

ESTTA Tracking number: **ESTTA632690**

Filing date: **10/14/2014**

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

Petition for Cancellation

Notice is hereby given that the following parties request to cancel indicated registration.

Petitioner Information

Name	Pushpay IP Limited		
Entity	Limited company	Citizenship	New Zealand
Address	65F View Road Glenfield, Auckland, 0627 NEW ZEALAND		

Name	Pushpay Holdings Limited		
Entity	Limited company	Citizenship	New Zealand
Address	65F View Road Glenfield, Auckland, 0627 NEW ZEALAND		

Attorney information	David L. May Nixon Peabody LLP 401 Ninth Street NW, Suite 900 Washington, DC 20004 UNITED STATES nptm@nixonpeabody.com, was.managing.clerk@nixonpeabody.com, rweikert@nixonpeabody.com, dmay@nixonpeabody.com, shenry@nixonpeabody.com Phone:202-585-8000		
----------------------	--	--	--

Registration Subject to Cancellation

Registration No	4444457	Registration date	12/03/2013
Registrant	JUST PUSH PAY, LLC 1727 FUNNY CIDE DRIVE WAXHAW, NC 28173 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2013/01/31 First Use In Commerce: 2013/01/31 All goods and services in the class are cancelled, namely: Computer application software for mobile phones, namely, software for use in payment transaction processing
Class 036. First Use: 2013/01/31 First Use In Commerce: 2013/01/31 All goods and services in the class are cancelled, namely: Merchant services, namely, payment transaction processing services

Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Application for JUST PUSH PAY, now Registration No. 4,444,457, is void per TMEP Â§ 803 et

	seq., TMEP Â§ 1201 et seq., TMEP Â§ 501.01(a) and 15 U.S.C. Â§ 1060
--	---

Related Proceedings	In the United States District Court for the Western District of North Carolina, Charlotte Division, Civil Action No. 3:14-cv-00412
---------------------	--

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3096435	Application Date	01/21/2004
Registration Date	05/23/2006	Foreign Priority Date	NONE
Word Mark	PUSH TO PAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2005/05/25 First Use In Commerce: 2005/05/25 Direct dial payment processing feature of financial services, namely, electronic funds transfer, including wireless		

U.S. Application No.	86256086	Application Date	04/18/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PUSHPAY		

Design Mark	<h1>PUSHPAY</h1>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Calculating machines, data processing equipment, computers; Computer software</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Paper goods and printed matter</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Advertising; Business management; Business administration; Office functions</p> <p>Class 036. First use: First Use: 0 First Use In Commerce: 0 Financial affairs; Monetary affairs</p>

U.S. Application No.	85688248	Application Date	07/26/2012
Registration Date	NONE	Foreign Priority Date	07/26/2012

Word Mark	P P U S H P A Y
-----------	-----------------



Description of Mark	The mark consists of the stylized letter "P" with two bands to the left of the letter, all in the color white, above the stylized wording "PUSHPAY" in the color white,
---------------------	---

	all within a design of a red circle.
Goods/Services	Class 036. First use: First Use: 0 First Use In Commerce: 0 Card operated financial services, namely, financial administration of credit card and debit card accounts, credit card services, debit card services, and payment card services; financial payment services, namely, bill payment services, providing secure commercial transactions and payment options processing electronic payments made through prepaid cards; financial transaction services, namely, providing secure commercial transactions and payment options using a mobile device at a point of sale; online payment services, namely, bill payment services, providing secure commercial transactions and payment options processing electronic payments made through prepaid cards; charitable services, namely, financial services in the nature of charitable fundraising, and accepting and administering monetary charitable contributions

Attachments	78355209#TMSN.png(bytes) 86256086#TMSN.png(bytes) 85688248#TMSN.png(bytes) Petition to Cancel (JUST PUSH PAY word mark, Registration No. 4,444,457).pdf(59249 bytes) Exhibits A-H to Petition to Cancel (JUST PUSH PAY Word Mark, Registration No. 4,444,457).pdf(747494 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/SAH/
Name	Shanelle A. Henry
Date	10/14/2014

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

In the Matter of:

Registration No. 4,444,457

Mark: JUST PUSH PAY

Date of Registration: December 3, 2013

PUSHPAY IP LIMITED,

and

PUSHPAY HOLDINGS LIMITED,

Petitioners,

v.

JUST PUSH PAY, LLC,

Respondent.

Cancellation No. _____

PETITION TO CANCEL

Petitioners Pushpay IP Limited and Pushpay Holdings Limited (referred to collectively as “the Petitioners” or individually referred to as “Pushpay IP” and “Pushpay Holdings,” respectively), believing they will be damaged by the continued registration of U.S. Registration No. 4,444,457, respectfully submits this petition for cancellation of the same.

The grounds for cancellation are as follows:

- 1) Petitioners are New Zealand limited companies having a registered address of 65F View Road, Glenfield, Auckland, New Zealand 0627.

2) Petitioners also operate a place of business at 16701 NE 80th Street, #102, Redmond, Washington 98052-3937.

3) Pushpay IP is a wholly owned subsidiary of Pushpay Holdings.

4) Pushpay Holdings and its subsidiary, Pushpay IP, together operate a mobile application program designed to run on smartphones, which facilitates and simplifies for users the ability to make direct, secure mobile payments to registered companies and organizations.

5) To the best of Petitioners' knowledge and belief, Just Push Pay, LLC ("Respondent") is a South Carolina limited liability company with a principal place of business at 1727 Funny Cide Drive, Waxhaw, North Carolina 28173.

6) Pushpay IP is the registered and exclusive owner of, *inter alia*, U.S. Registration No. 3,096,435 for the mark PUSH TO PAY in connection with the following Class 36 services: *Direct dial payment processing feature of financial services, namely, electronic funds transfer, including wireless* (hereinafter the "'435 Registration"). A copy of the TSDR status information and registration certificate for the '435 Registration is attached hereto as **Exhibit A**. Pushpay IP and Pushpay Holdings, jointly, sell and advertise the foregoing Class 36 services under the federally protected PUSH TO PAY Mark.

7) Petitioners' '435 Registration has been registered with the USPTO since May 23, 2006, and is currently in full force and effect, unrevoked and uncancelled.

8) The '435 Registration has become incontestable pursuant to 15 U.S.C. § 1065.

9) As referenced in the records included in Exhibit A, the '435 Registration has been used in United States commerce since at least as early as May 25, 2005.

10) To identify their products and services relating to the mobile application payment program, Petitioners use, advertise and publicize the PUSH TO PAY Mark of the '435

Registration in the United States and internationally in connection with their registered services as alleged above.

11) Petitioners sell their services to United States consumers and merchants in numerous states using the PUSH TO PAY mark of the '435 Registration.

12) In their family of marks, Petitioners also possess rights in the mark PUSHPAY, which is in use with the following goods and services that are the subject of U.S. Application Serial No. 86/256,086 (the " '086 Application") filed in the name of Pushpay IP for *Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Calculating machines, data processing equipment, computers; Computer software* in Class 9; *Paper goods and printed matter*, in Class 16; *Advertising; Business managem[e]nt; Business administration; Office functions*, in Class 35; and *Financial affairs; Monetary affairs*, in Class 36. A copy of the TSDR status information for the '086 Application is attached hereto as **Exhibit B**.

