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Filing date: **06/28/2021**

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

Proceeding	91255563
Party	Plaintiff UnitedHealth Group Incorporated
Correspondence Address	JEFFREY R CADWELL DORSEY & WHITNEY LLP 50 SOUTH SIXTH STREET, SUITE 1500 MINNEAPOLIS, MN 55402 UNITED STATES Primary Email: cadwell.jeffrey@dorsey.com Secondary Email(s): ip.docket@dorsey.com 612-492-6842
Submission	Motion to Suspend for Civil Action
Filer's Name	Alison W. Jarzyna
Filer's email	ip.docket@dorsey.com, cadwell.jeffrey@dorsey.com, jarzyna.alison@dorsey.com
Signature	/Alison W. Jarzyna/
Date	06/28/2021
Attachments	Opp No. 91255563 Response to Board Inquiry.pdf(298487 bytes)

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

UnitedHealth Group Incorporated.,)	
)	
Opposer,)	Opposition No. 91255563
)	
v.)	
)	
Blue Cross and Blue Shield Association,)	
)	
Applicant.)	
)	

RESPONSE TO BOARD INQUIRY

On June 8, 2020, the Board suspended the instant opposition proceeding pursuant to 37 CFR § 2.117(a) and TBMP § 510.02(a) due to ongoing litigation in the civil action captioned *Blue Cross and Blue Shield Association v. UnitedHealth Group Incorporated*, No. 20-cv-01035 (D. Minn. filed April 28, 2020) (the “District Court Case”).

On June 8, 2021, the Board requested information regarding the status of the District Court Case. Opposer UnitedHealth Group Incorporated hereby confirms that the parties the parties have settled, and the District Court Case was dismissed on June 16, 2021. The Applicant will now make a filing related to the opposed application as required by a confidential settlement agreement. A docket report from the federal Case Management/Electronic Case Files (CM/ECF) database for the District Court Case is attached as Exhibit A.

Therefore, Opposer requests the continued suspension of the captioned opposition proceeding pending disposition of the Applicant’s filings associated with the settlement agreement.

DORSEY & WHITNEY LLP

Dated: June 28, 2021

By /Jeffrey R. Cadwell/

Jeffrey R. Cadwell

cadwell.jeffrey@dorsey.com

Alison W. Jarzyna

jarzyna.alison@dorsey.com

50 South Sixth Street, Suite 1500

Minneapolis, MN 55402-1498

Telephone: (612) 343-6842

***Attorneys for Opposer,
UnitedHealth Group Incorporated***

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Response to Board Inquiry** is being served upon Applicant, on June 28, 2021, via email (based on agreement of the parties) to:

Garner K. Weng
Hanson Bridgett LLP

trademarks@bcbsa.com
Ryan.Hinshaw@bcbsa.com
GWeng@hansonbridgett.com
jthompson@hansonbridgett.com
ttabfilings@hansonbridgett.com

/Alison W. Jarzyna/
Alison W. Jarzyna
Attorney for Opposer, UnitedHealth Group Incorporated

Exhibit A

CLOSED,CV,PROTO

U.S. District Court
U.S. District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:20-cv-01035-SRN-KMM

Blue Cross and Blue Shield Association v. UnitedHealth
Group, Incorporated et al
Assigned to: Judge Susan Richard Nelson
Referred to: Magistrate Judge Katherine M. Menendez
Cause: 15:1114 Trademark Infringement

Date Filed: 04/28/2020
Date Terminated: 06/16/2021
Jury Demand: Both
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

**Blue Cross and Blue Shield
Association**

represented by **Alan G Carlson**
Carlson Caspers Vandenburg
Lindquist & Schuman PA
225 S 6th St Ste 4200
Mpls, MN 55402
612-436-9616
Fax: 612-436-9605
Email: acarlson@carlsoncaspers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Garner K. Weng
Hanson Bridgett LLP
425 Market Street
Ste 26th Floor
San Francisco, CA 94105
415-995-5081
Fax: 415-995-3468
Email: gweng@hansonbridgett.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

