


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

In the Matter of U.S. Serial Number: 97,201,015
Publication Filing Date: February 21, 2023
Mark: 
Notice of Opposition on March 22, 2023

In the Matter of Registration No. 6,937,942
Registered December 27, 2022
Mark: BITCOIN BANK AMERICA

BANK OF AMERICA CORPORATION,

Opposer,

VS

JOHN CORBIN CORONA,

Applicant/Registrant.

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Opposition No. 91284091

Cancellation No. 92081894

**APPLICANT & REGISTRANT JOHN CORBIN CORONA'S MOTION TO RESET
DISCOVERY DEADLINES AND SUBMIT INITIAL DISCLOSURES,
INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR
ADMISSION**

COMES NOW Applicant & Registrant, John Corbin Corona ("Applicant/Registrant"), proceeding Pro Se, respectfully moves the Trademark Trial and Appeal Board ("Board") to reset discovery deadlines in this proceeding pursuant to TBMP §§ 403.04 and 509.01(a), and to allow Applicant & Registrant additional time to submit its Initial Disclosures, Interrogatories, Requests for Production, and Requests for Admission. Applicant asserts that the resetting of discovery deadlines is necessary to ensure fairness, allow for adequate preparation, and facilitate a comprehensive resolution of this matter.

PRELIMINARY STATEMENT

1. This case involves complex issues of trademark law concerning the descriptive use of "Bitcoin Bank America" in connection with cryptocurrency services. Applicant has made good-faith efforts to comply with discovery obligations but requires additional time to adequately prepare and submit disclosures and responses due to the following factors:

a.) Complexity of Issues: The case involves nuanced legal arguments regarding likelihood of confusion, distinctiveness, and descriptive use under Section 2(d) of the Lanham Act.

b.) Limited Operational Period: Bitcoin Bank America Operations, which necessitates careful review of limited but critical documentation.

c.) Need for Research at the Library of Congress: Applicant requires access to historical trademark rulings and legislative history housed at the Library of Congress in Washington, D.C., to support its defense.

2. Resetting discovery deadlines will not prejudice Opposer Bank of America Corporation ("Opposer") but will ensure that all parties have a fair opportunity to present their claims and defenses.

LEGAL ARGUMENTS

I. The Board Has Authority to Reset Discovery Deadlines

Pursuant to TBMP § 403.04 and § 509.01(a), the Board may reset discovery deadlines upon motion by a party demonstrating good cause. Good cause exists where resetting deadlines will promote fairness in discovery, allow both parties sufficient time to prepare their cases & avoid undue prejudice.

3. In *Estudi Moline Dissey, S.L. v. BioUrn Inc.*, the TTAB reopened discovery where procedural misunderstandings or timing issues affected a party's ability to respond adequately (Cancellation No. 92061508). Similarly, resetting deadlines here will ensure that Applicant has sufficient time to meet its obligations under Rule 26(a)(1) of the Federal Rules of Civil Procedure.

II. Applicant Requires Additional Time for Research at the Library of Congress

4. Applicant seeks access to critical resources at the Library of Congress, including:

a.) Historical Trademark Rulings: To support arguments regarding descriptive use and consumer perception.

b.) Legislative History: To provide context for statutory language relevant to Opposer's claims.

c.) Market Studies on Consumer Confusion: To demonstrate that cryptocurrency

users are sophisticated consumers unlikely to confuse Bitcoin Bank America with Opposer's traditional banking services.

5. This research is essential for preparing robust Initial Disclosures and responding comprehensively to Opposer's discovery requests.

III. Resetting Deadlines Will Not Prejudice Opposer

6. Opposer has already served its Initial Disclosures and has not demonstrated any urgency requiring immediate resolution of this case. Resetting deadlines will:

7. Allow both parties to fully develop their cases.
8. Ensure compliance with procedural rules under TBMP § 401.
9. Facilitate a fair adjudication based on complete evidence.
10. The Board has consistently emphasized that discovery should promote fairness and efficiency (*Fischer Gesellschaft m.b.H. v. Molnar & Co.*, 203 USPQ 861).

IV. Applicant Has Acted in Good Faith

11. Applicant acknowledges that its Initial Disclosures were delayed but asserts that this delay was due to the following reasons.

12. The complexity of legal issues involved.
13. The need for additional research on descriptive use and consumer perception.
14. Limited operational records from Bitcoin Bank America's brief existence.
15. Applicant has made every effort to comply with its obligations and seeks this extension not for delay but to ensure a thorough defense.

REQUEST FOR RELIEF

16. For the reasons stated above, Applicant respectfully requests that the Board Reset subsequent deadlines for pretrial disclosures and testimony periods accordingly.

17. Reset all discovery deadlines in this proceeding pursuant to TBMP §§ 403.04 and 509.01(a).

18. Allow Applicant an additional 60 days from the date of the Board's order to Submit Initial Disclosures.

20. Serve Interrogatories, Requests for Production, and Requests for Admission.
21. Respond comprehensively to Opposer's outstanding discovery requests.

CONCLUSION

Wherefore, Resetting discovery deadlines will ensure fairness, allow both parties adequate time for preparation, and facilitate a comprehensive resolution based on complete evidence. Applicant remains committed to complying with all procedural rules while vigorously defending its rights under federal trademark law.

This 14th day of December, 2024.

Honorably submitted,

/John Corbin Corona/

John Corbin Corona

Bitcoin Bank America Corporation

3630 Knight Street

Dallas, TX 75219

Tel: +1 (254) 444-3276

BitcoinBankAmerica@icloud.com

John@BitcoinBankAmerica.com

Coronacorbin@icloud.com



Representative for Bitcoin Bank America Corporation



Certificate of Mailing

I hereby certify that on December 14, 2024, I filed via electronic means (ESSTA) this APPLICANT & REGISTRANT JOHN CORBIN CORONA'S MOTION TO RESET DISCOVERY DEADLINES AND SUBMIT INITIAL DISCLOSURES, INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION.

with the:

U.S Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

And that a true and complete copy of the foregoing Answer has then been served via email to:

Randal S. Springer
Jake W. Wharton and
Anne C. Fleeson
TMDocketing@wbd-us.com, Jacob.Wharton@wbd-us.com, Randy.Springer@wbd-us.com,
Anne.Fleeson@wbd-us.com, Trademarkswinston@wbd-us.com
Womble Bond Dickinson (US)LLP
One West Fourth Street
Winston-Salem, NC 27101
Attorneys for Bank of America Corporation

And that a true and complete copy of the foregoing Answer has then been served via email to:

John Corbin Corona
3630 Knight Street
Dallas Texas 75219
john@bitcoinbankamerica.com
coronacorbin@icloud.com
bitcoinbankamerica@icloud.com
Registrant

/John Corbin Corona/
John Corbin Corona
December 14, 2024