13) In their family of marks, Petitioners also possess rights in the mark PPUSHPAY & Design, which is in use with the following services that are the subject of U.S. Application Serial No. 85/688,248 (the " '248 Application") filed in the name of Pushpay IP for *Card operated financial services, namely, financial administration of credit card and debit card accounts, credit card services, debit card services, and payment card services; financial payment services, namely, bill payment services, providing secure commercial transactions and payment options processing electronic payments made through prepaid cards; financial transaction services, namely, providing secure commercial transactions and payment options using a mobile device at a point of sale; online payment services, namely, bill payment services, providing secure commercial transactions and payment options processing electronic payments made*

*through prepaid cards; charitable services, namely, financial services in the nature of charitable fundraising, and accepting and administering monetary charitable contributions, in Class 36. A copy of the TSDR status information for the '248 Application is attached hereto as **Exhibit C**.*

14) According to the records of the USPTO, Respondent is the owner of record of U.S. Registration No. 4,444,457 (the “ ‘457 Registration”) for federal registration of the word mark JUST PUSH PAY (“the Opposed Mark”). A copy of the TSDR status information and registration certificate for the ‘457 Registration is attached hereto as **Exhibit D**.

15) The Opposed Mark is based on U.S. Application Serial No. 85/533,782 and was filed on February 3, 2012, initially by an entity Advanced Payment Products, a Virginia limited liability company (sometimes referred to herein as “the Initial Applicant”). The application for the Opposed Mark was signed by Randall T. Trost, who is identified as a Partner. Mr. Trost also submitted a signed declaration in support of the application for the Opposed Mark that he believes the applicant, Advanced Payment Products, to be entitled to use such mark in commerce. The application for the Opposed Mark further identifies Advanced Payment Products as the entity name for purposes of receiving correspondence relating to the Opposed Mark. A copy of the February 3, 2012 application for the Opposed Mark is attached hereto as **Exhibit E**.

16) To the best of Petitioners’ knowledge and belief, Respondent was an existing legal entity at the time the initial applicant, Advanced Payment Products, filed an application for the Opposed Mark.

17) On March 25, 2013, the USPTO issued a Notice of Abandonment for the application of the Opposed Mark on the grounds that the Initial Applicant failed to file a Statement of Use or an Extension of Time to File a Statement of Use within the applicable time period. A copy of the referenced Notice of Abandonment is attached hereto as **Exhibit F**.

18) Subsequently, on April 9, 2013, prior to filing a Petition to Revive the Application and prior to filing a Statement of Use, the Initial Applicant executed an assignment agreement purporting to assign the application for the Opposed Mark to Respondent. A copy of this assignment is attached hereto as **Exhibit G**.

19) The next day, *i.e.* on April 10, 2013, the following documents were filed with the USPTO:

(i) a Petition to Revive Abandoned Application combined with a Statement of Use and a Request for Extension of Time to file a Statement of Use claiming a date of first use in United States commerce only as early as January 31, 2013 for use in connection with *Computer application software for mobile phones, namely, software for use in payment transaction processing*, in Class 9; and *Merchant services, namely, payment transaction processing services*, in Class 36 signed by Joseph A. Giordano on behalf of Respondent and setting forth updated ownership information with Respondent as the new applicant of the Opposed Mark;

(ii) a separately filed Statement of Use with the same information contained in the Statement of Use filed in association with the Petition to Revive specified above;

and

(iii) a copy of the aforementioned assignment agreement executed on April 9, 2013 between the Initial Applicant and the Respondent.

Copies of the above-referenced documents in this Paragraph are attached hereto as **Exhibit H**.

20) The USPTO ultimately granted registration of the Opposed Mark on December 3, 2013 that is now the '457 Registration.

21) The dates on which Petitioners first used at least their PUSH TO PAY mark and also their family of marks PPUSHPAY & Design and PUSHPAY, in connection with at least the goods and services alleged above, precede the earliest date Respondent can possibly claim as its date of first use for the '457 Registration.

COUNT I – EXISTENCE OF LIKELIHOOD OF CONFUSION

22) Petitioners repeat and re-allege the above numbered Paragraphs as though fully set forth herein.

23) Petitioners' date of first use of the PUSH TO PAY mark of the '435 Registration in connection with the services set forth above are prior to the dates set forth within the '457 Registration of Respondent, and are prior to any other date of first use of the marks in U.S. commerce on which Respondent can rely.

24) For at least the reasons set forth herein, including the reasons set forth in relation to Count II below, Petitioners have prior rights in at least the mark PUSH TO PAY and also in their marks PUSHPAY and PPUSHPAY & Design, and therefore, are entitled to federal registration and exclusive use of their marks.

25) To the best of Petitioners' knowledge and belief, Respondent advertises and offers for sale, in the same or similar channels of trade, a mobile online payment program using a mark that incorporates a confusingly similar designation to Petitioners' prior PUSH TO PAY mark and family of marks for PUSHPAY and PPUSHPAY & Design in connection with identical or similar services to those offered by Petitioners.

26) The continued registration of the '457 Registration of Respondent is likely to create confusion, mistake, and/or deception, either actual or hypothetical, within the meaning of § 2(d) of the Lanham Act, 15 U.S.C. § 1052 (d), to the detriment of Petitioners.

27) In view of the foregoing, the USPTO improperly registered the '457 Registration of Respondent, which is subject to cancellation.

**COUNT II – APPLICATION OF OPPOSED MARK IS VOID AND RESULTING
'457 REGISTRATION SHOULD THUS BE CANCELLED**

28) Petitioners repeat and re-allege the above numbered Paragraphs as though fully set forth herein.

29) To the best of Petitioners' knowledge and belief, there is no corporate affiliation (including any successor relationship) between Respondent and the Initial Applicant, Advanced Payment Products, nor are Advanced Payment Products and the Respondent related companies within the meaning of TMEP § 1201.03.

30) As of the application filing date for the Opposed Mark, the Initial Applicant had neither ownership of nor any basis for its assertion of entitlement to use the Opposed Mark in US commerce, and the application for the Opposed Mark was therefore void *ab initio* since it was filed in the name of a wrong entity in contravention of TMEP § 803 et seq. and TMEP § 1201 *et. seq.*

31) The assignment of the application for the Opposed Mark to the Respondent could not save this defect per TMEP §§ 803.01, 1201.02(b).

32) More, the Initial Applicant, *i.e.* the party that allowed the application for the Opposed Mark to become abandoned and who had first-hand knowledge of the facts and circumstances involving the abandonment, was not the signatory on the Petition to Revive the application for the Opposed Mark. Instead, the Petition to Revive was filed with the USPTO and signed by a representative of the Respondent.

33) More, even assuming that the Petition to Revive the application for the Opposed Mark was proper (which it was not because the Respondent was not the party that had first-hand knowledge of the facts and circumstances of the abandonment as alleged above), the Petition to Revive and the Statement of Use were untimely and ineffective. In particular, the assignment agreement between the Initial Applicant and the Respondent for the Opposed Mark, an intent-to-use application, was executed on April 9, 2013, one day prior to the filing of the Statement of Use for the Opposed Mark and was thus in violation of TMEP § 501.01(a) and 15 U.S.C. § 1060.

34) For at least the foregoing reasons, the application for the Opposed Mark was void, and thus the '457 Registration is invalid and subject to cancellation.

34) With Respondent's registration being invalid and subject to cancellation, Respondent is not entitled to the February 3, 2012 filing date of the application that is subject of the '457 Registration.

35) Petitioners thereby have clear prior rights not only with respect to their U.S. Registration for the mark PUSH TO PAY that is the subject of the '435 Registration filed on January 21, 2004, but also with respect to their U.S. Trademark Application No. 85/688,248, filed on July 26, 2012 for the mark PPUSHPAY & Design, the '248 Application, and their U.S. Trademark Application No. 86/256,086, filed on April 18, 2014 for the mark PUSHPAY, the '086 Application.

36) For all of the foregoing reasons, the '457 Registration should be cancelled.

**COUNT III – APPLICATION OF OPPOSED MARK REMAINS ABANDONED
AND RESULTING ‘457 REGISTRATION SHOULD THUS BE CANCELLED**

37) Petitioners repeat and re-allege the above numbered Paragraphs as though fully set forth herein.

