

ESTTA Tracking number: **ESTTA1074348**

Filing date: **08/12/2020**

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

Proceeding	92074689
Party	Defendant IVP Finance (Cyprus) Ltd
Correspondence Address	IVP FINANCE (CYPRUS) LTD 1 AVLONOS NICOSIA, 1075 CYPRUS Primary Email: office@ivpfinance.com Secondary Email(s): office@ivpfinance.com No phone number provided.
Submission	Answer
Filer's Name	Piotr Pietrzak
Filer's email	office@ivpfinance.com
Signature	/Piotr Pietrzak/
Date	08/12/2020
Attachments	Answer Cancellation 92074689_conf.pdf(1310130 bytes)

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

Afterpay Australia Pty Ltd

Petitioner,

v.

IVP Finance (Cyprus) Ltd

Respondent.

Cancellation No. 92074689

Registration No. 5093963

ANSWER TO PETITION FOR CANCELATION

Respondent IVP Finance (Cyprus) Ltd ("Respondent") for its Answer to the Petition for Cancellation (the "Petition") brought by Afterpay Australia Pty Ltd ("Petitioner") states as follows:

[Unnumbered paragraph]

Admits the allegations contained in unnumbered paragraph of the Petition as it relates to the fact of ownership by the Respondent of trademark "FOREX TRADING ALGORITHM" and Design, Registration No. 5093963;

Admits the allegations contained in unnumbered paragraph of the Petition as it relates to the address of IVP Finance (Cyprus) Ltd;

Denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in unnumbered paragraph of the Petition and avers that Petitioner cannot

be damaged by Respondent's cited trademark registration as Petitioner has no right as a matter of fact or law to use any mark that infringe on Respondent's FOREX TRADING ALGORITHM trademark and Design.


1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Paragraph 1 of the Petition and therefore denies the same, and avers that any attempt by Petitioner to register or use the mark shown in the Paragraph 1 of the Petition ("Petitioner's Design mark") for goods and services International Class 9, U.S. Classes 021, 023, 026, 036, 038 (Respondent's goods and services) violates Respondent's rights.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Paragraph 2 of the Petition and therefore denies the same, and avers that any use or registration of the Petitioner's Design mark in connection to Respondent's goods and services would cause confusion as regards to source of the parties' respective products and services
3. Denies knowledge or information sufficient to form a belief in reference to the allegations contained of the Paragraph 3 of the Petition.
4. Denies knowledge or information sufficient to form a belief in reference to the allegations contained of the Paragraph 4 of the Petition.
5. Denies the allegations contained in the Paragraph 5 of the Petition.
6. Denies the allegations contained in the Paragraph 6 of the Petition.
7. Denies the allegations contained in the Paragraph 7 of the Petition.
8. Denies the allegations contained in the Paragraph 8 of the Petition.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Paragraph 9 of the Petition and therefore denies the same, and avers that Petitioner cannot be damaged by Respondent's cited trademark

registration as Petitioner has no right as a matter of fact or law to register the Petitioner's Design mark that infringes on Respondent's FOREX TRADING ALGORITHM trademark and Design.

WHEREFORE, Respondent respectfully requests that the Petition to Cancellation be denied in its entirety and that judgement be entered against Petitioner and in favor of Respondent.

Dated: August 12, 2020

IVP Finance (Cyprus) Ltd.

By:  _____

1 Avlonos Street

Nicosia 1075

Cyprus

Tel: +357 2 200 9725

Email: office@ivpfinance.com

Director of Respondent

I hereby certify that a true and complete copy of the foregoing Answer to Cancellation
Petition No 92074689 has been served on Lisa W. Rosaya, BAKER & MCKENZIE LLP by
forwarding said copy on August 12, 2020, via email to: nyctrademarks@bakermckenzie.com,
Lisa.Rosaya@bakermckenzie.com, lindsey.utrata@bakermckenzie.com



Signature: Piotr Pietrzak

Date: August 12, 2020