



IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND
AND WALES
INTELLECTUAL PROPERTY LIST (ChD)

IL-2021-000019
IL-2022-000035
IL-2022-000036
IL-2022-000069
IL-2021-000019

Mr Justice Mellor
15th June 2023

BETWEEN:

CRYPTO OPEN PATENT ALLIANCE

Claimant in IL-2021-000019
(the “COPA Claim”)

and

CRAIG STEVEN WRIGHT

Defendant in the COPA Claim

- (1) DR CRAIG STEVEN WRIGHT
- (2) WRIGHT INTERNATIONAL INVESTMENTS LIMITED

Claimants in IL-2022-000035 (the “Coinbase Claim”)
& IL-2022-000036 (the “Kraken Claim”)

and

- (1) COINBASE GLOBAL, INC.
- (2) CB PAYMENTS, LTD
- (3) COINBASE EUROPE LIMITED
- (4) COINBASE, INC.

Defendants in the Coinbase Claim

- (1) PAYWARD, INC.
- (2) PAYWARD LTD
- (3) PAYWARD VENTURES, INC.

Defendants in the Kraken Claim

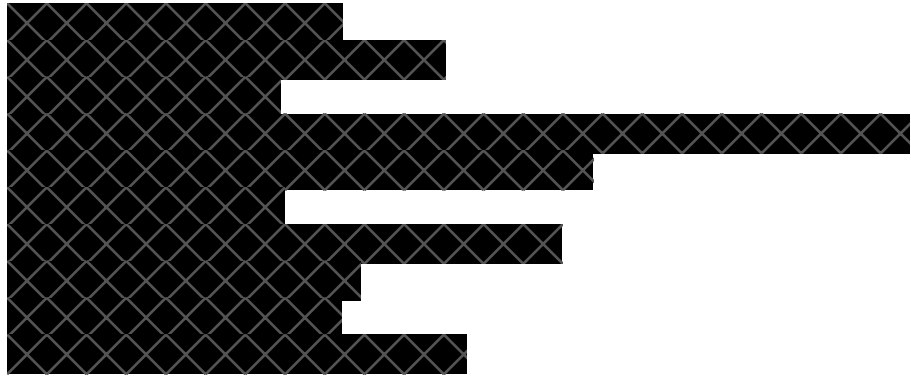
- (1) DR CRAIG STEVEN WRIGHT
- (2) WRIGHT INTERNATIONAL INVESTMENTS LIMITED
- (3) WRIGHT INTERNATIONAL INVESTMENTS UK LIMITED

Claimants in IL-2022-000069 (the “BTC Core Claim”)

and

- (1) BTC CORE





- (16) **BLOCK, INC.**
- (17) **SPIRAL BTC, INC.**
- (18) **SQUAREUP EUROPE LTD**
- (19) **BLOCKSTREAM CORPORATION INC.**
- (20) **CHAINCODE LABS, INC**
- (21) **COINBASE GLOBA INC.**
- (22) **CB PAYMENTS, LTD**
- (23) **COINBASE EUROPE LIMITED**
- (24) **COINBASE INC.**
- (25) **CRYPTO OPEN PATENT ALLIANCE**
- (26) **SQUAREUP INTERNATIONAL LIMITED**

Defendants in the BTC Core Claim

ORDER

UPON the COPA Claim having been the subject of directions at a costs and case management conference before Master Clark as set out in an order dated 2 September 2022, which were varied by order dated 10 March 2023 (the directions as varied being “**the COPA Claim Directions**”);

AND UPON the COPA Claim having been fixed for trial in a 5-day window commencing on 15 January 2024 with a time estimate of 20 days (the “**COPA Trial**”);

AND UPON the Court having heard a joint case management conference in the Coinbase and Kraken Claims on 25 and 26 May 2023 (the “**Coinbase / Kraken Joint CMC**”), at which the Court considered various applications of the Defendants in those actions for the proceedings to be stayed and for security for costs;

AND UPON having reserved its judgment on the various applications made at the Coinbase / Kraken Joint CMC (the “**Reserved Judgment**”);

AND UPON it having appeared that an issue arose in all four actions as to whether Dr Craig Steven Wright (“**Dr Wright**”) is the pseudonymous Satoshi Nakamoto;

AND UPON the Court having decided by order dated 7 June 2023 that the four actions listed above should be the subject of a joint case management conference on 15 June 2023;

AND UPON the 16th, 18th, 21st to 24th and 26th Defendants in the BTC Core Claim issuing Application Notices dated 9 June 2023 for a stay of the BTC Core Claim as against those parties;

AND UPON Coinbase Global Inc, CB Payments Ltd, and Coinbase Europe Limited hereby undertaking to the Court that (for the purposes of the Coinbase Claim and the BTC Core Claim only) they accept they are privies of Coinbase Inc, a represented party in the COPA Claim, and hence Coinbase Inc, Coinbase Global Inc, CB Payments Ltd, and Coinbase Europe Limited will be bound by a judgment in the COPA Claim on the Identity Issue, as defined in paragraph 1 below;