38) The application for the Opposed Mark has never been properly revived since the Initial Applicant, *i.e.* the party that allowed the application for the Opposed Mark to become abandoned and who had first-hand knowledge of the facts and circumstances involving the abandonment, was not the signatory on the Petition to Revive the application for the Opposed Mark. Rather, the Petition to Revive was filed with the USPTO and signed by a representative of the Respondent.

39) The time period for filing a proper Petition to Revive has since elapsed, the deadline of which was two months from the mailing date of the Notice of Abandonment, or by May 25, 2013.

40) Accordingly, as the application for the Opposed Mark has remained abandoned, the ‘457 Registration is invalid and subject to cancellation.

41) With Respondent’s registration being invalid and subject to cancellation, Respondent is not entitled to the February 3, 2012 filing date of the application that is subject of the ‘457 Registration.

42) Petitioners thereby have clear prior rights not only with respect to their U.S. Registration for the mark PUSH TO PAY that is the subject of the ‘435 Registration filed on January 21, 2004, but also with respect to their U.S. Trademark Application No. 85/688,248, filed on July 26, 2012 for the mark PPUSHPAY & Design, the ‘248 Application, and their U.S.

Trademark Application No. 86/256,086, filed on April 18, 2014 for the mark PUSHPAY, the '086 Application.

43) For all of the foregoing reasons, the '457 Registration should be cancelled.

Petitioners have appointed Robert A. Weikert, Esq. and David L. May, Esq. of the law firm of Nixon Peabody LLP, to prosecute this cancellation proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith.

Please address all correspondence to:

Robert A. Weikert, Esq.
David L. May, Esq.
Shanelle A. Henry, Esq.
NIXON PEABODY LLP
401 9th Street, NW, Suite 900
Washington, D.C. 20004
Email: was.managing.clerk@nixonpeabody.com

WHEREFORE, Petitioners respectfully request that the Board grant their Petition to Cancel, enter judgment in Petitioners' favor and against Respondent, and cancel, in its entirety, U.S. Registration No. 4,444,457.

Dated: October 14, 2014

Respectfully submitted,

NIXON PEABODY LLP

by: /DLM/

Robert A. Weikert, Esq.

David L. May, Esq.

Shanelle A. Henry, Esq.

401 9th Street, N.W., Suite 900

Washington, D.C. 20004

202-585-8000 (Phone)

202-585-8080 (Facsimile)

was.managing.clerk@nixonpeabody.com

nptm@nixonpeabody.com

rweikert@nixonpeabody.com

dmay@nixonpeabody.com

shenry@nixonpeabody.com

Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition to Cancel with exhibits was served on October 14, 2014, via first-class mail, postage prepaid, on the following:

Joe Giordano, CEO
Just Push Pay, LLC
1727 Funny Cide Drive
Waxhaw, North Carolina 28173

_____/DLM/_____

David L. May

Counsel for Petitioners

EXHIBIT A

401 9TH ST NW STE 900
WASHINGTON, DISTRICT OF COLUMBIA 20004-2145
UNITED STATES

Phone: 202-585-8000

Fax: 202-585-8080

Correspondent e-mail: nptm@nixonpeabody.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 22, 2014	NEW CERTIFICATE ISSUED, SEC. 7D	68973
Jul. 21, 2014	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Jul. 09, 2014	POST REGISTRATION ACTION MAILED - SEC. 7	68973
Jul. 09, 2014	POST REGISTRATION ACTION MAILED - SEC. 7	68973
Jul. 09, 2014	POST REGISTRATION ACTION MAILED - SEC. 7	68973
Jul. 09, 2014	POST REGISTRATION ACTION MAILED - SEC. 7	68973
Jul. 09, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jul. 02, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Jun. 11, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 19, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 19, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 25, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 25, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76538
Apr. 25, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76538
Apr. 18, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 11, 2012	TEAS SECTION 8 & 15 RECEIVED	
May 23, 2006	REGISTERED-PRINCIPAL REGISTER	
Apr. 10, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	77975
Apr. 04, 2006	ASSIGNED TO LIE	77975
Mar. 13, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 14, 2006	ASSIGNED TO EXAMINER	78192
Feb. 08, 2006	AMENDMENT FROM APPLICANT ENTERED	77975
Jan. 26, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	77975
Jan. 26, 2006	PAPER RECEIVED	
Aug. 23, 2005	NON-FINAL ACTION E-MAILED	
Aug. 23, 2005	SU - NON-FINAL ACTION - WRITTEN	78196
Aug. 09, 2005	STATEMENT OF USE PROCESSING COMPLETE	61813
Jul. 18, 2005	USE AMENDMENT FILED	61813
Jul. 22, 2005	PAPER RECEIVED	
Jan. 25, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 02, 2004	PUBLISHED FOR OPPOSITION	
Oct. 13, 2004	NOTICE OF PUBLICATION	
Sep. 02, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	68549
Aug. 26, 2004	ASSIGNED TO LIE	68549
Aug. 13, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 11, 2004	ASSIGNED TO EXAMINER	78196
Feb. 02, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Amendment to a Registration/Renewal Certificate: ISSUE NEW CERTIFICATE TO: PUSHPAY IP LIMITED (NEW ZEALAND LIMITED COMPANY) 65F VIEW ROAD GLENFIELD, AUCKLAND, New Zealand 0627

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: POST REGISTRATION

Date in Location: Jul. 22, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: ProPay USA, Inc.

Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [4750/0275](#)

Pages: 6

Date Recorded: Apr. 02, 2012

Supporting Documents: [assignment-tm-4750-0275.pdf](#)

Assignor

Name: [PROPAY USA, INC.](#)

Execution Date: Sep. 25, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: UTAH

Assignee

Name: [PROPAY, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: UTAH

Address: 3400 ASHTON BLVD. SUITE 200
LEHI, UTAH 84043

Correspondent

Correspondent Name: M. REID RUSSELL

Correspondent Address: 854 WEST 3390 SOUTH
HURRICANE, UT 84737

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5296/0607](#)

Pages: 7

Date Recorded: Jun. 05, 2014

Supporting Documents: [assignment-tm-5296-0607.pdf](#)

Assignor

Name: [PROPAY, INC.](#)

Execution Date: Jun. 03, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: UTAH

Assignee

Name: [PUSHPAY IP LIMITED](#)

Legal Entity Type: LIMITED COMPANY

State or Country Where Organized: NEW ZEALAND

Address: 65F VIEW ROAD
GLENFIELD, AUCKLAND, NEW ZEALAND 0627

Correspondent

Correspondent Name: DAVID L. MAY

Correspondent Address: 401 9TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20004

Domestic Representative

Domestic Representative Name: DAVID L. MAY, NIXON PEABODY LLP

Domestic Representative Address: 401 9TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20004

United States of America

United States Patent and Trademark Office

PUSH TO PAY

Reg. No. 3,096,435

Registered May 23, 2006

New Cert. Aug. 26, 2014

Int. Cl.: 36

SERVICE MARK

PRINCIPAL REGISTER

PUSHPAY IP LIMITED (NEW ZEALAND LIMITED COMPANY),
65F VIEW ROAD
GLENFIELD AUCKLAND, NEW ZEALAND 0627

FOR: DIRECT DIAL PAYMENT PROCESSING FEATURE OF FINANCIAL SERVICES,
NAMELY, ELECTRONIC FUNDS TRANSFER, INCLUDING WIRELESS, IN CLASS 36 (U.S.
CLS. 100, 101 AND 102).

FIRST USE 5-25-2005; IN COMMERCE 5-25-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-355,209, FILED 1-21-2004.



