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

Proceeding	91243795
Party	Plaintiff Bitmain Technology Limited and Bitmain Technologies Inc.
Correspondence Address	CARLA C. CALCAGNO CALCAGNO LAW PLLC 2101 L STREET NW SUITE 400 WASHINGTON D.C., DC 20037 UNITED STATES Primary Email: cccalcagno@gmail.com Secondary Email(s): trademarks@canopyparalegal.com 202-466-0544
Submission	Stipulated/Consent Motion to Extend
Filer's Name	Carla Calcagno
Filer's email	cccalcagno@gmail.com, docketing@tm.com
Signature	/Carla Calcagno/
Date	11/02/2020
Attachments	Opp 91243795 Bitmain v Shenzhen CONSENTED MOTION FOR THIRTY DAY EXTENSION OF ALL DEADLINES 11.pdf(71118 bytes)

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

Bitmain Technology Limited and Bitmain Technologies Inc.

v.

Opposition No. 91243795

Shenzhen Mayichuangpin Kejiyouxiangongs

CONSENTED MOTION FOR THIRTY DAY EXTENSION OF ALL DEADLINES

The parties respectfully request that the Board grant the parties a further thirty day extension of all dates, beginning with initial disclosures.

If granted, the new deadlines set by the Board's order would be as follows:

Initial Disclosures Due 11/30/2020

Expert Disclosures Due 3/30/2021

Discovery Closes 4/29/2021

Plaintiff's Pretrial Disclosures Due 6/13/2021

Plaintiff's 30-day Trial Period Ends 7/28/2021

Defendant's Pretrial Disclosures Due 8/13/2021

Defendant's 30-day Trial Period Ends 9/27/2021

Plaintiff's Rebuttal Disclosures Due 10/11/2021

Plaintiff's 15-day Rebuttal Period Ends 11/11/2021

Plaintiff's Opening Brief Due 1/10/2022

Defendant's Brief Due 2/9/2022

Plaintiff's Reply Brief Due 2/24/2022

Request for Oral Hearing (optional) Due 3/3/2022

As required by and since receipt of, the Board's October 8, 2020 order, the parties have been in close communication as summarized in Exhibit A

By way of background, the parties are negotiating a worldwide coexistence and settlement agreement. As set forth below, if understood, the only issue that may still be unresolved relates to the geographic scope of one provision of the agreement. Bitmain has asked for SMK's clear response within one week of today and asked that if the agreement is not signed by that date that the parties counsel then forthwith hold a telephone conference to swiftly resolve the unresolved provision.

In making this request, the parties wish the Board to know that the parties greatly appreciate the patience the Board has shown in allowing the parties' time to resolve this matter without burdening the Board with litigation.

The parties respectfully request that the Board consider the following circumstances. The parties are working on a worldwide settlement agreement. The parties appear to be very close to settlement. The parties appear to have resolved all provisions of the written Agreement except possibly one, which may in fact have been resolved. Further, the parties are both foreign entities, speaking foreign languages, who are working through layers of local and foreign counsel.

For these reasons, the parties believe that they have shown good cause for this motion and thus respectfully request that the Board grant same.

Date: November 2, 2020

/Carla Calcagno/

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202 466-0544

Attorneys for Opposer
Bitmain Technology Limited and
Bitmain Technologies Inc

Exhibit A

-----Original Message-----

From: Carla Calcagno [mailto:cccacagno@gmail.com]

Sent: Friday, October 09, 2020 3:31 PM

To: Devasena Reddy (dr@kafiling.com)

Subject: FW: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding
91243795

Importance: High

Dear Devasena

In light of the attached order, can you please provide your client's response to Bitmain's last proposal as soon as possible? As you know Bitmain has been awaiting SMK's response for several months

Regards

Carla

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On Mon, Oct 19, 2020 at 11:24 AM Carla Calcagno <cccacagno@gmail.com> wrote:

Dear Devasena

Can you please respond to the below email not later than the end of this week letting us know

SMK's substantive response to Bitmain's proposal ? The Board is requesting us to move this matter to a close, if it is to be settled.

Please call me if you would like to discuss over the phone. I may be reached at 703 386 6500

Regards

Carla

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On Mon, Oct 19, 2020 at 3:06 PM Devasena Reddy <dr@kafiling.com> wrote:

Carla,

I have repeatedly communicated with the client's representative for instructions. I am going to attempt one final time today, but do not expect a response from clients rep no later than tomorrow.

-Devasena

650 796 5427

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From: Devasena Reddy [<mailto:dr@kafiling.com>]

Sent: Tuesday, October 20, 2020 10:24 AM

To: Carla Calcagno

Subject: Re: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91243795

Dear Carla,

The Client agrees to most points except the few minor changes to point 5. If that is acceptable please send the final clean draft from your end so that we can get that executed within a maximum of 3 days from the client.

Devasena

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Following receipt of the above last email, on October 22, 2020 Bitmain called SMK's counsel for clarification as the changes proposed by SMK were not clear. Specifically, there was no "point 5" in the Agreement or in any comments thereto. As SMK's counsel could not answer Bitmain's questions, on that phone call, SMK's counsel agreed to contact her client and to send a clarified marked up draft of the SMK proposal. Instead, on October 23, 2020 SMK's counsel sent Bitmain's counsel an email requesting that Bitmain send SMK another copy of the final draft Bitmain would accept for SMK's approval and signing.

Bitmain has sent this final agreement in redline and clean copy for signing today. Together with this Agreement, Bitmain sent two emails requesting approval and/or a telephone conference within one week as set forth below:

From: Carla Calcagno [mailto:cccacagno@gmail.com]
Sent: Monday, November 02, 2020 2:31 PM

To: 'Devasena Reddy'

Subject: RE: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91243795

FRE 408 Settlement Agreement

Dear Devasena

Again as requested is the copy of the Agreement as proposed by Bitmain in redline and clean form for signing. In light of the Boards order please provide your substantive response by the end of the week. Again paragraph 5 was drafted by your client. Please look at the document I also sent you on July 17 which contains your client's initial proposal. In this draft I simply changed paragraph 5 into two sentences if that helps to clarify it.

If you have any further changes please contact me by phone.

Please confirm receipt.

With kindest regards

Carla

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On Mon, Nov 2, 2020 at 11:32 AM Carla Calcagno <cccacagno@gmail.com> wrote:

FRe 408 Settlement Communication

Dear Devasena

Here is the clean copy of the Agreement for signing

With kindest regards

Carla

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Today, SMK's TTAB counsel has confirmed receipt of the foregoing and forwarding of the clean copy to her instructing attorney and client. It is hoped that this matter will be resolved shortly in accordance therewith..

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 2, 2020 a true and accurate copy of the foregoing Consented Motion To Extend and Exhibit A was mailed electronically to Applicant's counsel at :

dr@kafiling.com

Signed: /Carla C/ Calcagno/