

ESTTA Tracking number: **ESTTA1276790**

Filing date: **04/06/2023**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer information

Name	Compass Datacenters LLC
Granted to date of previous extension	04/09/2023
Address	14555 NORTH DALLAS PARKWAY SUITE 125 DALLAS, TX 75254 UNITED STATES
Attorney information	KEITH BARRITT FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 UNITED STATES Primary email: tmdoctc@fr.com Secondary email(s): barritt@fr.com 2026266433
Docket no.	499610009PP1

Applicant information

Application no.	90730441	Publication date	10/11/2022
Opposition filing date	04/06/2023	Opposition period ends	04/09/2023
Applicant	Compass Mining, Inc. 78 SW 7TH STREET, SUITE 500 MIAMI, FL 33130 UNITED STATES		

Goods/services affected by opposition

Class 009. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: computer hardware; computer hardware for data mining; computer hardware for virtual currency mining; all of the foregoing for purposes of bitcoin mining

Applicant information

Application no.	90730447	Publication date	10/11/2022
Opposition filing date	04/06/2023	Opposition period ends	
Applicant	Compass Mining, Inc. 78 SW 7TH STREET, SUITE 500		

	MIAMI, FL 33130 UNITED STATES
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Goods/services affected by opposition

Class 009. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: computer hardware; computer hardware for data mining; computer hardware for virtual currency mining; all of the foregoing for purposes of bit-coin mining
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Grounds for opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition

U.S. registration no.	6214811	Application date	02/13/2020
Register	Principal		
Registration date	12/08/2020	Foreign priority date	NONE
Word mark	COMPASS DATACENTERS		
Design mark			
Description of mark	NONE		
Goods/services	Class 042. First use: First Use: Sep 8, 2011 First Use In Commerce: Sep 8, 2011 Rental of space in a computer co-location facility for containerized data centers of others		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	COMPASS DATACENTERS		
Goods/services	construction of data centers for others, customized design of data centers for others, and rental of space in a computer co-location facility		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		

Mark	 <p>The logo for COMPASS datacenters features a stylized compass rose icon above the word "COMPASS" in a bold, sans-serif font, with "datacenters" in a smaller, italicized font below it.</p>
Goods/services	construction of data centers for others, customized design of data centers for others, and rental of space in a computer co-location facility

Attachments	COMPASS DATACENTES and Compass Design.jpg COMPASS MINING notice of opposition.pdf(1474237 bytes)
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Signature	/Keith Barritt/
Name	KEITH BARRITT
Date	04/06/2023

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

In the matter of applications Serial Nos. 90730441 and 90730447
For the marks COMPASS MINING and C COMPASS MINING & Compass Design
Published in the Official Gazette on October 11, 2022

COMPASS DATACENTERS LLC,

Opposer,

v.

COMPASS MINING, INC.

Applicant.

OPPOSITION NO. _____

CONSOLIDATED NOTICE OF OPPOSITION

Compass Datacenters LLC (“Compass Datacenters” or “Opposer”), a Delaware limited liability company with a business address of 14555 North Dallas Parkway, Suite 125, Dallas, Texas 75254, believes that it will be damaged by registration of the marks shown in the above-identified applications, and hereby opposes such applications. Compass Datacenters notes that the deadline for filing an opposition was extended until April 9, 2023, and therefore this opposition is timely. The grounds for opposition are as follows:

1. For over ten years, Compass Datacenters has provided under the COMPASS DATACENTERS mark the services of construction of data centers for others, customized design of data centers for others, and rental of space in a computer co-location facility.

2. For over ten years, Compass Datacenters has used its COMPASS DATACENTERS & Compass Design mark (as shown below) for the services of construction of data centers for others, customized design of data centers for others, and rental of space in a computer co-location facility.



3. Compass Datacenters owns U.S. trademark Reg. No. 6214811 for COMPASS DATACENTERS for “rental of space in a computer co-location facility for containerized data centers of others,” a copy of which showing the status and title is included herewith as Exhibit 1.