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

EXHIBIT B

Generated on: This page was generated by TSDR on 2014-10-02 10:54:18 EDT

Mark: PUSHPAY

PUSHPAY

US Serial Number: 86256086

Application Filing Date: Apr. 18, 2014

Register: Principal

Mark Type: Trademark, Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Aug. 08, 2014

Mark Information

Mark Literal Elements: PUSHPAY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Foreign Registration Number: 845228

Foreign Registration Date: Jul. 06, 2011

Foreign Application/Registration Country: NEW ZEALAND

Foreign Expiration Date: Jul. 06, 2021

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Apparatus for recording, transmission or reproduction of sound or images; Magnetic data carriers, recording discs; Compact discs, DVDs and other digital recording media; Calculating machines, data processing equipment, computers; Computer software

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a) 44(e)

For: Paper goods and printed matter

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a) 44(e)

For: Advertising; Business management; Business administration; Office functions

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a) 44(e)

For: Financial affairs; Monetary affairs

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a) 44(e)

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: Pushpay IP Limited
Owner Address: 65f View Road, Glenfield
Auckland 0627
NEW ZEALAND
Legal Entity Type: limited company (Ltd.)
State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David L. May
Attorney Primary Email Address: nptm@nixonpeabody.com
Docket Number: 069066-3
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: DAVID L. MAY
NIXON PEABODY LLP
401 9TH ST NW STE 900
WASHINGTON, DISTRICT OF COLUMBIA 20004-2145
UNITED STATES
Phone: 202-585-8000
Fax: 202-585-8080
Correspondent e-mail: nptm@nixonpeabody.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: David L. May
Phone: 202-585-8000
Fax: 202-585-8080
Domestic Representative e-mail: nptm@nixonpeabody.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Aug. 08, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 08, 2014	NON-FINAL ACTION E-MAILED	6325
Aug. 08, 2014	NON-FINAL ACTION WRITTEN	81843
Jul. 30, 2014	ASSIGNED TO EXAMINER	81843
May 03, 2014	NOTICE OF PSEUDO MARK E-MAILED	
May 02, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 22, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: KEAN, AMY C
Law Office Assigned: LAW OFFICE 112

File Location

Current Location: TMO LAW OFFICE 112 - EXAMINING ATTORNEY ASSIGNED
Date in Location: Aug. 08, 2014

EXHIBIT C

Generated on: This page was generated by TSDR on 2014-10-02 10:55:15 EDT

Mark: P P U S H P A Y



US Serial Number: 85688248

Application Filing Date: Jul. 26, 2012

Register: Principal

Mark Type: Service Mark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 19, 2014

Mark Information

Mark Literal Elements: P P U S H P A Y

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized letter "P" with two bands to the left of the letter, all in the color white, above the stylized wording "PUSHPAY" in the color white, all within a design of a red circle.

Color Drawing: Yes

Color(s) Claimed: The color(s) red and white is/are claimed as a feature of the mark.

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.
26.17.01 - Bars, straight; Lines, straight; Bands, straight; Straight line(s), band(s) or bar(s)
26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 962753

Foreign Application Filing Date: Jul. 26, 2012

Foreign Application/Registration Country: NEW ZEALAND

Foreign Registration Number: 962753

Foreign Registration Date: Jul. 26, 2012

Foreign Application/Registration Country: NEW ZEALAND

Foreign Expiration Date: Jul. 26, 2022

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Card operated financial services, namely, financial administration of credit card and debit card accounts, credit card services, debit card services, and payment card services; financial payment services, namely, bill payment services, providing secure commercial transactions and payment options processing electronic payments made through prepaid cards; financial transaction services, namely, providing secure commercial transactions and payment options using a mobile device at a point of sale; online payment services, namely, bill payment services, providing secure commercial transactions and payment options processing electronic payments made through prepaid cards; charitable services, namely, financial services in the nature of charitable fundraising, and accepting and administering monetary charitable contributions

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b) 44(d)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: Yes	Currently 44D: Yes	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: PUSHPAY IP LIMITED
Owner Address: 65F VIEW ROAD, GLENFIELD
 AUCKLAND 0627
 NEW ZEALAND
Legal Entity Type: NEW ZEALAND LIMITED COMPANY
State or Country Where Organized: NEW ZEALAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David L. May
Attorney Primary Email Address: nptm@nixonpeabody.com
Docket Number: 069066-2
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: David L. May
 Nixon Peabody, LLP
 401 9th Street, N.W.
 Suite 900
 Washington, DISTRICT OF COLUMBIA 20004
 UNITED STATES
Phone: 202-585-8000
Fax: 202-585-8080
Correspondent e-mail: nptm@nixonpeabody.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: David L. May
Phone: 202-585-8000
Fax: 202-585-8080
Domestic Representative e-mail: nptm@nixonpeabody.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Sep. 19, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 19, 2014	LETTER OF SUSPENSION E-MAILED	6332
Sep. 19, 2014	SUSPENSION LETTER WRITTEN	81130
Aug. 20, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 20, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 20, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 02, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 12, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 12, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 20, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 20, 2014	NON-FINAL ACTION E-MAILED	6325
Feb. 20, 2014	NON-FINAL ACTION WRITTEN	81130
Jan. 30, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 30, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 30, 2014	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Nov. 21, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73797

Jun. 02, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 15, 2013	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
May 15, 2013	LETTER OF SUSPENSION E-MAILED	6332
May 15, 2013	SUSPENSION LETTER WRITTEN	81130
May 10, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
May 10, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
May 03, 2013	ASSIGNED TO LIE	73797
May 01, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 28, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 28, 2012	NON-FINAL ACTION E-MAILED	6325
Nov. 28, 2012	NON-FINAL ACTION WRITTEN	81130
Nov. 21, 2012	ASSIGNED TO EXAMINER	81130
Aug. 04, 2012	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Aug. 03, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 30, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BESCH, JAY C

Law Office Assigned: LAW OFFICE 108

File Location

Current Location: TMEG LAW OFFICE 108 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Sep. 19, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Applicant: Pushpay Holdings Limited

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5245/0841](#)

Pages: 7

Date Recorded: Mar. 27, 2014

Supporting Documents: [assignment-tm-5245-0841.pdf](#)

Assignor

Name: [PUSHPAY HOLDINGS LIMITED](#)

Execution Date: Apr. 01, 2013

Legal Entity Type: NEW ZEALAND LIMITED COMPANY

State or Country Where Organized: NEW ZEALAND

Assignee

Name: [PUSHPAY IP LIMITED](#)

Legal Entity Type: NEW ZEALAND LIMITED COMPANY

State or Country Where Organized: NEW ZEALAND

Address: 65F VIEW ROAD, GLENFIELD
AUCKLAND, NEW ZEALAND 0627

Correspondent

Correspondent Name: DAVID L. MAY, NIXON PEABODY LLP

Correspondent Address: 401 9TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20004

Domestic Representative

Domestic Representative Name: DAVID L. MAY, NIXON PEABODY LLP

Domestic Representative Address: 401 9TH STREET, N.W.
SUITE 900
WASHINGTON, DC 20004

EXHIBIT D

ADVISORY: If you experience any trouble when clicking on the direct links to published records in Notices of Publication received via email and/or that appear in TSDR (Trademark Status and Document Retrieval), you can access the individual record by either 1) copying the link from the email or Notice of Publication in TSDR and pasting it into the url address of a supported browser (IE 10.0 or later and the latest versions of FireFox, Chrome or Safari); or 2) visiting the TMOG main page at <https://tmog.uspto.gov/>, selecting the Official Gazette issue date from the list of Issues in the upper left corner and then entering the 8 digit serial number in the box labeled "Search By" and clicking on the magnifying glass icon to execute the search.

