you can do business. Make sense?

We manage the servers in our data centers. We manage your network. We keep the applications running. We can even virtualize your desktops. What do you do? You pick a plan, pay one low fixed price per user, and let us go to work to help you do business better.

Nerdio comes pre-configured and ready to use. It's like IT in a jar. You just add your business users and customers, and your data. We customize your IT environment for your needs.

What does your existing IT department do?

The more strategic stuff that's germane to your business, and helps you do business better—the research into new technology, the workflow optimization, and the business analysis. Not the ongoing computer repairs, server upgrades, application vetting, and security patching that department is probably doing now.

As we do that, we'll also keep you up to speed on what's happening in the SMB IT world via our [Nerdio blogs](#). We'll make you even more of an expert than you already are by keeping you up to speed on the technology developments, pain points, and solutions in IT services. We'll do the deep dives and give you timely, relevant, actionable content that keeps you on top of things.

So take a look around and familiarize yourself with the idea of streaming IT. And let us know when you [want to talk](#) about transforming your business and showing you the future of IT.

Tags: [Nerdio](#) [strategy](#)

Search

Q

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Recipe for Disaster Recovery

JUNE 2, 2016

WRITTEN BY



Vadim Vladimirskiy

A creative technologist with a mind for business, Vadim Vladimirskiy is the head honcho at Adar. Vadim's the brains behind the evolution of Nerdio, bringing Streaming IT to the masses – that is, small and medium sized organizations. When he's not continually pushing the IT envelope, Vadim's at home with his loving wife and four boisterous kids.

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CONFIDENTIAL

EXHIBIT 2

EXHIBIT 3

STREAMING IT

PLAY VIDEO



Nerdio is Hardware, Software, Security, Support.

All Virtual. All Done.

TRY NOW

IT Expenses Be Damned

Tired of paying for endless IT expenses? With Nerdio, you'll get virtual servers and desktops, the complete Microsoft suite, security software and services galore, and more...

All included, for one simple monthly per-user price.

Speedy Tech-Nerd Support whenever you need it

Our Flash-like IT helpdesk team are all experts - no entry-levels. And they can be there in the palm of your hand, 24/7. We've got a full pot of coffee and will be up whenever you are.



Masters of Security

All of your data is stored on virtual servers in your own private cloud. Plus firewalls, constant monitoring, military-grade encryption, and more. All in our data centers that are next-level, Tony Stark type, space-age awesome. Sleep easy.



Disaster Prevention

Data loss from hackers, viruses, ransomware, even tornadoes - oh my! Not to worry (think of us as Glinda). With up to hourly backups in multiple locations, you'll be back up and running like it never happened.

All Your IT Problems = Solved

All the software, none of the baggage

The full Office 365 suite preloaded for every user - in your usual Windows environment. Plus, Exchange Server, loads of security software, and more. All without all those infrastructure and support headaches.

Instant desktop streaming

Your complete desktop experience - anytime, anywhere, any device. Get access to your same in-office computing environment, no matter where you are. All your files, all your programs, same look and feel. Mind blown.



One single IT system... Plus all the managing and monitoring you need

You'll be hooked up with all the IT goodies like hardware, software, streaming desktop, etc. And Nerdio manages your complete IT infrastructure and constantly monitors to catch any sneaky villains before they attack.

So you continue uninterrupted

With Nerdio implementation, data migration is seamless. Plus, it's customizable so you don't have to change the way you do business - and you keep all your existing software. Allowing you to stay just the way you are (thanks, Bruno Mars).

What our clients say

"I truly thought the transition with Nerdio went extremely well and when we had any questions - Alex and George immediately addressed and resolved our questions, concerns, and issues. I would like to get some brochures to pass out to clients to recommend you to them as well. Thank you very, very much."

"Congratulations on 10 years! What a fantastic accomplishment. We are especially fortunate to be working with a company like Nerdio. We are continually grateful for the support and guidance we receive from each and every one of you. Cheers to the next 10 years!"

Summer Chance - Communications and Compliance Manager, Professional National Tide Network

"Our employees are able to access the system from anywhere, which is very beneficial to business! We can call Nerdio and say 'We need someone to set up a new workstation' and within an hour it's all taken care of."