J Derek Vandenburg
Carlson, Caspers, Vandenburg &
Lindquist PA
225 South 6th Street
Suite 4200
Minneapolis, MN 55402
612-436-9618
Fax: 612-436-9605
Email:
dvandenburg@carlsoncaspers.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Janie L. Thompson

Hanson Bridgett LLP

425 Market Street

Ste 26th Floor

San Francisco, CA 94105

415-995-5103

Email: jthompson@hansonbridgett.com

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Nathan Louwagie

225 South Sixth Street, Suite 4200

Minneapolis, MN 55402

612-436-9600

Email: nlouwagie@carlsoncaspers.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Neema Sam Ghiasi

Hanson Bridgett LLP

425 Market St 26th floor

San Francisco, CA 94105

310-806-2507

Email: nghiasi@hansonbridgett.com

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Noel M. Cook

Hanson Bridgett LLP

425 Market Street

Ste 26th Floor

San Francisco, CA 94502

415-995-5038

Email: ncook@hansonbridgett.com

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

V.

Defendant

UnitedHealth Group, Incorporated

represented by **Peter M Lancaster**

Dorsey & Whitney LLP

50 S 6th St Ste 1500

Mpls, MN 55402-1498

(612) 340-2600
Fax: (612) 340-2628
Email: lancaster.peter@dorsey.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel J. Tunheim
Dorsey & Whitney LLP
50 South Sixth Street
Suite 1500
Minneapolis, MN 55402
612-492-6237
Fax: 612-340-2868
Email: tunheim.samuel@dorsey.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shannon L Bjorklund
Dorsey & Whitney LLP
50 S 6th St Ste 1500
Mpls, MN 55402-1498
612-492-6636
Fax: 612-677-3086
Email: bjorklund.shannon@dorsey.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Health Plan of Nevada, Inc.

represented by **Peter M Lancaster**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel J. Tunheim
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shannon L Bjorklund
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Sierra Health Services, Inc.

represented by **Peter M Lancaster**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel J. Tunheim
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shannon L Bjorklund
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

Health Plan of Nevada, Inc.

represented by **Peter M Lancaster**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel J. Tunheim
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shannon L Bjorklund
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

UnitedHealth Group, Incorporated

represented by **Peter M Lancaster**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel J. Tunheim
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shannon L Bjorklund
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**Blue Cross and Blue Shield
Association**

represented by **Alan G Carlson**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Garner K. Weng

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

J Derek Vandenburg

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Janie L. Thompson

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Nathan Louwagie

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Neema Sam Ghiasi

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Noel M. Cook

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/16/2021	42	ORDER DISMISSING CASE, re: 40 Stipulation of Dismissal. Signed by Judge Susan Richard Nelson on 6/16/2021. (SMD) (Entered: 06/16/2021)
06/15/2021	41	PROPOSED ORDER TO JUDGE re 40 Stipulation of Dismissal. (Weng, Garner) (Entered: 06/15/2021)
06/15/2021	40	STIPULATION of Dismissal by Blue Cross and Blue Shield Association. Jointly Signed by UnitedHealth Group Incorporated, Health Plan of Nevada, Inc., and Sierra Health Services, Inc.. (Weng, Garner) (Entered: 06/15/2021)
05/24/2021	39	Minute Entry for proceedings held before Magistrate Judge Katherine M. Menendez: Settlement Conference held on 5/24/2021. No settlement. See Minutes for details. (KAT) (Entered: 05/26/2021)
05/13/2021	38	ORDER granting 36 Stipulation Regarding Modification of the Pretrial Scheduling Order. Fact Discovery due by 7/12/2021. Expert Discovery due by

