

ESTTA Tracking number: **ESTTA698057**

Filing date: **09/24/2015**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | | | |
|---------|---|-------------|-------|
| Name | Synergent | | |
| Entity | Corporation | Citizenship | Maine |
| Address | 2 Ledgeview Drive Westbrook, ME 04092 UNITED STATES | | |

| | |
|----------------------|---|
| Attorney information | Charles P. Bacall; Rita S. Heimes Verrill Dana, LLP One Portland Square P.O. Box 586 Portland, ME 04112-0586 UNITED STATES cbacall@verrilldana.com, rheimes@verrilldana.com Phone:207-774-4000 |
|----------------------|---|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 86466079 | Publication date | 08/25/2015 |
| Opposition Filing Date | 09/24/2015 | Opposition Period Ends | 09/24/2015 |
| Applicant | Credit Union 24, Incorporated 2252 Killearn Center Boulevard Suite 2A Tallahassee, FL 32309 UNITED STATES | | |

Goods/Services Affected by Opposition

| |
|--|
| Class 036. First Use: 2013/04/00 First Use In Commerce: 2013/04/00 All goods and services in the class are opposed, namely: Providing credit union services and ATM-banking services in the nature of providing credit unions and retailers with automated teller machine and electronic network services at point of sale for credit union customers; Providing electronic funds transfer services between credit unions and retailers by telecommunications at point of sale for credit union customers; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments between credit unions and retailers at point of sale for credit union customers |
|--|

Grounds for Opposition

| | |
|--------------------------------------|-----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |
| Other | equitable estoppel |


Marks Cited by Opposer as Basis for Opposition

| | | | |
|------------------------------------|------|------------------|------|
| U.S. Application/ Registration No. | NONE | Application Date | NONE |
|------------------------------------|------|------------------|------|

| | |
|-------------------|----------------------------------|
| Registration Date | NONE |
| Word Mark | CU24 |
| Goods/Services | financial services; ATM services |

| | | | |
|------------------------------------|------|------------------|------|
| U.S. Application/ Registration No. | NONE | Application Date | NONE |
|------------------------------------|------|------------------|------|

| | |
|-------------------|------|
| Registration Date | NONE |
|-------------------|------|

| | |
|----------------|---|
| Design Mark |  |
| Goods/Services | financial services; ATM services |

| | |
|-------------|---|
| Attachments | 5189886_11.jpg CU24&Design.86466079.NoticeOpp.pdf(979107 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 | /Charles P. Bacall/ |
| Name | Charles P. Bacall; Rita S. Heimes |
| Date | 09/24/2015 |

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

| | | |
|--------------|-------------------------------|---|
| Applicant: | Credit Union 24, Incorporated |) |
| | |) |
| Serial No.: | 86466079 |) |
| | |) |
| Filing Date: | November 26, 2014 |) |
| | |) |
| Mark: | CU24 (& Design) |) |
| | |) |
| Published: | August 25, 2015 |) |
| | |) |

Synergent, Opposer

v.

Credit Union 24, Incorporated, Applicant

Opposition No. _____

NOTICE OF OPPOSITION

Opposer: Synergent
a Maine Corporation
2 Ledgeview Drive
Westbrook, ME 04092

The above-identified Opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for the opposition are as follows:

1. This is an opposition by Synergent, a leading service company providing a variety of services to credit unions throughout New England and New York, to stop another from registering the trademark "CU24 (& Design)," which is confusingly similar to Synergent's common law and state registered mark "CU24."

2. Synergent uses the CU24 mark in connection with promoting its technology, bank card, ATM, checking and marketing services to credit union consumers. The services are provided to customers in multiple states.

3. Synergent first began promoting its credit union services under the trademark CU24 at least as early as 1990. Since that time, Synergent has spent significant time and money promoting that trademark to customers throughout New England and New York. Customers have come to know the CU24 mark as a symbol of Synergent's quality services. The CU24 mark had become famous before Applicant's first use of the CU24 mark.

4. Synergent owns Maine Trademark Registration No. 19910130 M, dated December 17, 1990, for the mark "CU-24 (& Design)" for "financial services; ATM services" in Class 037. A copy of the Certificate of Registration, the Articles of Amendment evidencing the assignment of that registration by means of change of owner name to Synergent, and the registration renewals are attached as Exhibit 1.

5. Synergent owns Maine Trademark Registration No. 20140120 M, dated December 12, 2013, for the mark "CU24" for "financial services; ATM services" in Class 037. A copy of the Certificate of Registration is attached as Exhibit 2.

6. Synergent owns New Hampshire Trademark Registration No. 5921, dated December 19, 2013, for the mark "CU24" for "financial services; ATM services" in Class 102. A copy of the Certificate of Registration is attached as Exhibit 3.

7. Synergent owns Massachusetts Trademark Registration No. 1211952, dated December 16, 2013, for the mark "CU24" for "financial services; ATM services" in Class 036. A copy of the Certificate of Registration is attached as Exhibit 4.

8. Synergent owns Rhode Island Trademark Registration No. 201312017, dated December 19, 2013, for the mark "CU24" for "financial services; ATM services" in Class 036. A copy of the Certificate of Registration is attached as Exhibit 5.

9. Synergent owns Connecticut Trademark Registration No. 0039463803, dated December 16, 2013, for the mark "CU24" for "financial services; ATM services" in Class 036. A copy of the Certificate of Registration is attached as Exhibit 6.

10. Synergent owns New York Trademark Registration No. S22828, dated February 11, 2014, for the mark "CU24" for "financial services; ATM services" in Class 036. A copy of the Certificate of Registration is attached as Exhibit 7.