U.S. #1 SAFEHARBOR
U.S. DEPARTMENT OF COMMERCE

Advantage

HIPAA COMPLIANT

THE GOODS

Desktops
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What our clients say

"I tell people all the time... The two best operational decisions I have made are buying my office building and outsourcing IT to Nerdio."

"I was amazed at how easy working with Nerdio is. People need to be aware of how attentive this company is. Few companies are this responsive. It's been the right decision."

Ralph Droz – President, MDR Sterling

"Jason/Nerdio - Thanks for saving us on a last second request!"

What our clients say

"The initial 'Go-Live' experience was a real positive one with Nerdio. It really was like a switch being flipped! I couldn't be more pleased with the response that we got, and still get, any time that we need anything."


"Nerdio was great, they worked really closely with us and were on-site for a couple days to make sure that everybody was comfortable. Nerdio was there for our beck and call, 24/7! It's amazing that I can call them during the day and they always get back to me within minutes."



Bekki Kaplan – Executive Director, Beth Emet Synagogue

"Just wanted to send my thanks for your help this week and since the inception of our relationship. We are proud customers of Nerdio and thankful for our relationship."

EXHIBIT 4

- 
- [# Explore](#)
- [⚙️ Settings](#)

[←](#)**Tweet**



Nerdio
@GetNerdio

The secret is out - say hello to [#Nerdio!](#)
[#GetYourNerdOn](#) [ow.ly/Cnuh300M8Ib](#)



8:02 AM · Jun 1, 2016 · Hootsuite

2 Retweets 3 Likes



**Joseph @jwarper** · Jun 1, 2016

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Relevant people



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Nerdio Empowers MSPs and Enterprise IT Professionals to Deploy, Manage, and Optimize Virtual Desktops in Microsoft Azure.


What's happening

Geek · LIVE

San Diego Comic-Con returns for 2022 with panels from House of the Dragon, Lord of the Rings and the MCU



Trending with [#SDCC2022](#), [#TeenWolfMovie](#)

