

No. 17-1657

IN THE SUPREME COURT OF THE UNITED STATES

MISSION PRODUCTS HOLDINGS, INC.,
Applicant,

v.

TEMPNOLOGY, LLC,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A RESPONSE TO
THE PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF
THE UNITED STATES**

Pursuant to this Court’s Rule 13.5, Tempnology, LLC n/k/a Old Cold LLC (“Tempnology”) respectfully requests a 30-day extension of time, to and including September 7, 2018, to file a response to the petition for writ of certiorari (the “Petition”) filed by applicant Mission Product Holdings, Inc. (“Mission”) in this case. As directed by the Court, the time for Tempnology to file a response to the Petition currently expires on August 8, 2018. The Court’s jurisdiction would be invoked pursuant to 28 U.S.C. § 1254(1).

1. The First Circuit entered judgment on January 12, 2018.
2. By rule, Mission’s deadline to file the Petition would have been April 12, 2018 absent further order from the Court.
3. On or about March 27, 2018, Mission filed an Application for Extension of Time to File a Petition for Writ of Certiorari To the United States Court of Appeals for the First

Circuit (the “Application”). By the Application, Mission sought an extension of time to and including June 11, 2018 to file the Petition.

4. Tempnology did not oppose the Application.

5. On April 11, 2014, the Court entered an Order (the “Extension Order”) granting the extension requested by the Application.

6. Pursuant to the Extension Order, on June 11, 2018, Mission filed and served the Petition.

7. Consistent with Rule 15 of this Court, on June 28, 2018, Tempnology filed a Waiver (the “Waiver”) indicating that it did not intend to file a response to the Petition.

8. Despite Tempnology’s Waiver, on July 9, 2018, the Court directed Tempnology to file a response (the “Response Order”).

9. Thereafter, on July 11, 2018, The International Trademark Association (“INTA”) submitted a brief *amicus curiae* (the “INTA Brief”) in support of Mission’s Petition.

10. Tempnology assented to INTA’s participation in this case and the filing of the INTA Brief.

11. Tempnology is hereby requesting a brief 30-day extension within which to file the ordered response. In the first instance, Tempnology did not intend to file a response to the Petition. It was little more than two weeks ago that Tempnology filed the Waiver and little more than a week since the Court entered the Response Order. Tempnology has not yet begun the significant work that will be required to prepare the opposition. Additionally, the intervening submission of the INTA brief raises issues that Tempnology will have to analyze and respond to in its response. Finally, the Court previously granted Mission’s request for a 60-day extension for the filing of the Petition and equity argues in favor of granting the requested extension.

12. For the reasons stated above, Tempnology respectfully requests that the time to file a response to the Petition in this case be extended 30 days to and including September 7, 2018.

Respectfully submitted,

TEMPNOLOGY, LLC n/k/a
OLD COLD, LLC
By its attorneys,

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Dated: July 20, 2018

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of Federal Rules of Appellate Procedure, movant, Old Cold, LLC (f/k/a Tempnology LLC) the following parties own more than 10% of the movant's ownership interests: Frigid Fabric LLC, S&S Hotels LLC, Blue Wave LLC, CCT Corp., and Mighty Moose LLC.

Dated: July 20, 2018

Respectfully submitted,

Signature: /s/Daniel W. Sklar
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