

ESTTA Tracking number: **ESTTA1161626**

Filing date: **09/23/2021**

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 has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Cray Pay, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1525 S. HIGLEY ROAD SUITE 104 GILBERT, AZ 85295 UNITED STATES		
Attorney information	JAMES L. LOVSIN MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 SOUTH WACKER DRIVE CHICAGO, IL 60606 UNITED STATES Primary Email: lovsin@mbhb.com Secondary Email(s): borella@mbhb.com, dineen@mbhb.com, docketing@mbhb.com 312-913-0001		
Docket Number			

Registration Subject to Cancellation

Registration No.	6495384	Registration date	09/21/2021
Registrant	Aurum Management Limited JURIS BUILDING, MAIN STREET CHARLESTOWN, NEVIS W.I ST. KITTS-NEVIS		

Goods/Services Subject to Cancellation

Class 009. First Use: 2015/06/19 First Use In Commerce: 2015/06/19 All goods and services in the class are subject to cancellation, namely: Magnetically encoded gift cards; Magnetically encoded credit cards
Class 036. First Use: 2015/06/19 First Use In Commerce: 2015/06/19 All goods and services in the class are subject to cancellation, namely: Processing of electronic wallet payments
Class 042. First Use: 2015/06/19 First Use In Commerce: 2015/06/19 All goods and services in the class are subject to cancellation, namely: Providing temporary use of on-line non-downloadable computer software for use as a digital wallet

Grounds for Cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use	Trademark Act Sections 14(1) and 1(a), (c), and (d)
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was filed	
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Attachments	Petition for Cancellation With Exhibits A and B.pdf(680129 bytes)
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Signature	/James L. Lovsin/
Name	James L. Lovsin
Date	09/23/2021

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

In the Matter of Registration No. 6495384
For the Mark CRYPTOPAY
Registration Date: September 21, 2021

Cray Pay, Inc.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
Aurum Management Limited,)	
)	
Registrant.)	
)	

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Petitioner Cray Pay, Inc. (“Petitioner”), a Delaware corporation having a principal place of business at 1525 S. Higley Road, Suite 104, Gilbert, Arizona, 85295, believes it is and will continue to be damaged by U.S. Registration No. 6495384 (“the ‘384 Registration”) for the mark CRYPTOPAY and hereby petitions to cancel the registration.

As grounds for the Petition, Petitioner alleges as follows:

1. Petitioner is engaged in the business of mobile payment services, including use of cryptocurrencies in these transactions.

2. Petitioner has invested a great deal of time and money in promoting Petitioner's business, and is continuing to spend substantial amounts of time and money in the promotion of the business.

3. On April 20, 2021, Petitioner filed Application Serial No. 90658725 for registration of the CRYPTOPAY trademark on the Principal Register for "Currency exchange services, namely, providing electronic conversion of cryptocurrency assets into other digital currency forms" in International Class 36 ("the '725 Application").

4. On December 11, 2020, Registrant Aurum Management Limited ("Registrant") filed Application Serial No. 90376257 for the CRYPTOPAY mark on the Principal Register for "Magnetically encoded gift cards; Magnetically encoded credit cards" in International Class No. 9, "Processing of electronic wallet payments" in International Class No. 36, and "Providing temporary use of on-line non-downloadable computer software for use as a digital wallet" in International Class 42 ("the '257 Application"). As agreed by the Registrant, the Examining Attorney amended the '257 Application to the Supplemental Register on August 13, 2021. The '257 Application matured into the '384 Registration on September 21, 2021 for the same goods and services, and is the subject of this Petition.

5. Registrant identified itself in the '257 Application as a Saint Kitts and Nevis corporation having a mailing address at Juris Building, Main Street, Charlestown, Nevis W.I, Saint Kitts and Nevis.

6. Registrant submitted a sworn declaration to the U.S. Patent and Trademark Office ("Trademark Office") in connection with the '257 Application in which Registrant declared under oath, being warned that willful false statements and the like may jeopardize the validity of the application, that "The mark is in use in commerce and was in use in commerce as of the

filing date of the application on or in connection with the goods/services in the application” and “[t]he specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date.” Registrant further declared that the dates of first use anywhere and in commerce were at least as early as June 19, 2015.