STATUS

DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-10-07 14:37:08 EDT

Mark: JUST PUSH PAY

Just Push Pay

US Serial Number: 85533782

Application Filing Date: Feb. 03, 2012

US Registration Number: 4444457

Registration Date: Dec. 03, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 03, 2013

Publication Date: Jun. 26, 2012

Notice of Allowance Date: Aug. 21, 2012

Mark Information

Mark Literal Elements: JUST PUSH PAY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Computer application software for mobile phones, namely, software for use in payment transactions

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 024

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 31, 2013**Use in Commerce:** Jan. 31, 2013**For:** Merchant services, namely, payment transaction processing services**International Class(es):** 036 - Primary Class**U.S Class(es):** 100, 101,**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Jan. 31, 2013**Use in Commerce:** Jan. 31, 2013

Basis Information (Case Level)

Filed Use: No**Currently Use:** Yes**Filed ITU:** Yes**Currently ITU:** No**Filed 44D:** No**Currently 44D:** No**Filed 44E:** No**Currently 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

Current Owner(s) Information

Owner Name: JUST PUSH PAY, LLC**Owner Address:** 1727 FUNNY CIDE DRIVE
WAXHAW, NORTH CAROLINA 28173
UNITED STATES**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** SOUTH CAROLINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: R. Brian Drozd**Docket Number:** 156973**Attorney Primary Email Address:** email@oliff.com**Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: R. Brian DrozdOLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, VIRGINIA 22320-4850
UNITED STATES**Phone:** 7038366400**Fax:** 70383627**Correspondent e-mail:** email@oliff.com**Correspondent e-mail Authorized:** No

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Dec. 03, 2013	REGISTERED-PRINCIPAL REGISTER	
Nov. 01, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Oct. 31, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	70629
Oct. 25, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 21, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Oct. 21, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629
Oct. 17, 2013	ASSIGNED TO LIE	70629
Oct. 16, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 24, 2013	NON-FINAL ACTION MAILED	
May 23, 2013	SU - NON-FINAL ACTION - WRITTEN	68603
May 08, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
May 07, 2013	STATEMENT OF USE PROCESSING COMPLETE	71034
Apr. 10, 2013	USE AMENDMENT FILED	71034
May 07, 2013	EXTENSION 1 GRANTED	71034
Feb. 21, 2013	EXTENSION 1 FILED	71034
May 03, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Apr. 17, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 10, 2013	TEAS STATEMENT OF USE RECEIVED	
Apr. 10, 2013	NOTICE OF REVIVAL - MAILED	
Apr. 10, 2013	EXTENSION RECEIVED WITH TEAS PETITION	
Apr. 10, 2013	PETITION TO REVIVE-GRANTED	88889
Apr. 10, 2013	TEAS PETITION TO REVIVE RECEIVED	
Mar. 25, 2013	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Mar. 25, 2013		99999

	ABANDONMENT - NO USE STATEMENT FILED	
Aug. 21, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 26, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 26, 2012	PUBLISHED FOR OPPOSITION	
Jun. 06, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 14, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 14, 2012	ASSIGNED TO EXAMINER	68603
Feb. 09, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 07, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 31, 2012

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

United States of America

United States Patent and Trademark Office

Just Push Pay

Reg. No. 4,444,457

Registered Dec. 3, 2013

Int. Cls.: 9 and 36

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

JUST PUSH PAY, LLC (SOUTH CAROLINA LIMITED LIABILITY COMPANY)
1727 FUNNY CIDE DRIVE
WAXHAW, NC 28173

FOR: COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES, NAMELY, SOFTWARE FOR USE IN PAYMENT TRANSACTION PROCESSING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-31-2013; IN COMMERCE 1-31-2013.

FOR: MERCHANT SERVICES, NAMELY, PAYMENT TRANSACTION PROCESSING SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-31-2013; IN COMMERCE 1-31-2013.

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

SN 85-533,782, FILED 2-3-2012.

PATRICIA EVANKO, EXAMINING ATTORNEY



Deborah S. Cohn

Commissioner for Trademarks of the
United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT E

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 12/31/2014)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 85533782

Filing Date: 02/03/2012

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	<u>Just Push Pay</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Just Push Pay
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Advanced Payment Products
*STREET	801 Main Street, 10Th Floor
*CITY	Lynchburg
*STATE (Required for U.S. applicants)	Virginia
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	24504

PHONE	434-528-4222
FAX	434-847-0814
EMAIL ADDRESS	randy_t_trost@yahoo.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Virginia
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	009
*IDENTIFICATION	Computer application software for mobile phones, namely, software for use in payment transaction processing
*FILING BASIS	SECTION 1(b)
*INTERNATIONAL CLASS	036
*IDENTIFICATION	Merchant services, namely, payment transaction processing services
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Advanced Payment Products
FIRM NAME	Advanced Payment Products
*STREET	801 Main Street, 10Th Floor
*CITY	Lynchburg

*STATE (Required for U.S. applicants)	Virginia
*COUNTRY	United States
*ZIP/POSTAL CODE	24504
PHONE	434-528-4222
FAX	434-847-0814
*EMAIL ADDRESS	randy_t_trost@yahoo.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	2
FEE PER CLASS	275
*TOTAL FEE PAID	550
SIGNATURE INFORMATION	
* SIGNATURE	/Randall T. Trost/
* SIGNATORY'S NAME	Randall T. Trost
* SIGNATORY'S POSITION	Partner
SIGNATORY'S PHONE NUMBER	434-528-4222
* DATE SIGNED	02/03/2012

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 12/31/2014)

Trademark/Service Mark Application, Principal Register**TEAS Plus Application****Serial Number: 85533782****Filing Date: 02/03/2012****To the Commissioner for Trademarks:****MARK:** Just Push Pay (Standard Characters, see [mark](#))

The literal element of the mark consists of Just Push Pay.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Advanced Payment Products, a limited liability company legally organized under the laws of Virginia, having an address of

801 Main Street, 10Th Floor
Lynchburg, Virginia 24504
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 009: Computer application software for mobile phones, namely, software for use in payment transaction processing

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 036: Merchant services, namely, payment transaction processing services

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

Advanced Payment Products
Advanced Payment Products
801 Main Street, 10Th Floor

Lynchburg, Virginia 24504
434-528-4222(phone)
434-847-0814(fax)
randy_t_trost@yahoo.com (authorized)

A fee payment in the amount of \$550 has been submitted with the application, representing payment for 2 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Randall T. Trost/ Date Signed: 02/03/2012
Signatory's Name: Randall T. Trost
Signatory's Position: Partner

RAM Sale Number: 5133
RAM Accounting Date: 02/06/2012

Serial Number: 85533782
Internet Transmission Date: Fri Feb 03 18:01:54 EST 2012
TEAS Stamp: USPTO/FTK-208.30.2.66-201202031801544439
77-85533782-4909a1b6b1e79ba38595786ee732
feaf-DA-5133-20120131144728477537

EXHIBIT F

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Mar 25, 2013

The trademark application identified below was abandoned because the applicant failed to file for a statement of use or an extension of time.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 85533782
MARK: JUST PUSH PAY
OWNER: Advanced Payment Products

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

ADVANCED PAYMENT PRODUCTS
ADVANCED PAYMENT PRODUCTS
801 MAIN ST FL 10
LYNCHBURG , VA 24504-1537



EXHIBIT G

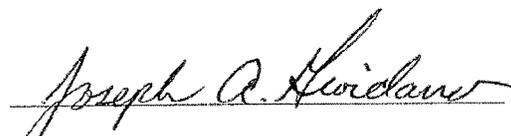
ASSIGNMENT

WHEREAS, Advanced Payment Products, a company of Virginia having its principal place of business at 1727 Funny Cide Drive, Waxhaw, North Carolina 28173 is the owner of record of the marks applied for with the U.S. Patent and Trademark Office as application nos. 85/533,782 and 85/544,778; and

WHEREAS, Just Push Pay, LLC, a company of South Carolina having its principal place of business at 1727 Funny Cide Drive, Waxhaw, North Carolina 28173, is desirous of acquiring the aforesaid marks, together with the goodwill of the business symbolized by the marks and the aforesaid registrations;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Advanced Payment Products confirms that it did and does hereby assign and transfer unto Just Push Pay, LLC all of its right, title and interest in and to each of the aforesaid marks in the United States, together with the goodwill of the U.S. business connected with the use of and symbolized by the aforesaid marks and the aforesaid registrations.

