

ESTTA Tracking number: **ESTTA561098**

Filing date: **09/24/2013**

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 party requests to cancel indicated registration.

Petitioner Information

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| Name | DigitalMailer Inc. | | |
| Entity | Corporation | Citizenship | Virginia |
| Address | 220 Spring Street Suite 200 Herndon, VA 20170 UNITED STATES | | |

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| Attorney information | Carl I. Brundidge 2318 Mill Road, Suite 1020 Alexandria, VA 22314 UNITED STATES cbrundidge@brundidge-stanger.com Phone:703-684-1470 |
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Registration Subject to Cancellation

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| Registration No | 3166460 | Registration date | 10/31/2006 |
| Registrant | Crossroads Systems, Inc. 11000 N. MoPac Expressway Austin, TX 78759 UNITED STATES | | |

Goods/Services Subject to Cancellation

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| Class 009. First Use: 2005/02/22 First Use In Commerce: 2006/05/23 All goods and services in the class are cancelled, namely: Computer software and hardware, namely, for monitoring, analyzing, and reporting computer application access into database resources, for network storage and database resource allocation, and for data transfer within and between computer and storage networks |
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Grounds for Cancellation

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| <i>Torres v. Cantine Torresella S.r.l.Fraud</i> | 808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986) |
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| Attachments | Statement.pdf(96286 bytes) |
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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.

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| Signature | /Carl I. Brundidge/ |
| Name | Carl I. Brundidge |

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| Date | 09/24/2013 |
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Petitioner asserts that the ground for cancellation is based on the following:

Fraud on the part of the Registrant in obtaining the registration of the mark in that the Registrant, with intent to deceive the U.S. Patent and Trademark Office, knew or should have known the falsity of its statement regarding its entitlement to use of the mark in commerce, knowledge regarding others use of the mark in commerce, and likelihood of causing confusion or mistake.