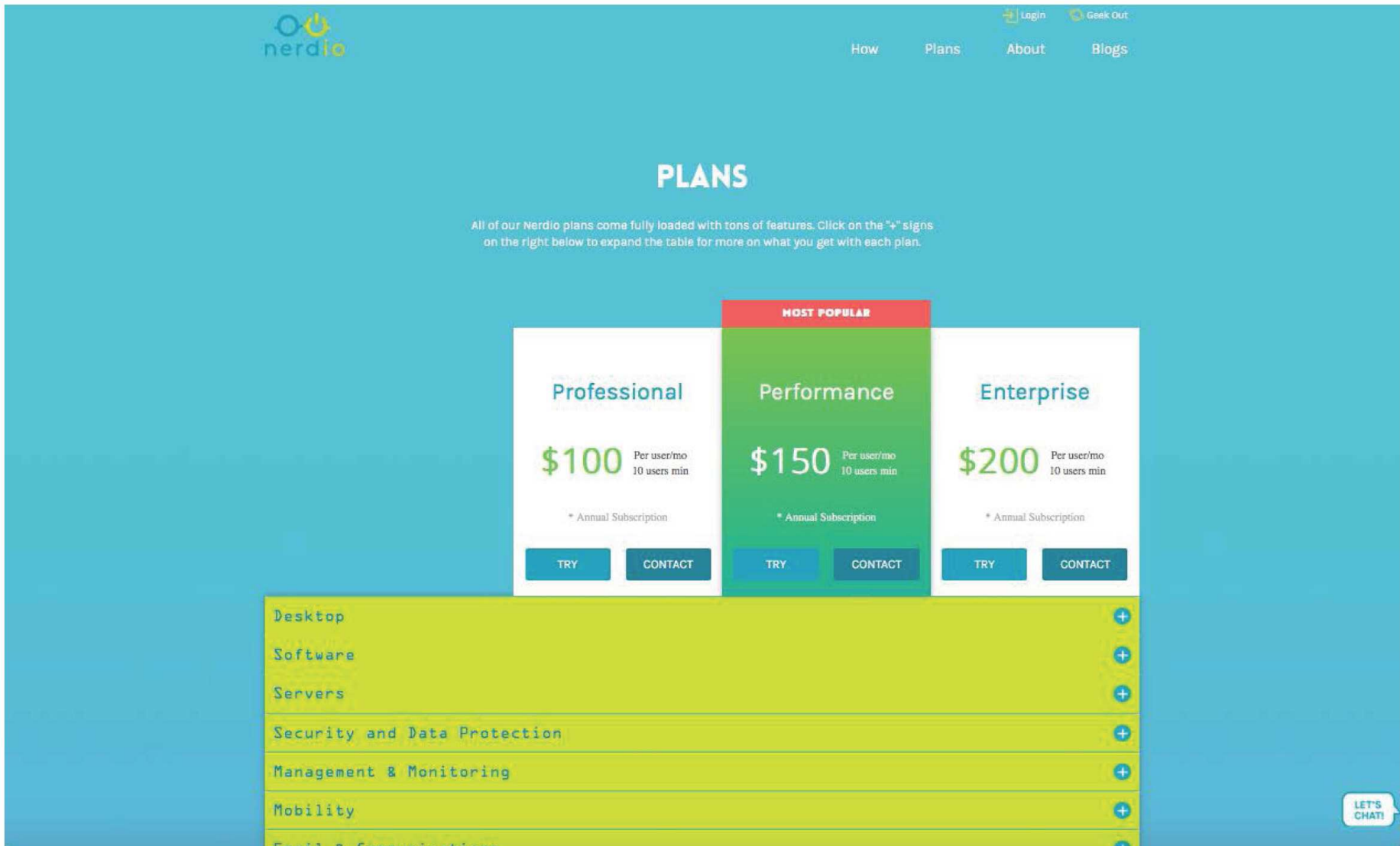
**Bloomberg Opin...** · July 19, 2022

Could the digital nomad lifestyle

EXHIBIT 5

URL: <http://getnerdio.com/plans>

Date Accessed: on and or between June 17, 2016-June 20, 2016

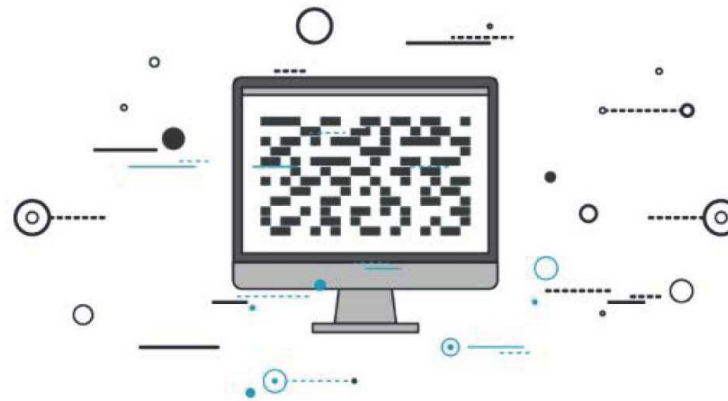


The screenshot shows the 'PLANS' page for Nerdio. The header includes the Nerdio logo, a 'Login' button, a 'Geek Out' button, and navigation links for 'How', 'Plans', 'About', and 'Blogs'. The main heading is 'PLANS'. Below it, a text block states: 'All of our Nerdio plans come fully loaded with tons of features. Click on the "+" signs on the right below to expand the table for more on what you get with each plan.' The plans are presented in three columns: Professional, Performance (marked 'MOST POPULAR'), and Enterprise. Each plan shows a price per user/month for a minimum of 10 users, with a note that the price is for an annual subscription. Below the prices are 'TRY' and 'CONTACT' buttons. At the bottom, a table lists features: Desktop, Software, Servers, Security and Data Protection, Management & Monitoring, Mobility, and Email & Communications. Each feature row has a '+' icon on the right to expand the details. A 'LET'S CHAT!' button is located in the bottom right corner.

Plan	Price	Per user/mo	10 users min	* Annual Subscription
Professional	\$100	Per user/mo	10 users min	* Annual Subscription
Performance	\$150	Per user/mo	10 users min	* Annual Subscription
Enterprise	\$200	Per user/mo	10 users min	* Annual Subscription

Feature	Expand
Desktop	+
Software	+
Servers	+
Security and Data Protection	+
Management & Monitoring	+
Mobility	+
Email & Communications	+

Desktops



With Nerdio, users can access their exact desktop from any location and from any internet-capable device. This includes laptops, tablets, smartphones, and smart monitors. Smart monitors aren't even smart, really. They don't process or store anything. All you'll need to do is plug your internet connection into the smart monitor and log into your cloud desktop. Easy as pie. And in the case of smart monitors, you won't have to be paying for, say, expensive computer upgrades every 2-3 years. What does that sound like? The sweet sound of dollars staying in your bank account, that's what.