4. The filing date of the application that became Reg. No. 6214811 is February 13, 2020.

5. The term DATACENTERS is disclaimed in Reg. No. 6214811.

6. The term COMPASS is the dominant element of Compass Datacenters' COMPASS DATACENTERS word mark.
7. The term COMPASS is the dominant element of Compass Datacenters' COMPASS DATACENTERS & Compass Design mark, as reinforced by the compass design.
8. Applicant's applications for COMPASS MINING (the "'441 Application") and for C COMPASS MINING & Compass Design (the "'447 Application") were both filed on May 24, 2021 based on an intent-to-use basis and both cover the same goods, namely "computer hardware; computer hardware for data mining; computer hardware for virtual currency mining; all of the foregoing for purposes of bitcoin mining."
9. Both the '441 and '447 Applications disclaim the term MINING.
10. The term COMPASS is the dominant element of Applicant's COMPASS MINING mark.
11. The term COMPASS is the dominant element of Applicant's C COMPASS MINING & Compass Design mark.

Count 1 – Priority and Likelihood of Confusion

12. Compass Datacenters' COMPASS DATACENTERS mark has been in use in U.S. commerce since at least as early as 2012 for the services of construction of data centers for others, customized design of data centers for others, and rental of space in a computer co-location facility.

13. Compass Datacenters' COMPASS DATACENTERS & Compass Design mark has been in use in U.S. commerce since at least as early as 2012 for the services of construction of data centers for others, customized design of data centers for others, and rental of space in a computer co-location facility.

14. Upon information and belief, Applicant cannot claim any rights in COMPASS MINING or C COMPASS MINING & Compass Design prior to 2012.

15. Upon information and belief, Applicant cannot claim any rights in COMPASS MINING or C COMPASS MINING & Compass Design prior to the February 13, 2020 filing date of the application that became Reg. No. 6214811.

16. Compass Datacenters has priority over the '441 and '447 Applications by virtue of its use of its COMPASS DATACENTERS mark since at least as early as 2012.

17. Compass Datacenters has priority over the ‘441 and ‘447 Applications by virtue of its use of its COMPASS DATACENTERS & Compass Design mark since at least as early as 2012.

18. Compass Datacenters has priority over the ‘441 and ‘447 Applications by virtue of its ownership of Reg. No. 6214811 for COMPASS DATACENTERS with its filing date of February 13, 2020.

19. Compass Datacenters’ COMPASS DATACENTERS mark and Applicant’s COMPASS MINING mark each begins with the word COMPASS as the dominant element, followed by the descriptive or generic terms “datacenters” or “mining.”

20. Compass Datacenters’ COMPASS DATACENTERS & Compass Design mark has the Compass Design above the word element, and the word element begins with COMPASS as the dominant element, followed by the descriptive or generic term “datacenters.”

21. Applicant’s C COMPASS MINING & Compass Design mark has the Compass Design to the left of the word element, and the word element begins with COMPASS as the dominant element, followed by the descriptive or generic term “mining.”

22. Compass Datacenters' COMPASS DATACENTERS and COMPASS DATACENTERS & Compass Design marks and Applicant's COMPASS MINING and C COMPASS MINING & Compass Design marks all create a common commercial impression focused on the term COMPASS.
23. There is no limitation in Reg. No. 6214811 on the nature of the customers or channels of trade for the rental services provided under the COMPASS DATACENTERS mark.
24. There is no limitation on the nature of the customers, channels of trade, or physical location of use for the computer hardware for bitcoin mining identified in the '441 and '447 Applications.
25. The computer hardware for bitcoin mining identified in the '441 and '447 Applications requires certain ambient conditions to operate properly and is not intended for home use.
26. The computer hardware for bitcoin mining identified in the '441 and '447 Applications may be used in computer hardware hosting facilities including computer co-location facilities and data centers.

27. Applicant actively promotes the computer hardware for bitcoin mining identified in the '441 and '447 Applications as being for use in computer hardware hosting facilities, as shown in Exhibit 2.

28. There is nothing in the '441 or '447 Application to limit the scope of protection of the registrations sought from covering use of the marks with Applicant's computer hardware for bitcoin mining that is located within data centers that were designed and/or constructed by Compass Datacenters under the COMPASS DATACENTERS or COMPASS DATACENTERS & Compass Design service mark.

29. There is nothing in the '441 or '447 Application to limit the scope of protection of the registrations sought from covering use of the marks with Applicant's computer hardware for bitcoin mining that is located within a computer co-location facility for which Compass Datacenters' offers rental services provided under the COMPASS DATACENTERS or COMPASS DATACENTERS & Compass Design service mark.