7. The specimen that Registrant submitted in filing the ‘257 Application on December 11, 2020 was three JPG files. For Class 9, Registrant described the specimen as “Screen shots of the website with the mark in use in association with the goods.” For Classes 36 and 42, Registrant described the specimen as “Screen shots of the website with the mark in use in association with the services.”

8. Each of the three JPG files show “cryptopay.io” in the top left.

9. Each of the three JPG files show “8:31 AM” and “11/12/2020” in the bottom right. On information and belief, dates outside the United States can be displayed as two digits for the day, then two digits for the month, and then four digits for the year.

**FIRST GROUND FOR CANCELLATION:
NONUSE**

10. Petitioner incorporates by reference the allegations contained in 1 to 9.

11. Upon information and belief, Registrant was not using the CRYPTOPAY mark on or in connection with the goods and services identified in ‘384 Registration when it filed the ‘257 Application on December 11, 2020.

12. Upon information and belief, Registrant is not currently using the CRYPTOPAY mark on or in connection with all of the goods and services identified in the ‘384 Registration.

13. Upon information and belief, there is no business entity in Saint Kitts and Nevis under the name of Registrant.

14. Upon information and belief, cryptopay.io is not an interactive website.

15. Upon information and belief, cryptopay.io is a single landing page which displays a single photo. The single photo on cryptopay.io is attached as Exhibit A, and cryptopay.io is attached as Exhibit B.

16. Upon information and belief, the single photo on cryptopay.io shown in Exhibit A is identical to the specimen Registrant submitted in filing the '257 Application on December 11, 2020. Upon information and belief, cryptopay.io was never an interactive website.

17. Upon information and belief, there is no method for ordering the goods identified in the '384 Registration from cryptopay.io for at least the reason that cryptopay.io is a single landing page which displays a single photo. Upon information and belief, there was never a method for ordering the goods identified in the '384 Registration from cryptopay.io.

18. Upon information and belief, Registrant is not rendering the services identified in the '384 Registration from cryptopay.io for at least the reason that cryptopay.io is a single landing page which displays a single photo. Upon information and belief, Registrant never rendered the services identified in the 384 Registration from cryptopay.io.

19. Upon information and belief, no contact information is provided on cryptopay.io to order the goods identified in the '384 Registration or procure the services identified in the '384 Registration.

20. Upon information and belief, the words "Log in," "Sign up," and "Learn more" on cryptopay.io are not functional and do not enable one to log in, sign up, or learn more about any of the goods or services identified in the '384 Registration.

**SECOND GROUND FOR CANCELLATION:
FRAUD IN THE PROCUREMENT OF THE MARK**

21. Petitioner incorporates by reference the allegations contained in 1 to 20.

22. Registrant made false representations to the Trademark Office by submitting the specimen in filing the '257 Application and declaring that "The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application" and "[t]he specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date."

23. Upon information and belief, the submission of the specimen and declaration alleging use of the CRYPTOPAY mark in the '257 Application was made in bad faith and in attempt to deceive the Trademark Office into issuing the '384 Registration for at least the reason that Registrant knew at the time it signed the declaration that accompanied the specimen that it was not using the CRYPTOPAY mark in connection with all of the goods and services identified in the '257 Application.

24. Upon information and belief, Registrant's false representations to the Trademark Office were material to the Trademark Office's examination of the '257 Application for registerability. Reasonably relying on the truth of Registrant's materially false statements, the Trademark Office approved the '257 Application for registration, resulting in the '384 Registration issuing September 21, 2021.

25. Upon information and belief, the conduct of Registrant in procuring the '384 Registration constitutes fraud on the Trademark Office.

26. Upon information and belief, Registrant's bad faith and intent to deceive the Trademark Office into issuing the '384 Registration is shown by Registrant's pattern of relying on screenshots of a website that is merely a single landing page which displays a single photo as specimens for use-based applications to register marks with the trademark formative "Crypto."