Advanced Payment Products

By: 
Name: Joseph A. Giordano
Title: CEO, Founder

Date: April 9, 2013

EXHIBIT H

Petition to Revive Abandoned Application - Failure to File Timely Statement of Use or Extension Request

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85533782
LAW OFFICE ASSIGNED	LAW OFFICE 117
DATE OF NOTICE OF ABANDONMENT	03/25/2013
MARK SECTION	
MARK	JUST PUSH PAY
MISCELLANEOUS STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	An Assignment has been filed in this matter on April 10, 2013 transferring ownership from Advanced Payment Products, LLC to Just Push Pay, LLC. ETAS receipt ID: EASTM265004
PETITION	
PETITION STATEMENT	Applicant has firsthand knowledge that the failure to file an SOU or Extension Request by the specific deadline was unintentional, and requests the USPTO to revive the abandoned application.
NOTICE OF ALLOWANCE	Notice of Allowance was not received by applicant.
STATEMENT OF USE	
OWNER SECTION (current)	
NAME	Advanced Payment Products
STREET	801 Main Street, 10Th Floor
CITY	Lynchburg
STATE	Virginia
ZIP/POSTAL CODE	24504
COUNTRY	United States
PHONE	434-528-4222

FAX	434-847-0814
EMAIL	randy_t_trost@yahoo.com
OWNER SECTION (proposed)	
NAME	Just Push Pay, LLC
STREET	1727 Funny Cide Drive
CITY	Waxhaw
STATE	North Carolina
ZIP/POSTAL CODE	28173
COUNTRY	United States
PHONE	704-302-1404
FAX	
EMAIL	joegiordano@justpushpay.com
ATTORNEY SECTION (new)	
NAME	R. Brian Drozd
FIRM NAME	OLIFF & BERRIDGE, PLC
STREET	P.O. Box 320850
CITY	Alexandria
STATE	Virginia
POSTAL CODE	22320-4850
COUNTRY	United States
PHONE	7038366400
FAX	7038362787
EMAIL	email@oliff.com
DOCKET/REFERENCE NUMBER	156973
OTHER APPOINTED ATTORNEY	James A. Oliff, William P. Berridge, Kirk M. Hudson, Edward P. Walker, Mario A. Costantino, Joel S. Armstrong, William J. Utermohlen, Christopher W. Brown, Eric D. Morehouse, John W. O'Meara, Gang Luo, Jesse O. Collier, Peter T. Ewald, Aaron L. Webb, and Linda M. Saltiel
CORRESPONDENCE SECTION (current)	
NAME	ADVANCED PAYMENT PRODUCTS

FIRM NAME	ADVANCED PAYMENT PRODUCTS
STREET	801 MAIN ST FL 10
CITY	LYNCHBURG
STATE	Virginia
POSTAL CODE	24504-1537
COUNTRY	United States
PHONE	434-528-4222
FAX	434-847-0814
EMAIL	randy_t_trost@yahoo.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
CORRESPONDENCE SECTION (proposed)	
NAME	R. Brian Drozd
FIRM NAME	OLIFF & BERRIDGE, PLC
STREET	P.O. BOX 320850
CITY	ALEXANDRIA
STATE	Virginia
POSTAL CODE	22320-4850
COUNTRY	United States
PHONE	7038366400
FAX	7038362787
EMAIL	email@oliff.com;rdrozd@oliff.com; joegiordano@justpushpay.com
DOCKET/REFERENCE NUMBER	156973
GOODS AND/OR SERVICES SECTION FOR STATEMENT OF USE	
INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	Computer application software for mobile phones, namely, software for use in payment transaction processing
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	01/31/2013
FIRST USE IN COMMERCE DATE	01/31/2013

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\855\337\85533782\xml7\ PSE0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT 16\855\337\85533782\xml7\ PSE0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT 16\855\337\85533782\xml7\ PSE0004.JPG
SPECIMEN DESCRIPTION	Graphical user interfaces for use in payment transaction processing
INTERNATIONAL CLASS	036
CURRENT IDENTIFICATION	Merchant services, namely, payment transaction processing services
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	01/31/2013
FIRST USE IN COMMERCE DATE	01/31/2013
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\855\337\85533782\xml7\ PSE0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT 16\855\337\85533782\xml7\ PSE0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT 16\855\337\85533782\xml7\ PSE0007.JPG
SPECIMEN DESCRIPTION	Graphical user interfaces for use in payment transaction processing
EXTENSION OF TIME TO FILE A STATEMENT OF USE	
EXTENSION PERIOD(S)	1
ALLOWANCE MAIL DATE	08/21/2012
PAYMENT SECTION	
PETITION FEE	100
NUMBER OF CLASSES IN USE	2
EXTENSION FEE	300
NUMBER OF CLASSES IN USE	2
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	200
TOTAL AMOUNT	600
SIGNATURE SECTION	

PETITION SIGNATURE	/Joseph A. Giordano/
SIGNATORY'S NAME	Joseph A. Giordano
SIGNATORY'S POSITION	Principal
DATE SIGNED	04/10/2013
SIGNATORY'S PHONE NUMBER	704-302-1404
DECLARATION SIGNATURE	/Joseph A. Giordano/
SIGNATORY'S NAME	Joseph A. Giordano
SIGNATORY'S POSITION	Principal
DATE SIGNED	04/10/2013
SIGNATORY'S PHONE NUMBER	704-302-1404
FILING INFORMATION	
SUBMIT DATE	Wed Apr 10 12:00:41 EDT 2013
TEAS STAMP	USPTO/PSE-65.196.102.180- 20130410120041051437-8553 3782-500c22dc1bef9d1c872a 3185e66b0e99a85ad703e258c a267d41dcd89b2fa4073bf-DA -8983-2013041010463348419 2

Petition to Revive Abandoned Application - Failure to File Timely Statement of Use or Extension Request

To the Commissioner for Trademarks:

MARK: JUST PUSH PAY

SERIAL NUMBER: 85533782

PETITION

Signatory has firsthand knowledge that the failure to file an SOU or Extension Request by the specific deadline was unintentional, and requests the USPTO to revive the abandoned application.

Notice of Allowance was not received by applicant.

EXTENSION OF TIME AND STATEMENT OF USE

The applicant, Advanced Payment Products, having an address of
801 Main Street, 10Th Floor
Lynchburg, Virginia 24504
United States

requests revival of the application identified above, submits extension(s) of time and Statement of Use.
The Notice of Allowance mailing date was 08/21/2012.

The applicant is filing extension number(s): 1

For International Class 009:

Current identification: Computer application software for mobile phones, namely, software for use in payment transaction processing

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/31/2013, and first used in commerce at least as early as 01/31/2013, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Graphical user interfaces for use in payment transaction processing.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

For International Class 036:

Current identification: Merchant services, namely, payment transaction processing services

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/31/2013, and first used in commerce at least as early as 01/31/2013, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Graphical user interfaces for use in payment transaction processing.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

MISCELLANEOUS STATEMENTS

An Assignment has been filed in this matter on April 10, 2013 transferring ownership from Advanced Payment Products, LLC to Just Push Pay, LLC. ETAS receipt ID: EASTM265004

The applicant's current Correspondence Information: ADVANCED PAYMENT PRODUCTS of
ADVANCED PAYMENT PRODUCTS 801 MAIN ST FL 10
LYNCHBURG, Virginia (VA) 24504-1537
United States (USX)

The applicant's proposed Correspondence Information: R. Brian Drozd of OLIFF & BERRIDGE,
PLC P.O. BOX 320850
ALEXANDRIA, Virginia (VA) 22320-4850
United States (USX)

The docket/reference number is 156973.

The phone number is 7038366400.