30. The computer hardware for bitcoin mining in the '441 and '447 Applications is complementary to or otherwise related to the services identified in Compass Datacenters' Reg. No. 6214811 for which the COMPASS DATACENTERS mark and COMPASS DATACENTERS & Compass Design mark have been in use since at least as early as 2012.

31. The computer hardware for bitcoin mining in the '441 and '447 Applications is complementary to or otherwise related to the services of construction of data centers for others, customized design of data centers for others, and/or rental of space in a computer co-location facility for which the COMPASS DATACENTERS mark and COMPASS DATACENTERS & Compass Design mark have been in use since at least as early as 2012.

32. In view of Compass Datacenters' longstanding use of the COMPASS DATACENTERS mark and COMPASS DATACENTERS & Compass Design mark for the services of construction of data centers for others, customized design of data centers for others, and rental of space in a computer co-location facility, and the need for the computer hardware for bitcoin mining in the '441 and '447 Applications to operate in controlled environments such as provided in computer co-location facilities and data centers, consumers are likely to be confused that the computer hardware for bitcoin mining in the '441 and '447 Applications emanate from the same source or are otherwise affiliated with, sponsored by, or endorsed by Compass Datacenters.

33. Applicant's COMPASS MINING and C COMPASS MINING & Compass Design marks depicted in the '441 and '447 Applications, respectively, so resemble Compass Datacenters' previously used and registered COMPASS DATACENTERS mark and previously used COMPASS DATACENTERS & Compass Design mark in sight, sound, meaning, and overall commercial impression as to be likely, when used on or in connection

with the computer hardware for bitcoin mining identified in the Applications, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act.

34. Pursuant to Section 305 of the Trademark Trial and Appeal Board Manual of Procedure, consolidation of the oppositions to the '441 and '447 Applications is appropriate, as Compass Datacenters' claims against each application involve common questions of law and fact.

WHEREFORE, Compass Datacenters prays that this opposition be sustained and that registration be denied of the marks depicted in the '441 and '447 Applications.

Respectfully submitted,

COMPASS DATACENTERS LLC

A handwritten signature in blue ink that reads "Keith Barritt". The signature is written in a cursive style with a horizontal line extending to the right.

Keith A. Barritt, Esq.
FISH & RICHARDSON, P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022
Phone: (202) 626-6433
tmdoctc@fr.com; barritt@fr.com
Attorneys for Opposer

April 6, 2023

Exhibit 1

United States of America

United States Patent and Trademark Office

Compass Datacenters

Reg. No. 6,214,811

Registered Dec. 08, 2020

Int. Cl.: 42

Service Mark

Principal Register

Compass Datacenters (DELAWARE LIMITED LIABILITY COMPANY)
14555 North Dallas Parkway, Suite 125
Dallas, TEXAS 75254

CLASS 42: Rental of space in a computer co-location facility for containerized data centers of others

FIRST USE 9-8-2011; IN COMMERCE 4-5-2012

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "DATACENTERS"

SER. NO. 88-796,417, FILED 02-13-2020




Andrei Iancu

Director of the United States
Patent and Trademark Office



For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

TSDR API DATA: The TSDR Application Programming Interface (API) has limited availability due to system upgrades. We anticipate full return to service for all API users by the end of the month. In the meantime, if you need to retrieve an office action, you can access it directly from the TSDR documents tab located below. We thank you for your patience while we make these improvements.

STATUS	DOCUMENTS	MAINTENANCE	Back to Search	Print
Generated on: This page was generated by TSDR on 2023-04-03 15:45:16 EDT				
Mark: COMPASS DATACENTERS				
<h2>Compass Datacenters</h2>				
US Serial Number:	88796417	Application Filing Date:	Feb. 13, 2020	
US Registration Number:	6214811	Registration Date:	Dec. 08, 2020	
Filed as TEAS RF:	Yes	Currently TEAS RF:	Yes	
Register:	Principal			
Mark Type:	Service Mark			
TM5 Common Status	LIVE/REGISTRATION/Issued and Active			
Descriptor:		The trademark application has been registered with the Office		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.			
Status Date:	Dec. 08, 2020			
Publication Date:	Sep. 22, 2020			
Mark Information				
Goods and Services				
Basis Information (Case Level)				
Current Owner(s) Information				
Attorney/Correspondence Information				
Prosecution History				
TM Staff and Location Information				
Assignment Abstract Of Title Information				
Summary				Convey