27. As examples, on December 11, 2020, the same day Registrant filed the ‘257 Application, Registrant filed Application Serial No. 90376271 for CRYPTOSECURE for goods in Class 9 and services in Class 39; Application Serial No. 90376255 for CRYPTOLOAN for services in Class 36; Application Serial No. 90376254 for CRYPTO INSURE for services in Class 36; and Application Serial No. 90376247 for CRYPTOCREDITS for goods in Class 9 and services in Class 36.

28. Upon information and belief, Registrant’s specimen for each of Application Serial No. 90376271, Application Serial No. 90376255, Application Serial No. 90376254, and Application Serial No. 90376247 is screenshots of a website that is merely a single landing page which displays a single photo.

PETITIONER’S ENTITLEMENT AND FEES

29. Considering the marks in the ‘725 Application and ‘384 Registration are identical and the services identified in the ‘725 Application are substantially similar to the services identified in the ‘384 Registration, Petitioner has a reasonable belief that registration of its ‘725 Application will be refused because of Registrant’s ‘384 Registration. Such continued registration of the ‘384 Registration would be a source of damage and injury to Petitioner and the purchasing public.

30. Petitioner is likely to be damaged by continuance of the ‘384 Registration on the goods and services identified in the ‘384 Registration because the ‘384 Registration will remain a cloud on Petitioner’s intent to use the CRYPTOPAY mark in commerce.

31. Pursuant to 37 C.F.R. 2.6(a)(16), the required fee of One Thousand Eight Hundred Dollars (\$1,800.00) has been electronically paid in conjunction with the electronic

filing of this Petition. The Board is authorized to charge additional required amounts or issue any credits for overpayments to Deposit Account No. 13-2490.

WHEREFOR, Petitioner prays that this Petition for Cancellation be sustained and that Registration No. 6495384 be cancelled.

Dated: September 23, 2021

Respectfully submitted,

/James L. Lovsin/
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Attorneys for Petitioner Cray Pay, Inc.

Exhibit A

Crypto payments made easier.

CryptoPay a worldwide crypto and online payments system that supports online crypto and money transfers. CryptoPay lets users pay using crypto or credit cards with hassle-free and fast transactions.

[Learn more](#)

What is CryptoPay?

CryptoPay a worldwide crypto and online payments system that supports online crypto and money transfers. CryptoPay lets users pay using crypto or credit cards with hassle-free and fast transactions.

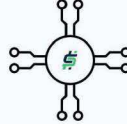
CryptoPay is a free, client-side interface helping you interact with the Ethereum blockchain. Our easy-to-use, open-source platform allows you to generate wallets, interact with smart contracts, and so much more.

Why CryptoPay?



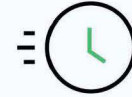
Flat rate

CryptoPay lets you send cryptocurrencies no matter how big or small it is. Our flat rate policy will surely be your friend.



Secure transfer

Transfer funds to anyone without worrying where will your crypto currencies will go. CryptoPay system will notify you once the person receives your payment.



Fast and Reliable

CryptoPay assures you that your payments will be transferred fast and without any problems. Assurance is our promise to our users.

Website Integration

Start using CryptoPay as your online payment system. We make sure to provide users a hassle-free checkout. Fast. Reliable. Easy.