Getting Started

Here's how it works. Get ready... Plug your internet connection, mouse and keyboard into your smart monitor. Or, a zero client box and standard monitor, which is an electronic streaming device that brings Nerdio straight to your screen.

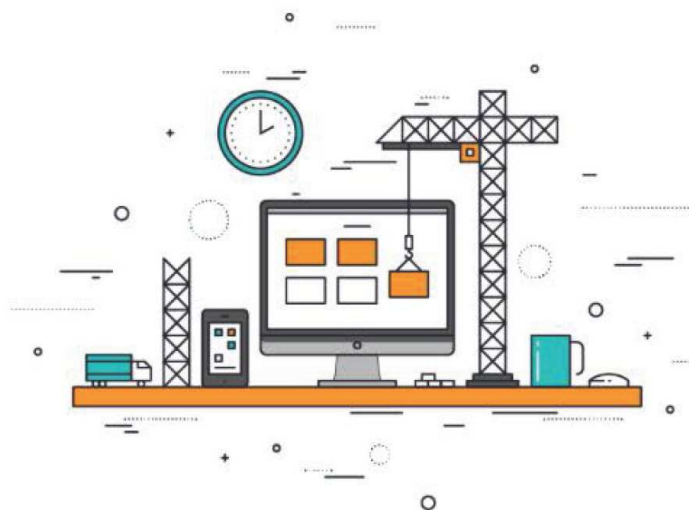
After that, all you'll need to do is turn everything on and hit connect. It's so easy it's stupid, really.

Security

All of your data will be stored in your very own private cloud, monitored by Nerdio experts. All your files are centralized for easy access. No more wondering where to find that document.

And while a streaming desktop is good for everyday documents, it's also great for the sensitive stuff. Is your organization guilty of leaving valuable files on unsecured desktops or even — gasp — personal laptops? It's okay. We won't judge you... too harshly. But think about how much safer they could be in your own private cloud. Yours will be in the state-of-the-art data centers we run, complete with Fortune 500 level protection. These dedicated desktops will be protected by firewalls, encryption, anti-virus, and anti-spyware. And they are backed up as frequently as every hour. Rest easy, friends.

Software



Your Nerdio desktops will come ready to go. They'll have the latest version of the Microsoft Windows operating system, plus a full suite of the Microsoft Office 365. You'll be able to use full versions of Word, Excel, PowerPoint, Access, Publisher, OneNote, and Outlook (automatically connected to a 50GB Exchange server mailbox). Plus, some other fun (well, useful) software like SharePoint and OneDrive for Business.

You also can control which desktops will need certain software programs, such as Adobe Illustrator or Photoshop. So you'll only pay for the number of licenses you need. Nice.

Freeware and apps can be preloaded or they can be added by you whenever you'd like. And we make sure we only fit out your desktop with the programs you actually want; no bloatware here. We'll stay on top of any annoying product licensing, patches, and updates for you during off-hours. That way, normal business can go on without any bother. Ah, what a relief.

[LET'S CHAT!](#)

Security & Data Protection



Ask anybody – the worst place to put critical company data are on your local PCs. Not only is that data vulnerable to hackers, viruses, and other invisible enemies, but PCs themselves can easily be lost or stolen. Or files be accidentally deleted. Mistakes happen. Hey, you're human after all.

Is this making you feel a little uneasy? Then it's time we talked. With Nerdio, your data is safe and sound in your private cloud, regardless of device or location. Your system will be protected by super-sophisticated firewalls and encryption. It always will be up-to-date, with the latest antivirus and antispyware software. In fact, your private cloud will have the security, protection, and encryption technology usually reserved exclusively for Fortune 500 companies. It doesn't get better than that, people.