Total Assignments: 1

Registrant: Compass Datacenters

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [7495/0171](#)

Pages: 6

Date Recorded: Nov. 15, 2021

Supporting Documents: [assignment-tm-7495-0171.pdf](#)

Assignor

Name: [COMPASS DATACENTERS, LLC](#)

Execution Date: Nov. 15, 2021

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [BARCLAYS BANK PLC](#)

Legal Entity Type: PUBLIC LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

Address: 747 SEVENTH AVENUE
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name: KING & SPALDING LLP

Correspondent Address: 300 S. TRYON ST., STE 1700
ATTN: MOIRA SHEEHAN
CHARLOTTE, NC 28202

Domestic Representative - Not Found

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Exhibit 2

Verified Facilities

Search



<p>North Dakota, USA</p> <p>North Dakota 1, United States Approved</p> <p>View Farm</p>	<p>Kentucky, USA</p> <p>Kentucky, United States Approved</p> <p>View Farm</p>	<p>Labrador, Canada</p> <p>Labrador, Canada Approved</p> <p>View Farm</p>
<p>Manitoba, CA</p> <p>Manitoba, Canada Approved</p> <p>View Farm</p>	<p>Nebraska, USA</p> <p>Nebraska, United States Approved</p> <p>View Farm</p>	<p>South Carolina, USA</p> <p>South Carolina 2, United States Approved</p> <p>View Farm</p>
<p>Manitoba, CA</p> <p>Manitoba 2, Canada Approved</p> <p>View Farm</p>	<p>New Mexico, USA</p> <p>New Mexico, United States Approved</p> <p>View Farm</p>	<p>Florida, USA</p> <p>Florida, United States Approved</p> <p>View Farm</p>
<p>Texas, USA</p> <p>Texas, United States Approved</p> <p>View Farm</p>	<p>Oklahoma, USA</p> <p>Oklahoma, United States Approved</p> <p>View Farm</p>	<p>Indiana, USA</p> <p>Indiana, United States Approved</p> <p>View Farm</p>
<p>Iowa, USA</p> <p>Iowa, United States Approved</p> <p>View Farm</p>	<p>Nevada, USA</p> <p>Nevada, United States Approved</p> <p>View Farm</p>	<p>North Carolina, USA</p> <p>North Carolina 1, United States Approved</p> <p>View Farm</p>
<p>New York, USA</p> <p>New York, United States Approved</p> <p>View Farm</p>	<p>Missouri, USA</p> <p>Missouri, United States Approved</p> <p>View Farm</p>	<p>Ontario, CA</p> <p>Ontario, Canada Approved</p> <p>View Farm</p>
<p>Manitoba 3, Canada Approved</p> <p>View Farm</p>	<p>Minnesota, USA</p> <p>Minnesota, United States Approved</p> <p>View Farm</p>	<p>Texas, USA</p> <p>Texas 2, United States Approved</p> <p>View Farm</p>
<p>Texas, USA</p> <p>Texas 4, United States Approved</p> <p>View Farm</p>	<p>Manitoba, CA</p> <p>Manitoba 8, Canada Approved</p> <p>View Farm</p>	<p>Indiana, USA</p> <p>Indiana 2, United States Approved</p> <p>View Farm</p>
<p>Manitoba, CA</p> <p>Manitoba 6, Canada Approved</p> <p>View Farm</p>	<p>Manitoba, CA</p> <p>Manitoba 7, Canada Approved</p> <p>View Farm</p>	<p>Manitoba, CA</p> <p>Manitoba 4, Canada Approved</p> <p>View Farm</p>
<p>Texas, USA</p> <p>Texas 3, United States Approved</p> <p>View Farm</p>		

<https://compassmining.io/facilities> 04/04/2023

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Compass is a Bitcoin-first company on a mission to support the decentralized growth of hardware and strengthen network security by helping more people learn, explore and mine Bitcoin. **New Entrants Can Mine Bitcoin.**

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