		10/18/2021. Motions (non-disp) due 7/26/2021. Motions (disp) due by 10/18/2021. Signed by Magistrate Judge Katherine M. Menendez on 5/13/2021. (KAT) (Entered: 05/13/2021)
05/12/2021	37	PROPOSED ORDER TO JUDGE re Stipulation Regarding Modification of the Pretrial Scheduling Order 36 Stipulation. (Lancaster, Peter) (Entered: 05/12/2021)
05/12/2021	36	STIPULATION <i>Regarding Modification of the Pretrial Scheduling Order</i> by Health Plan of Nevada, Inc., Sierra Health Services, Inc., UnitedHealth Group, Incorporated. Jointly Signed by Blue Cross and Blue Shield Association. (Lancaster, Peter) (Entered: 05/12/2021)
04/28/2021	35	Minute Entry for proceedings held before Magistrate Judge Katherine M. Menendez: Status Conference held on 4/28/2021. (KAT) (Entered: 04/28/2021)
03/05/2021	34	(Text-Only) ORDER/NOTICE: Status Conference set for 4/28/2021 at 09:30 AM via Telephone Conference (no courtroom) before Magistrate Judge Katherine M. Menendez. Call-in instructions have been emailed to counsel. Ordered by Magistrate Judge Katherine M. Menendez on 3/5/2021. (KAT) (Entered: 03/05/2021)
03/05/2021	33	ORDER/NOTICE: Settlement Conference set for 5/24/2021 at 09:00 AM in Video Conference (no courtroom) before Magistrate Judge Katherine M. Menendez. Confidential Letter to Court due by 5/17/2021. Parties are directed to Meet and Confer by 5/10/2021. Signed by Magistrate Judge Katherine M. Menendez on 3/5/2021. (KAT) (Entered: 03/05/2021)
03/03/2021	32	Minute Entry for proceedings held before Magistrate Judge Katherine M. Menendez: Status Conference held on 3/3/2021. (KAT) (Entered: 03/03/2021)
02/23/2021	31	PROTECTIVE ORDER. Signed by Magistrate Judge Katherine M. Menendez on 2/23/2021.(KAT) (Entered: 02/23/2021)
02/22/2021	30	STIPULATION for Protective Order filed by Blue Cross and Blue Shield Association. Jointly signed by Defendants (Attachments: # 1 Proposed Stipulated Protective Order)(Weng, Garner) Modified text on 2/23/2021 (kt). (Entered: 02/22/2021)
12/03/2020	29	(Text-Only) ORDER/NOTICE: Status Conference set for 3/3/2021 at 09:00 AM via Telephone Conference (no courtroom) before Magistrate Judge Katherine M. Menendez. Call-in instructions have been emailed to counsel. Ordered by Magistrate Judge Katherine M. Menendez on 12/3/2020. (KAT) (Entered: 12/03/2020)
09/28/2020	28	PRETRIAL SCHEDULING ORDER: Amended Pleadings due by 11/6/2020. Fact Discovery due by 6/11/2021. Expert Discovery due by 9/17/2021. Motions (non-disp) due 6/25/2021. Motions (disp) due by 9/17/2021. Ready for trial due by 1/18/2022. Signed by Magistrate Judge Katherine M. Menendez on 9/28/2020.(KAT) Modified text on 9/29/2020 (KDS). (Entered: 09/28/2020)
09/28/2020	27	Minute Entry for proceedings held before Magistrate Judge Katherine M. Menendez: Initial Pretrial Conference held on 9/28/2020. See Minutes for details. (KAT) (Entered: 09/28/2020)