The fax number is 7038362787.

The email address is email@oliff.com;rdrozd@oliff.com; joegiordano@justpushpay.com.

The applicant hereby appoints R. Brian Drozd and James A. Oliff, William P. Berridge, Kirk M. Hudson, Edward P. Walker, Mario A. Costantino, Joel S. Armstrong, William J. Utermohlen, Christopher W. Brown, Eric D. Morehouse, John W. O'Meara, Gang Luo, Jesse O. Collier, Peter T. Ewald, Aaron L. Webb, and Linda M. Saltiel of OLIFF & BERRIDGE, PLC

P.O. Box 320850

Alexandria, Virginia 22320-4850

United States

to submit this Petition to Revive Abandoned Application - Failure to File Timely Statement of Use or Extension Request on behalf of the applicant. The docket/reference number is 156973.

The phone number is 7038366400.

The fax number is 7038362787.

The email address is email@oliff.com.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the

petition fee.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for the extension fee.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for the allegation of use for 2 classes.

A fee payment in the total amount of \$600 will be submitted.

Petition

Signature: /Joseph A. Giordano/ Date Signed: 04/10/2013

Signatory's Name: Joseph A. Giordano

Signatory's Position: Principal

Signatory's Phone: 704-302-1404

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. Section 1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Joseph A. Giordano/ Date Signed: 04/10/2013

Signatory's Name: Joseph A. Giordano

Signatory's Position: Principal

Signatory's Phone: 704-302-1404

Mailing Address:

OLIFF & BERRIDGE, PLC

P.O. Box 320850

Alexandria, Virginia 22320-4850

Serial Number: 85533782

Internet Transmission Date: Wed Apr 10 12:00:41 EDT 2013

TEAS Stamp: USPTO/PSE-65.196.102.180-201304101200410

51437-85533782-500c22dc1bef9d1c872a3185e

66b0e99a85ad703e258ca267d41dcd89b2fa4073

bf-DA-8983-20130410104633484192



Click links to edit information.

Account Nickname	Balance	# Cards	
Dane's Account	\$86.00	-	View Activity...
<input type="checkbox"/> Painters Account	\$16.50	1	View Activity... Add a Card Delete
<input type="checkbox"/> Joe's Card	\$15.50	1	View Activity... Add a Card Delete
<input type="checkbox"/> Roofers Account	\$10.00	1	View Activity... Add a Card Delete
<input type="checkbox"/> Dry wall guy	\$12.00	1	View Activity... Add a Card Delete
<input type="checkbox"/> Mason	\$10.00	1	View Activity... Add a Card Delete
Total Account Balances:	\$150.00		

[Add an Account](#)

[Transfer Funds](#)



I want to transfer funds...

- Between my own JPP accounts
- From my external bank account to my JPP account
- From my JPP account to my external bank account

From

To

Amount

Submit



Just Push

PAY

Push to Enter



Click links to edit information.

Account Nickname	Balance	# Cards	
Dane's Account	\$86.00	-	View Activity...
<input type="checkbox"/> Painters Account	\$16.50	1	View Activity... Add a Card Delete
<input type="checkbox"/> Joe's Card	\$15.50	1	View Activity... Add a Card Delete
<input type="checkbox"/> Roofers Account	\$10.00	1	View Activity... Add a Card Delete
<input type="checkbox"/> Dry wall guy	\$12.00	1	View Activity... Add a Card Delete
<input type="checkbox"/> Mason	\$10.00	1	View Activity... Add a Card Delete
Total Account Balances:	\$150.00		

[Add an Account](#)

[Transfer Funds](#)



I want to transfer funds...

- Between my own JPP accounts
- From my external bank account to my JPP account
- From my JPP account to my external bank account

From

To

Amount

Submit



Just Push

PAY

Push to Enter

RAM SALE NUMBER: 85533782
RAM ACCOUNTING DATE: 20130410

INTERNET TRANSMISSION DATE:
2013/04/10

SERIAL NUMBER:
85/533782

Description	Fee Code	Transaction	Total Fees Paid
POA	7005	2013/04/10	100
ESU	7004	2013/04/10	300
SOU	7003	2013/04/10	200

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Fieldsssssss	Entered
SERIAL NUMBER	85533782
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION	
MARK	JUST PUSH PAY
MISCELLANEOUS STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	An Assignment has been filed in this matter on April 10, 2013 transferring ownership from Advanced Payment Products, LLC to Just Push Pay, LLC. ETAS receipt ID: EASTM265004
OWNER SECTION (current)	
NAME	Advanced Payment Products
STREET	801 Main Street, 10Th Floor
CITY	Lynchburg
STATE	Virginia
ZIP/POSTAL CODE	24504
COUNTRY	United States
PHONE	434-528-4222
FAX	434-847-0814
EMAIL	randy_t_trost@yahoo.com
OWNER SECTION (proposed)	
NAME	Just Push Pay, LLC
STREET	1727 Funny Cide Drive
CITY	Waxhaw
STATE	North Carolina

ZIP/POSTAL CODE	28173
COUNTRY	United States
PHONE	704-302-1404
FAX	
EMAIL	joegiordano@justpushpay.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	Computer application software for mobile phones, namely, software for use in payment transaction processing
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	01/31/2013
FIRST USE IN COMMERCE DATE	01/31/2013
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\855\337\85533782\xml9\ SOU0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\855\337\85533782\xml9\ SOU0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\855\337\85533782\xml9\ SOU0004.JPG
SPECIMEN DESCRIPTION	Graphical user interfaces for use in payment transaction processing
INTERNATIONAL CLASS	036
CURRENT IDENTIFICATION	Merchant services, namely, payment transaction processing services
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	01/31/2013
FIRST USE IN COMMERCE DATE	01/31/2013
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT16\855\337\85533782\xml9\ SOU0005.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\855\337\85533782\xml9\ SOU0006.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\855\337\85533782\xml9\ SOU0007.JPG
SPECIMEN DESCRIPTION	Graphical user interfaces for use in payment

	transaction processing
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	2
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	200
TOTAL AMOUNT	600
SIGNATURE SECTION	
	/Joseph A. Giordano/
SIGNATORY'S NAME	Joseph A. Giordano
SIGNATORY'S POSITION	Principal
DATE SIGNED	04/10/2013
SIGNATORY'S PHONE NUMBER	704-302-1404
DECLARATION SIGNATURE	/Joseph A. Giordano/
SIGNATORY'S NAME	Joseph A. Giordano
SIGNATORY'S POSITION	Principal
DATE SIGNED	04/10/2013
SIGNATORY'S PHONE NUMBER	704-302-1404
FILING INFORMATION	
SUBMIT DATE	Wed Apr 10 12:00:41 EDT 2013
TEAS STAMP	USPTO/PSE-65.196.102.180- 20130410120041051437-8553 3782-500c22dc1bef9d1c872a 3185e66b0e99a85ad703e258c a267d41dcd89b2fa4073bf-DA -8983-2013041010463348419 2

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: JUST PUSH PAY
SERIAL NUMBER: 85533782

The applicant, Just Push Pay, LLC, having an address of
1727 Funny Cide Drive
Waxhaw, North Carolina 28173
United States

is submitting the following allegation of use information:

For International Class 009:

Current identification: Computer application software for mobile phones, namely, software for use in payment transaction processing

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/31/2013, and first used in commerce at least as early as 01/31/2013, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Graphical user interfaces for use in payment transaction processing.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

For International Class 036:

Current identification: Merchant services, namely, payment transaction processing services

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/31/2013, and first used in commerce at least as early as 01/31/2013, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Graphical user interfaces for use in payment transaction processing.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

MISCELLANEOUS STATEMENTS

An Assignment has been filed in this matter on April 10, 2013 transferring ownership from Advanced Payment Products, LLC to Just Push Pay, LLC. ETAS receipt ID: EASTM265004

A fee payment in the amount of \$100 will be

A fee payment in the amount of \$300 will be

A fee payment in the amount of \$200 will be submitted with the form, representing payment for the allegation of use for 2 classes.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. Section 1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Joseph A. Giordano/ Date Signed: 04/10/2013

Signatory's Name: Joseph A. Giordano

Signatory's Position: Principal

Signatory's Phone: 704-302-1404

RAM Sale Number: 85533782

RAM Accounting Date: 04/10/2013

Serial Number: 85533782

Internet Transmission Date: Wed Apr 10 12:00:41 EDT 2013

TEAS Stamp: USPTO/PSE-65.196.102.180-201304101200410

51437-85533782-500c22dc1bef9d1c872a3185e
66b0e99a85ad703e258ca267d41dcd89b2fa4073
bf-DA-8983-20130410104633484192



JPP Debit | Other Accounts |

Payment Requests (0)

Click links to edit information.

