

ESTTA Tracking number: **ESTTA1150530**

Filing date: **08/02/2021**

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

Proceeding	91253736
Party	Plaintiff Dell Inc., EMC Corporation
Correspondence Address	ELIZABETH E BRECKMAN ORRICK HERRINGTON & SUTCLIFFE LLP 2050 MAIN ST SUITE 1100 IRVINE, CA 92614 UNITED STATES Primary Email: ipprosecution@orrick.com Secondary Email(s): dhosp@orrick.com, ebreckman@orrick.com, mweddington@orrick.com 617-880-1800
Submission	Response to Board Order/Inquiry
Filer's Name	Elizabeth E. Breckman
Filer's email	ebreckman@orrick.com, cvicino@orrick.com, lrindskopf@orrick.com, dhosp@orrick.com
Signature	/Elizabeth E. Breckman/
Date	08/02/2021
Attachments	2021-08-02 Joint Status Report.pdf(179426 bytes)

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

In the Matter of Application Serial No. 86/948,640
Published in the *Official Gazette* on December 31, 2019
Trademark: UNITY

<p>Dell, Inc., EMC Corporation,</p> <p style="text-align: center;"><i>Opposers,</i></p> <p style="text-align: center;">v.</p> <p>Nexsan Technologies,</p> <p style="text-align: center;"><i>Applicant.</i></p>	<p>Opposition No.: 91253736</p>
--	---------------------------------

**JOINT RESPONSE TO ORDER
FOR STATUS UPDATE CONCERNING CIVIL ACTION**

Opposers Dell Inc. and EMC Corporation and Applicant Nexsan Technologies jointly submit this response to the Board's Order dated July 2, 2021, allowing the parties thirty days in which to "inform the Board of the status of the civil action which occasioned the suspension of this proceeding." *See* 10 TTABVUE.

Since July 2, 2020, the date that the Board suspended this proceeding pending a final determination of the civil court (9 TTABVUE), proceedings in Civil Action No. 1:16-cv-10847-WGY in the United States District Court for the District of Massachusetts have not resumed.

The parties are available to answer any questions the Board may have.

Respectfully submitted,

Dated: August 2, 2021

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Elizabeth E. Brenckman

Elizabeth E. Brenckman

ebrenckman@orrick.com

51 West 52nd St.

New York, NY 10019

(212) 506-5000 – Telephone

(212) 506-5151 – Facsimile

R. David Hosp

dhosp@orrick.com

222 Berkeley Street, Suite 2000

Boston, MA 02116

(617) 880-1800 – Telephone

(617) 880-1801 – Facsimile

Counsel for Dell, Inc. and EMC Corporation

SUNSTEIN KANN MURPHY & TIMBERS LLP

/s/ Steven A. Abreu

Steven A. Abreu

sabreu@sunsteinlaw.com

100 High Street

Boston, MA 02110

(617) 443-9292

Counsel for Nexsan Technologies

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Joint Response to Order for Status Update Concerning Civil Action is being served upon counsel for Applicant by electronic mail on August 2, 2021 at the email address indicated below:

Steven A. Abreu
SUNSTEIN KANN MURPHY & TIMBERS LLP
100 High Street
Boston, MA 02110
sabreu@sunsteinlaw.com, jdeblois@sunsteinlaw.com

By: /s/ Elizabeth E. Brenckman
Elizabeth E. Brenckman