Hardware Redundancy & Uptime

So how do we protect your organization from hardware

Backups

All of our plans come with a fully-loaded backup strategy. Even our backups have backups. Want it backed up every day? More of an every hour kind of person? You got it. No headaches, no lost files, and no panic.

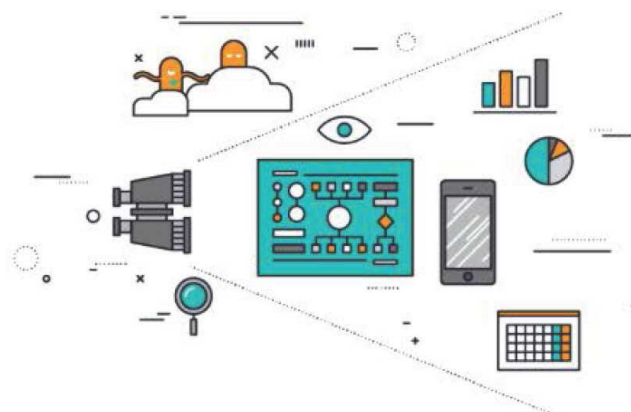
Secure Data Centers

Whether that's locally or within the Nerdio data centers (or both), your data is safe. We store these backups in high-security facilities that are cooled, fire-safe, and in various locations across the country. But even if you're not storing federal-level secrets, we'll still treat your data like confidential material. Also, entry to each one of these facilities is highly restricted, with multiple security measures. We don't mess around.

Disaster Recovery

Our Enterprise solution even comes with an extra Disaster

Monitoring & Maintenance



Servers, desktops, networks, and other technologies can be finicky creatures. They will choose the worst moments to try to break down. These issues can be mitigated with regular maintenance and constant vigilance. But you don't have the time to always be keeping an eye on all of your infrastructure. And you shouldn't have to. With Nerdio, there are no more IT hassles and worries - and you'll have more time to execute, manage, and grow your business. So, let us do the work.

Proactive Protection

Nerdio isn't content with just cutting-edge technology. We make sure you also get an engineering team who monitors everything all hours of the day... and night (we're guessing your team doesn't enjoy waking up at 3am to play Mr. Fix-It). We have really smart people (Nerdios) to help us detect any potential problems with your systems.

But if a situation does pop up — software, hardware, or otherwise — you can bet Nerdio will be there whenever you need it. No off hours, no surprise IT bills, no problem.

This means that most issues are solved remotely before you or your employees even encounter them - so everyone stays unharmed. Nerdio pretty much will be your own personal superhero, blocking all sorts of threats. Now doesn't that sound swell?

EXHIBIT 6



A new dawn where your
own software eats the
world.

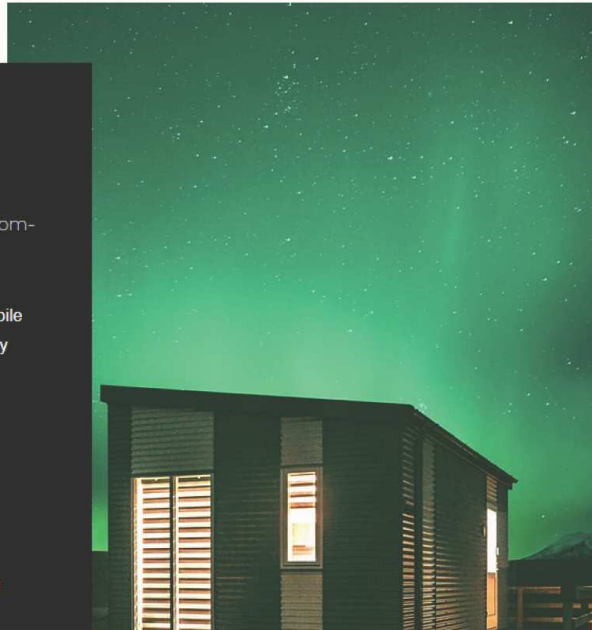
NerdioShack™

Why rent when you can own your custom-built website in the cloud?

Your website will be performant, secure, mobile first, easy to operate, and cheap to run in any cloud, made possible by

- Static Pages Generation
- Headless CMS
- API Extensibility
- Content Distribution Network
- Keep It Simple ;-)

If your website is slow, insecure,* or not cloud ready, we can help you upgrade it to a



- API Extensibility
- Content Distribution Network
- Keep It Simple ;-)

If your website is slow, insecure,* or not cloud ready, we can help you upgrade it to a NerdioShack too.