09/23/2020	26	REPORT of Rule 26(f) Planning Meeting. Filed by Blue Cross and Blue Shield Association. Jointly Signed by UnitedHealth Group Incorporated, Health Plan of Nevada, Inc., and Sierra Health Services, Inc..(Weng, Garner) (Entered: 09/23/2020)
09/08/2020	25	ANSWER in REPLY to Counterclaim filed by Blue Cross and Blue Shield Association. (Thompson, Janie) (Entered: 09/08/2020)
08/18/2020	24	ORDER/NOTICE: Telephonic Pretrial Conference set for 9/28/2020 at 09:00 AM by Telephone Conference (no courtroom) before Magistrate Judge Katherine M. Menendez. Call-in instructions have been emailed to counsel. Signed by Magistrate Judge Katherine M. Menendez on 8/18/2020.(KAT) (Entered: 08/18/2020)
08/17/2020	23	REPORT ON FILING OF PATENT/TRADEMARK ACTION (AO 120) (USPTO noticed with filing). (Lancaster, Peter) (Entered: 08/17/2020)
08/17/2020	22	ANSWER to Complaint , COUNTERCLAIM against Blue Cross and Blue Shield Association. filed by Health Plan of Nevada, Inc., UnitedHealth Group, Incorporated. (Lancaster, Peter) (Entered: 08/17/2020)
08/17/2020	21	ORDER granting 19 Stipulation to Join Additional Party. Sierra Health Services, Inc. shall be added as a party and named a Counterclaim Plaintiff in this action. Signed by Magistrate Judge Katherine M. Menendez on 8/17/2020.(KAT) (Entered: 08/17/2020)
08/14/2020	20	PROPOSED ORDER TO JUDGE re 19 Stipulation. (Tunheim, Samuel) (Entered: 08/14/2020)
08/14/2020	19	STIPULATION to Join Additional Party by UnitedHealth Group, Incorporated. Jointly Signed by UnitedHealth Group, Incorporated, Health Plan of Nevada, Inc., and Blue Cross Blue Shield Association. (Tunheim, Samuel) (Entered: 08/14/2020)
07/28/2020	18	(Text-Only) ORDER granting 16 Stipulation to Extend Time to Answer Complaint. Health Plan of Nevada, Inc. answer due 8/17/2020; UnitedHealth Group, Incorporated answer due 8/17/2020. Ordered by Magistrate Judge Katherine M. Menendez on 7/28/2020.(KAT) (Entered: 07/28/2020)
07/27/2020	17	PROPOSED ORDER TO JUDGE re 16 Stipulation. (Bjorklund, Shannon) (Entered: 07/27/2020)
07/27/2020	16	STIPULATION to Extend Time to Answer Complaint by Health Plan of Nevada, Inc., UnitedHealth Group, Incorporated. Jointly Signed by Blue Cross and Blue Shield Association. (Bjorklund, Shannon) (Entered: 07/27/2020)
07/27/2020	15	RULE 7.1 DISCLOSURE STATEMENT. UnitedHealth Group, Incorporated, a publicly held corporation, does not have a parent corporation. Health Plan of Nevada, Inc. is a direct, 100%-owned subsidiary of Sierra Health Services, Inc. (Bjorklund, Shannon) Modified text on 7/28/2020 (KDS). (Entered: 07/27/2020)
07/27/2020	14	NOTICE of Appearance by Peter M. Lancaster, Shannon L Bjorklund, and Samuel Tunheim on behalf of Health Plan of Nevada, Inc., UnitedHealth Group,