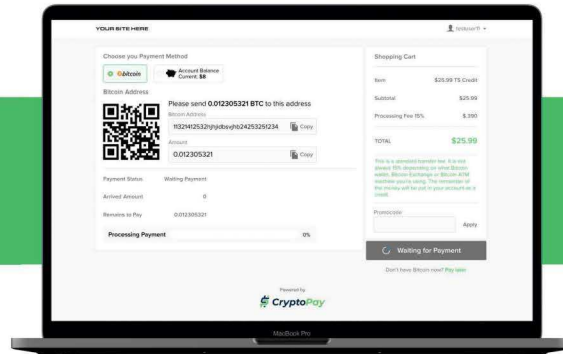
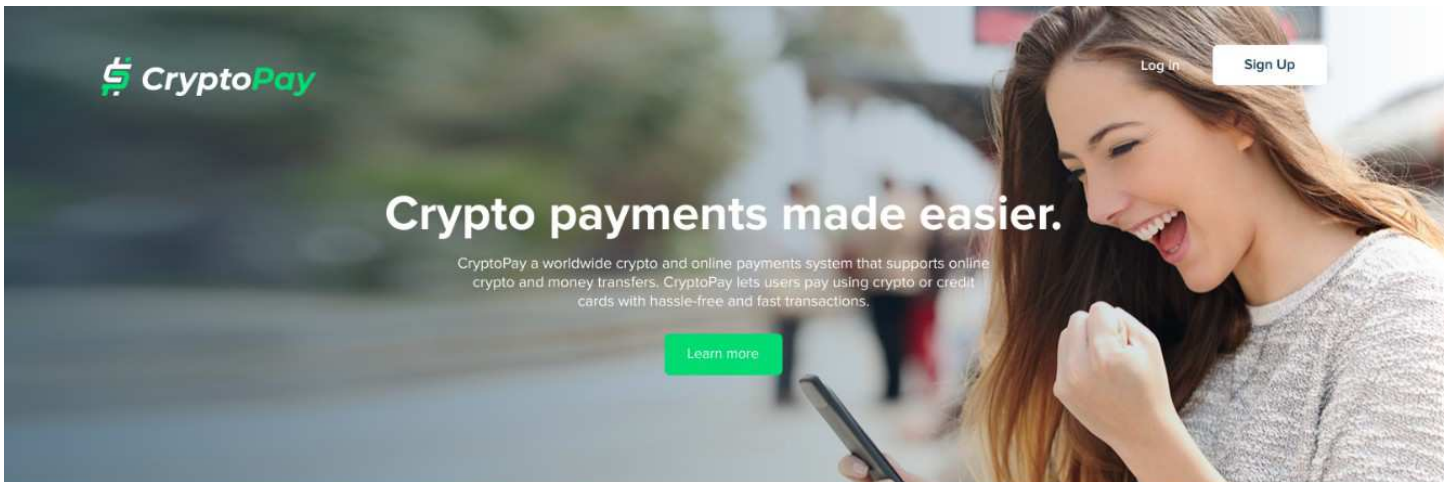
[Learn more](#)

EXHIBIT B



What is CryptoPay?

CryptoPay a worldwide crypto and online payments system that supports online crypto and money transfers. CryptoPay lets users pay using crypto or credit cards with hassle-free and fast transactions.

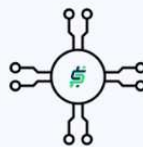
CryptoPay is a free, client-side interface helping you interact with the Ethereum blockchain. Our easy-to-use, open-source platform allows you to generate wallets, interact with smart contracts, and so much more.

Why CryptoPay?



Flat rate

CryptoPay lets you send cryptocurrencies no matter how big or small it is. Our flat rate policy will surely be your friend.



Secure transfer

Transfer funds to anyone without worrying where will your crypto currencies will go. CryptoPay system will notify you once the person receives your payment.

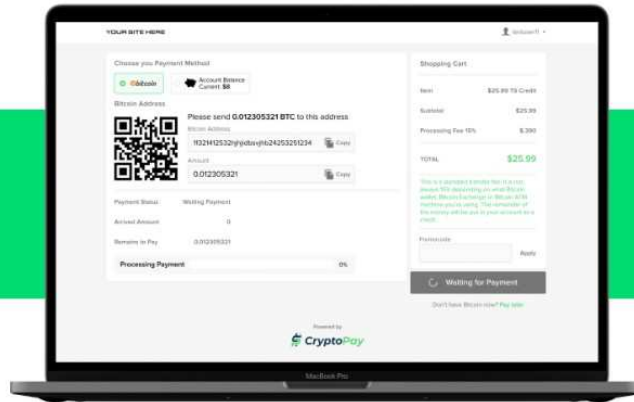


Fast and Reliable

CryptoPay assures you that your payments will be transferred fast and without any problems. Assurance is our promise to our users.

Website Integration

Start using CryptoPay as your online payment system. We make sure to provide users a hassle-free checkout. Fast. Reliable. Easy.



[Learn more](#)



Need more info?

[Sign Up](#)

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