Account Nickname	Balance	# Cards	
Owner's Account	\$86.00	-	View Activity...
<input type="checkbox"/> Painters Account	\$16.50	1	View Activity... Add a Card Delete
<input type="checkbox"/> Joe's Card	\$15.50	1	View Activity... Add a Card Delete
<input type="checkbox"/> Roofers Account	\$10.00	1	View Activity... Add a Card Delete
<input type="checkbox"/> Dry wall guy	\$12.00	1	View Activity... Add a Card Delete
<input type="checkbox"/> Mason	\$10.00	1	View Activity... Add a Card Delete
Total Account Balances:	\$150.00		

[Add an Account](#)

[Transfer Funds](#)



I want to transfer funds...

- Between my own JPP accounts
- From my external bank account to my JPP account
- From my JPP account to my external bank account

From

To

Amount

Submit



Just Push

PAY

Push to Enter



JPP Debit | Other Accounts |

Payment Requests (0)

Click links to edit information.

Account Nickname	Balance	# Cards	
Owner's Account	\$86.00	-	View Activity...
<input type="checkbox"/> Painters Account	\$16.50	1	View Activity... Add a Card Delete
<input type="checkbox"/> Joe's Card	\$15.50	1	View Activity... Add a Card Delete
<input type="checkbox"/> Roofers Account	\$10.00	1	View Activity... Add a Card Delete
<input type="checkbox"/> Dry wall guy	\$12.00	1	View Activity... Add a Card Delete
<input type="checkbox"/> Mason	\$10.00	1	View Activity... Add a Card Delete
Total Account Balances:	\$150.00		

[Add an Account](#)

[Transfer Funds](#)



I want to transfer funds...

- Between my own JPP accounts
- From my external bank account to my JPP account
- From my JPP account to my external bank account

From

To

Amount

Submit



Just Push

PAY

Push to Enter

FEE RECORD SHEET

Serial Number: 85533782



RAM Sale Number: 85533782

Total Fees: \$600

RAM Accounting Date: 20130410

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
*** UNKNOWN ***	7005	20130410			\$100
Extension Request for SOU	7004	20130410	\$150	2	\$300
Statement of Use (SOU)	7003	20130410	\$100	2	\$200

Transaction Date: 20130410



TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT														
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL														
CONVEYING PARTY DATA															
<table border="1"> <thead> <tr> <th>Name</th> <th>Formerly</th> <th>Execution Date</th> <th>Entity Type</th> </tr> </thead> <tbody> <tr> <td>ADVANCED PAYMENT PRODUCTS, LLC</td> <td></td> <td>04/09/2013</td> <td>LIMITED LIABILITY COMPANY: VIRGINIA</td> </tr> </tbody> </table>				Name	Formerly	Execution Date	Entity Type	ADVANCED PAYMENT PRODUCTS, LLC		04/09/2013	LIMITED LIABILITY COMPANY: VIRGINIA				
Name	Formerly	Execution Date	Entity Type												
ADVANCED PAYMENT PRODUCTS, LLC		04/09/2013	LIMITED LIABILITY COMPANY: VIRGINIA												
RECEIVING PARTY DATA															
<table border="1"> <tr> <td>Name:</td> <td>JUST PUSH PAY, LLC</td> </tr> <tr> <td>Street Address:</td> <td>1727 FUNNY CIDE DRIVE</td> </tr> <tr> <td>City:</td> <td>WAXHAW</td> </tr> <tr> <td>State/Country:</td> <td>NORTH CAROLINA</td> </tr> <tr> <td>Postal Code:</td> <td>28173</td> </tr> <tr> <td>Entity Type:</td> <td>LIMITED LIABILITY COMPANY: SOUTH CAROLINA</td> </tr> </table>				Name:	JUST PUSH PAY, LLC	Street Address:	1727 FUNNY CIDE DRIVE	City:	WAXHAW	State/Country:	NORTH CAROLINA	Postal Code:	28173	Entity Type:	LIMITED LIABILITY COMPANY: SOUTH CAROLINA
Name:	JUST PUSH PAY, LLC														
Street Address:	1727 FUNNY CIDE DRIVE														
City:	WAXHAW														
State/Country:	NORTH CAROLINA														
Postal Code:	28173														
Entity Type:	LIMITED LIABILITY COMPANY: SOUTH CAROLINA														
PROPERTY NUMBERS Total: 2															
<table border="1"> <thead> <tr> <th>Property Type</th> <th>Number</th> <th>Word Mark</th> </tr> </thead> <tbody> <tr> <td>Serial Number:</td> <td>85533782</td> <td>JUST PUSH PAY</td> </tr> <tr> <td>Serial Number:</td> <td>85544778</td> <td>JUST PUSH PAY</td> </tr> </tbody> </table>				Property Type	Number	Word Mark	Serial Number:	85533782	JUST PUSH PAY	Serial Number:	85544778	JUST PUSH PAY			
Property Type	Number	Word Mark													
Serial Number:	85533782	JUST PUSH PAY													
Serial Number:	85544778	JUST PUSH PAY													
CORRESPONDENCE DATA															
<p>Fax Number: 7038362787 <i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent via US Mail.</i></p> <p>Phone: 7038366400 Email: email@oliff.com Correspondent Name: OLIFF & BERRIDGE, PLC Address Line 1: P.O. Box 2245 Address Line 4: Alexandria, VIRGINIA 22320-4850</p>															
ATTORNEY DOCKET NUMBER:	156973 & 156974														
NAME OF SUBMITTER:	R. Brian Drozd														
Signature:	/R. Brian Drozd/														
Date:	04/10/2013														
<p>Total Attachments: 1 source=156973_Assignment#page1.tif</p>															

CH \$65.00 85533782

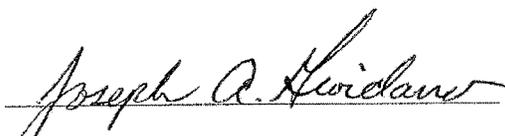
ASSIGNMENT

WHEREAS, Advanced Payment Products, a company of Virginia having its principal place of business at 1727 Funny Cide Drive, Waxhaw, North Carolina 28173 is the owner of record of the marks applied for with the U.S. Patent and Trademark Office as application nos. 85/533,782 and 85/544,778; and

WHEREAS, Just Push Pay, LLC, a company of South Carolina having its principal place of business at 1727 Funny Cide Drive, Waxhaw, North Carolina 28173, is desirous of acquiring the aforesaid marks, together with the goodwill of the business symbolized by the marks and the aforesaid registrations;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Advanced Payment Products confirms that it did and does hereby assign and transfer unto Just Push Pay, LLC all of its right, title and interest in and to each of the aforesaid marks in the United States, together with the goodwill of the U.S. business connected with the use of and symbolized by the aforesaid marks and the aforesaid registrations.

Advanced Payment Products

By: 
Name: Joseph A. Giordano
Title: CEO, Founder

Date: April 9, 2013