		Incorporated. (Bjorklund, Shannon) Modified text on 7/28/2020 (KDS). (Entered: 07/27/2020)
06/03/2020	13	WAIVER OF SERVICE Returned Executed filed by Blue Cross and Blue Shield Association. Health Plan of Nevada, Inc. waiver sent on 5/28/2020, answer due 7/27/2020. (Weng, Garner) (Entered: 06/03/2020)
06/03/2020	12	WAIVER OF SERVICE Returned Executed filed by Blue Cross and Blue Shield Association. UnitedHealth Group, Incorporated waiver sent on 5/28/2020, answer due 7/27/2020. (Weng, Garner) (Entered: 06/03/2020)
05/11/2020	11	TEXT ONLY ENTRY: ORDER granting 7 Motion for Admission Pro Hac Vice of Attorney Garner K. Weng for Blue Cross and Blue Shield Association; granting 8 Motion for Admission Pro Hac Vice of Attorney Janie L. Thompson for Blue Cross and Blue Shield Association; granting 9 Motion for Admission Pro Hac Vice of Attorney Noel M. Cook for Blue Cross and Blue Shield Association; granting 10 Motion for Admission Pro Hac Vice of Attorney Neema Sam Ghiasi for Blue Cross and Blue Shield Association. Approved by Magistrate Judge Katherine M. Menendez on 5/11/2020. (NAH) (Entered: 05/11/2020)
05/08/2020	10	MOTION for Admission Pro Hac Vice for Attorney Neema S. Ghiasi. Filing fee \$ 100, receipt number AMNDC-7706893 filed by Blue Cross and Blue Shield Association. (Louwagie, Nathan) (Entered: 05/08/2020)
05/08/2020	9	MOTION for Admission Pro Hac Vice for Attorney Noel M. Cook. Filing fee \$ 100, receipt number AMNDC-7706881 filed by Blue Cross and Blue Shield Association. (Louwagie, Nathan) (Entered: 05/08/2020)
05/08/2020	8	MOTION for Admission Pro Hac Vice for Attorney Janie L. Thompson. Filing fee \$ 100, receipt number AMNDC-7706863 filed by Blue Cross and Blue Shield Association. (Louwagie, Nathan) (Entered: 05/08/2020)
05/08/2020	7	MOTION for Admission Pro Hac Vice for Attorney Garner K. Weng. Filing fee \$ 100, receipt number AMNDC-7706826 filed by Blue Cross and Blue Shield Association. (Louwagie, Nathan) (Entered: 05/08/2020)
04/28/2020	6	Summons Issued as to Health Plan of Nevada, Inc., UnitedHealth Group, Incorporated. (kt) (Entered: 04/28/2020)
04/28/2020	5	TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Judge Susan Richard Nelson per 3rd/4th Trademark list, referred to Magistrate Judge Katherine M. Menendez. Please use case number 20-cv-1035 SRN/KMM. (kt) (Entered: 04/28/2020)
04/28/2020	4	TEXT ONLY ENTRY: Notice re: Non-Admitted Attorney We have received documents listing Garner K. Weng, Janie L. Thompson, Noel M. Cook, Neema S. Ghiasi as counsel of record. If he or she wishes to be listed as an attorney of record in this case, he or she must be admitted to the bar of the U.S. District Court of Minnesota in accordance with Local Rule 83.5 (a), (b) and (c) or temporarily admitted pro hac vice in accordance with Local Rule 83.5 (d) or (e) .

		For more admissions information and forms, please see the Attorney Forms Section of the courts website at http://www.mnd.uscourts.gov/FORMS/court_forms.shtml#attorneyforms . (kt) (Entered: 04/28/2020)
04/28/2020	3	REPORT ON FILING OF PATENT/TRADEMARK ACTION (AO 120) (USPTO noticed with filing). (Carlson, Alan) (Entered: 04/28/2020)
04/28/2020	2	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly-owned subsidiary to report for Plaintiff Blue Cross and Blue Shield Association. (Carlson, Alan) (Entered: 04/28/2020)
04/28/2020	1	COMPLAINT against Health Plan of Nevada, Inc., UnitedHealth Group, Incorporated (filing fee \$ 400, receipt number AMNDC-7680651) filed by Blue Cross and Blue Shield Association. Filer requests summons issued. (Attachments: # 1 Exhibit(s) Exhibit A, # 2 Civil Cover Sheet) (Carlson, Alan) (Entered: 04/28/2020)

PACER Service Center			
Transaction Receipt			
06/28/2021 13:51:04			
PACER Login:	peterlancaster	Client Code:	
Description:	Docket Report	Search Criteria:	0:20-cv-01035-SRN-KMM
Billable Pages:	7	Cost:	0.70