Contact Us

* You can check the speed and security settings of your website [here](#).



NERDIO is here to help.

Solutions That Compute™

NERDIO designs and implements software-based solutions that run in the cloud, from web presence to high-availability service. We can help you go serverless, or choose and configure virtual servers on major cloud computing platforms. We avoid reinventing the wheel, and look to scalable open-source software and publicly available APIs.

Our Services

- Design and development of Internet-enabled services that our customers can maintain, or we can do it for them.
- Software product development, project management, and system deployment.
- Quality improvements consulting in software products and services.
- Services and technology for cloud-based



maintain, or we can do it for them.

- Software product development, project management, and system deployment.
- Quality improvements consulting in software products and services.
- Services and technology for cloud-based virtual patent marking. ([Check it out.](#))
- Development and protection of intellectual property related to information technology.**

"The single biggest problem in communication is the illusion that it has taken place."

George Bernard Shaw


Get in Touch with *Software Smart* NERDIO

Your Name
Company
Company Size ▼
Your Position
Email
Phone
Your Interest ▼
Type your message here...

"The single biggest problem in communication is the illusion that
it has taken place."

George Bernard Shaw

Get in Touch with *Software Smart* NERDIO

Your Name
Company
Company Size ▼
Your Position
Email
Phone
Your Interest ▼
Type your message here...
<input type="checkbox"/> I'm not a robot  reCAPTCHA Privacy - Terms

Submit

** We have no intellectual property attorney or agent on staff. However, we have experience in acquiring patents in the field of information technology. We can help your team to improve the technical aspect of your inventions, and if requested, introduce you to law firms that might participate in the preparation, filing, and prosecution of your inventions.

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EXHIBIT 7

Adar, Inc

Adar, Inc. is an Information Technology (IT) company headquartered in Chicago, United States. The company provides streaming IT and IT-as-a-service to small and medium-sized enterprises (SMEs).^{[2][3][4][5][6]} Adar, Inc. is known for its comprehensive cloud IT brand of platform, Nerdio. It currently offers two products-Nerdio Private Cloud and Nerdio for Azure.^{[7][8][9]}

Contents

History

See also

References

External links

History

Adar, Inc. is a parent company that was founded in 2005 by Vadim Vladimirskiy, Stuart Gabel and Niall Keegan to provide online backup systems to SMEs.^{[1][10]} Soon after it was founded, the company transitioned into and managing virtual infrastructure.^{[10][11]}

In 2007, it introduced Adar Private Cloud.^{[10][12]}

In January 2014, the company secured \$2.4 million in Series A funding from MK Capital,^{[4][13][14]} which allowed it to expand and improve its products and services.^{[4][13][14]}

Adar Private Cloud was nominated for the CityLIGHTS Rising Star Award in July 2015.^[15] One year later, the company rebranded and launched Nerdio Private Cloud.

In 2017, the company introduced Nerdio for Azure.^[16] The company's CEO, Vadim Vladimirskiy, was nominated for the CityLIGHTS Technologist of the Year Award in 2018.^[15]

In January 2020, Nerdio split from Adar, Inc. and formed its own entity. Adar, Inc was acquired by private equity.

See also

- VMware
- Virtual desktop
- Virtual Servers
- IT-as-a-service

Adar, Inc

Type	Private
Industry	Streaming IT, IT-as-a-service
Founded	2005
Founders	Vadim Vladimirskiy, Stuart Gabel, Niall Keegan ^[1]
Headquarters	Chicago, IL
Key people	Vadim Vladimirskiy (CEO) ^[1]
Brands	Nerdio
Services	Streaming IT
Website	<u>www.getnerdio.com</u> (<u>http://www.getnerdio.com</u>)

- [Web desktop](#)

References

1. "Adar, Inc.: Private Company Information - Businessweek" (<https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=256409411>). *Bloomberg News*. Retrieved 30 June 2016.
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External links

- [Nerdio Official Site](http://www.getnerdio.com/) (<http://www.getnerdio.com/>)
- [ELV & ICT Solutions](https://speedmct.com/) (<https://speedmct.com/>)

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