AND UPON Payward Ltd and Payward Inc hereby undertaking to the Court that (for the purposes of the Kraken Claim only) they accept they are privies of Payward Ventures Inc, a represented party in the COPA Claim, and hence Payward Inc, Payward Ltd and Payward Ventures Inc will be bound by a judgment in the COPA Claim on the Identity Issue, as defined in paragraph 1 below;

AND UPON Squareup Europe Ltd and Squareup International Limited hereby undertaking to the Court that (for the purposes of the BTC Core Claim only) they accept they are privies of Block Inc (formerly Square Inc), a represented party in the COPA Claim, and hence Block Inc, Squareup Europe Ltd and Squareup International Limited will be bound by a judgment in the COPA Claim on the Identity Issue, as defined in paragraph 1 below;

AND UPON hearing the following counsel at the joint case management conference on 15 June 2023:

- (a) Richard Greenberg for the Defendant in the COPA Claim and the Claimants in the Coinbase and Kraken Claims;
- (b) Terence Bergin KC and Daniel Goodkin for the Claimants in the BTC Core Claim;
- (c) Jonathan Hough KC and Jonathan Moss for COPA;
- (d) Kathryn Pickard for the Defendants in the Coinbase Claim and the 21st to 24th Defendants in the BTC Core Claim;
- (e) Philip Roberts KC for the Defendants in the Kraken Claim;
- (f) Adam Gamsa for the 16th, 18th and 26th Defendants in the BTC Core Claim;
- (g) James Ramsden KC for the 2nd to 12th, 14th and 15th Defendants in the BTC Core Claim;
- (h) Joanne Box for the 20th Defendant in the BTC Core Claim; and
- (i) Jeremy Heald for the 19th Defendant in the BTC Core Claim.

IT IS ORDERED THAT:

Preliminary Issue Trial and Stays of Proceedings

1. There shall be a trial of a preliminary issue in the BTC Core Claim, that issue being whether Dr Wright is the pseudonymous “Satoshi Nakamoto”, i.e. the person who created Bitcoin in 2009 (“**the Identity Issue**”).
2. The COPA Trial shall serve as the preliminary issue trial of the Identity Issue in the BTC Core Claim as well as the main trial in the COPA Claim, and it shall be referred to in the remaining part of this order as the “**Joint Trial**”.
3. Proceedings in the Coinbase Claim and the Kraken Claim are stayed pending the handing-down of judgment in the Joint Trial, save that this order shall have no effect on the steps consequential to hand down of the Reserved Judgment including any provision for security for costs.
4. Proceedings in the BTC Core Claim shall be stayed as against the 16th, 18th and 21st to 26th Defendants in the BTC Core Claim pending the handing-down of judgment in the Joint Trial on the Identity Issue, save that this order shall have no effect on the appeal in the Court of Appeal with reference CA-2023-000404 and save for any security for costs application pursuant to paragraph 17 of this Order.

Directions for the Joint Trial

5. Subject to the further provisions of this order, the COPA Claim Directions shall apply as if they had been made as directions for the Joint Trial.
6. For the purposes of the Joint Trial:
 - (a) the Defendant in the COPA Claim and the Claimants to the BTC Core Claim (Dr Wright, Wright International Investments Ltd and Wright International Investments UK Ltd) shall be known as “**the Claimants**”; and
 - (b) the other parties participating in the Joint Trial (i.e., COPA and the 1st – 15th, 17th and 19th – 20th Defendants in the BTC Core Claim) shall be known as “**the Defendants**”;
 - (c) the Claimants and the Defendants may rely on any documents disclosed in the COPA Claim; and
 - (d) the Claimants and the Defendants may rely upon any factual and expert evidence adduced by any of the Claimants or the Defendants.
7. The parties to the COPA Claim (COPA and Dr Wright) shall make arrangements to ensure that as soon as practicable the disclosure provided to date pursuant to the COPA Claim Directions shall be produced to solicitors for (a) the 2nd to 12th, 14th and 15th Defendants in the BTC Core Claim (the “**Developers**”); (b) the 19th Defendant in the BTC Core Claim; and (c) the 20th Defendant in the BTC Core Claim.
8. The COPA Claim Directions shall be varied as follows for the purposes of preparation for the Joint Trial:

- (a) The Claimants and COPA shall serve on each other and the other parties witness statements of fact and any hearsay notices by 4.30pm on 28 July 2023.
- (b) The Defendants other than COPA shall by 4.30pm on 4 August 2023 give to the Claimants, COPA and the other Defendants disclosure by list of any voluntary disclosure which they propose to give, and shall make any further reasonable requests for specific disclosure from the Claimants.
- (c) COPA shall serve on the other parties its expert report on forensic document analysis by 4.30pm on 25 August 2023.
- (d) The Defendants other than COPA shall by 4.30pm on 22 September 2023 serve on the other parties any factual witness statements on which they intend to rely and any hearsay notices.
- (e) The Claimants and COPA shall serve their respective expert reports on digital currency technology on each other and the other parties by 4.30pm on 6 October 2023.
- (f) The Claimants shall serve their expert report on forensic document analysis on the other parties by 4.30pm on 6 October 2023.
- (g) COPA shall serve on the other parties its reply expert report on forensic document analysis by 4.30pm on 3 November 2023.
- (h) The experts in each discipline shall by 4.30pm on 13 November 2023 hold discussions for the purpose of:
 - a. identifying and further narrowing the issues, if any, remaining between them; and
 - b. where possible, reaching agreement on those issues.
- (i) The parties shall serve any reply witness statements of fact on the other parties by 4.30pm on 17 November 2023.
- (j) The experts in each discipline shall by 4.30pm on 23 November 2023 prepare and file a statement for the court showing:
 - a. those issues on which they are agreed; and
 - b. those issues on which they disagree and a summary of the reasons for disagreeing.
- (k) The PTR shall take place as listed on 27 November 2023 and the provisions of paragraphs 36 to 38 of the order of Master Clark dated 2 September 2022 shall apply to all parties to the Joint Trial (save that the obligation to file and send the documents referred to in paragraph 36 shall be on the Claimants).

- (l) Paragraphs 39 to 43 of the order of Master Clark dated 2 September 2022 (concerning hearing bundles and skeleton arguments) shall cease to have effect.
 - (m) Opening Skeleton Arguments and chronologies for the Joint Trial shall be filed and exchanged by 4.30pm on 8 January 2024 (a chronology to be agreed if possible). Each skeleton argument shall be accompanied by a reading guide for the Judge.
9. There shall be liberty for the Defendants other than COPA to apply for permission to adduce expert evidence in the proceedings.
 10. The Defendants other than COPA shall have liberty to apply to vacate the PI Trial and apply for further directions in the event that the COPA Claim does not proceed to trial.
 11. The solicitors for COPA shall liaise with the solicitors for the Claimants with a view to agreeing how bundles are to be organised and provided for trial and how documents are to be presented at trial, that discussion to include (a) any document management / presentation systems and facilities; and (b) the staged preparation of bundles. There shall be liberty for the parties to apply to the Court for directions in the event of disagreement. Subject to any future direction which may be made by the Court, the trial bundles shall be prepared and made available for use by the Judge by 24 November 2023.
 12. Any outstanding issues in dispute relating to the conduct of the Joint Trial shall be considered at the PTR. This may include whether any limitations are to be placed on the non-COPA Defendants in relation to the format and / or extent of (i) any skeleton arguments (ii) oral submissions and / or (iii) cross-examinations of the Claimants' witnesses.
 13. The Joint Trial shall be structured so that there will be (a) a hearing of 20 days comprising opening submissions and evidence and (b) not less than 2 weeks after the close of that hearing, a further hearing of 4 days for oral closing submissions. The Judge at the Joint Trial shall give directions as to the time for the parties to file written closing submissions.

Outstanding Applications

14. A hearing shall be listed on the first available date after 29 June 2023 convenient to Dr Wright and COPA for (i) the application of Dr Wright dated 2 May 2023 to rely upon expert evidence in relation to autistic spectrum disorder; and (ii) the application of COPA dated 8 June 2023 for Dr Wright to provide further and better chain of custody information. In preparation for that application hearing:
 - (a) Dr Wright shall by 4.30pm on 22 June 2023 clarify by letter the terms of the order he is seeking by his application dated 2 May 2023;
 - (b) COPA shall by 4.30pm on 29 June 2023 serve any evidence in response to the application of Dr Wright dated 2 May 2023;

(c) Dr Wright shall by 4.30pm on 29 June 2023 serve any evidence in response to the application of COPA dated 8 June 2023.

15. Any other outstanding applications (including an application mooted by the Claimants in respect of the proper scope of the expert evidence permitted by paragraph 27 of the COPA Claim Directions) should be served and prepared so they can be heard at that hearing.

Costs

16. Within 14 days of the Court handing down its Reserved Judgment the parties shall produce short written submissions on costs in relation to the hearings of 25/26 May 2023 and 15 June 2023 and the Court shall then determine any questions of costs on the papers.
17. Any adverse costs order which may be made against any of the Defendants other than COPA as a result of the Joint Trial shall be limited to those costs occasioned by the participation of that party in the Joint Trial.

Security for Costs

18. Each of the Developers, and the 16th, 18th and 21st to 26th Defendants in the BTC Core Claim have permission to apply for security for costs against the Claimants following the reserved judgment to be handed down by the Court in relation to the applications heard at the hearing of 25 / 26 May 2023.

Permission to Apply Generally

19. All parties have liberty to apply generally.

Service of the Order

20. This Order shall be served by Dr Wright, via his solicitors Travers Smith LLP, on all other Parties.

The Court has provided a sealed copy of this order to the Serving party:

Travers Smith LLP 10 Snow Hill London EC1A 2AL