

ESTTA Tracking number: **ESTTA1246414**

Filing date: **11/07/2022**

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

Proceeding no.	91268246
Party	Defendant Baker Hughes Holdings LLC
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Submission	Response to Board Order/Inquiry
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Signature	/Tyson D. Smith/
Date	11/07/2022
Attachments	Response to Request for Status Report.pdf(194626 bytes)

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

BMC SOFTWARE, INC.,	§	
	§	
Opposer,	§	Opposition No. 91268246
	§	
v.	§	
	§	
BAKER HUGHES HOLDINGS LLC,	§	
	§	
Applicant.	§	

STATUS REPORT

Pursuant to the Board’s order dated October 6, 2022, which directed the parties to inform the Board of the status of the civil action which occasioned the suspension of this proceeding, Applicant Baker Hughes Holdings LLC hereby informs the Board that the relevant civil action remains pending. The case is currently set for trial on the January/February 2023 trial term. A copy of the most recent order setting trial term in the civil action (ECF No. 178) is attached as **Exhibit A**.

Accordingly, Applicant respectfully submits that this proceeding should remain suspended pending final determination of the civil action in accordance with the Board’s order of December 16, 2020.¹

The parties’ counsel conferred on November 7, 2022, and Opposer consents to the proceeding remaining suspended.

¹ Baker Hughes notes the Board’s November 7, 2022 orders resetting trial dates (10 and 11 TTABVUE) issued on the basis that the Board had not received a response to the order allowing parties to inform the Board of the status of the civil action which occasioned the suspension of this proceeding (9 TTABVUE). However, the deadline to respond to the Board’s order for status report falls on a weekend (November 5, 2022), such that the deadline for the parties to submit the response is today, November 7, 2022. Accordingly, the parties respectfully request that the proceeding remain suspended pursuant to this Status Report.

Dated: November 7, 2022

Respectfully submitted,

/Tyson D. Smith/

Stephen P. Meleen

Tyson D. Smith

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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing STATUS REPORT was served on Applicant's counsel by email on November 7, 2022

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*/Tyson D. Smith/*_____

Tyson D. Smith

EXHIBIT A

ENTERED

August 25, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BMC Software, Inc.,
Plaintiff,

§
§
§
§
§
§
§

v.

Civil Action H-19-4810

Baker Hughes, a GE Company, et al.,
Defendants. (

ORDER

The trial term in this case is reset to January/February 2023. The Joint Pretrial Order is due on December 16, 2022.

Signed at Houston, Texas, on August 25, 2022.



Peter Bray
United States Magistrate Judge