11. On April 24, 2002, Credit Union 24, Incorporated ("Applicant"), filed an application with the U.S. Patent and Trademark Office to register the trademark CU24, Serial Number 76399306 (the '306 Application). The application requested registration for "financial management and computerized electronic funds transfer ("EFT") services, namely, offering automated teller machine and point-of-sale network services for credit unions, other financial institutions, merchants, processors and other entities, which permit credit union and other financial institution customers to remotely access their accounts; providing reciprocal interchange arrangements with other EFT networks; and providing ancillary services such as provisioning with encoding plastic cards, and provisioning ATM supplies; and providing all other EFT services which providers of EFT services are authorized to provide, namely, scrip and scrip terminals, prepaid cards, smart cards and providing EFT services via a global communications network" in International Class 036.

12. On November 5, 2003, Synergent filed an opposition to the registration of the '306 Application, TTAB proceeding number 91158461. On August 25, 2005, Applicant withdrew the '306 Application with prejudice and with Synergent's consent and reliance, and Synergent's opposition was thereafter dismissed. A copy of Applicant's Express Withdrawal of Application With Prejudice, With Consent of Opposer, relating to the '306 Application is attached as Exhibit 8. A copy of the TTAB Order acknowledging the abandonment of the '306 Application is attached as Exhibit 9.

13. On November 26, 2014, Applicant filed the instant application to register the trademark CU24 (& Design), which is substantially identical to the mark in the '306 Application. The instant application requests registration for "Providing credit union services and ATM banking services in the nature of providing credit unions and retailers with automated teller machine and

electronic network services at point of sale for credit union customers; Providing electronic funds transfer services between credit unions and retailers by telecommunications at point of sale for credit union customers; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments between credit unions and retailers at point of sale for credit union customers” in International Class 036. The application is based on Applicant’s alleged use of the mark in commerce.

14. Synergent’s rights in the CU24 mark predate the Applicant’s rights (if any) in the CU24 (& Design) mark.

15. The date of registration for each of Synergent’s state trademark registrations for the CU24 mark predates the filing date of the Applicant’s application.

16. The CU24 (& Design) mark so closely resembles Synergent’s CU24 mark when applied to the services covered by the Application as to cause confusion, mistake or deception as to the source of Applicant’s services.

17. Applicant’s services are closely related to the services covered by Synergent’s state trademark registrations for the CU24 mark, and to the services offered by Synergent in interstate commerce. As a result of the similarity of services, the public is likely to be confused about whether Synergent is the source of Applicant’s services or whether Synergent is affiliated with or the sponsor of Applicant’s services.

18. Applicant’s registration and/or use of the CU24 (& Design) mark will infringe and/or dilute Synergent’s prior rights in the CU24 mark.

19. Applicant’s registration and/or use of the CU24 (& Design) mark will interfere with Synergent’s use of its CU24 mark and will harm Synergent.

20. As a result of its abandonment of the ‘306 Application, with prejudice, Applicant is barred by the doctrine of equitable estoppel from applying to register the CU24 mark. *See Wells Cargo, Inc. v. Wells Cargo, Inc.*, 606 F.2d 961, 964 (C.C.P.A. 1979) (an applicant’s act of

withdrawing a prior application to register a mark "with prejudice" to its subsequent refilling causes the opposing party "to accept the dismissal of the opposition in the reasonable belief that any right [the applicant] may have had to seek registration of [the mark] is abandoned" such that applicant is equitably stopped from seeking to later register the mark).

Therefore, Synergent respectfully requests that the Board refuse registration of the CU24 (& Design) mark.

The filing fee of \$300.00 for this Notice of Opposition is filed herewith.

Respectfully submitted,

VERRILL DANA, LLP

Dated: September 24, 2015

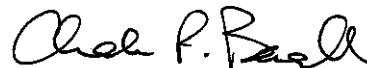
By: 

Charles P. Bacall
Attorney for Opposer
One Portland Square
P.O. Box 586
Portland, ME 04112-0586
(207) 774-4000

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant on September 24, 2015 by mailing the true and complete copy via First Class Mail, postage prepaid, to:

Jeremy D. Bisdorf, Esq.
Jaffe, Raitt, Heuer & Weiss, P.C.
535 W. William St., Ste. 400S
Ann Arbor, Michigan 48103-4978



Charles P. Bacall
Attorney for Opposer

19910130 M 1910000159996

FILED 12 17 1990 MARK

3

STATE OF MAINE

File No. ...19910130M....
 Fee Paid...\$50.00
 Date **DEC 20 1990**
 3

**APPLICATION FOR REGISTRATION
 OF MARKS (10 M.R.S.A., C301-A)**

Submit one application plus three copies of
 the mark.

For Use By The Secretary of State
FILED

December 17, 19 90

Mary Cooper
 Deputy Secretary of State

Pursuant to 10 M.R.S.A. § 1522, the undersigned hereby applies to

A. ☒ register ☐ renew ☐ *expand classification of

the accompanying mark, now in use, the essential features of which consist of, or may be described by, the word(s) (describe exactly what you wish protected)

B. CU-24 (Stylized Letters appearing with an existing servicemark of

C. to be used as a ☒ Service mark ☐ Trademark
☐ Combined Service/Trade mark ☐ Certification mark ☐ Collective mark

*representational cupped hands and letters CU)
 in connection with the following goods and/or services, in the described manner, and in the classes defined
 in 10 M.R.S.A. § 1527, sub-section 2:

D.

Class No. Describe goods/services Describe manners of use (e.g., labeling, advertising, packaging, etc.)

| | | |
|----|-----------------------|---|
| 37 | financial services | advertising, packaging Brochures, ATM Card |
| | ATM Services | |
| | | |

Attach additional pages if necessary.

E. Dates when, to the best of the applicant's knowledge and belief, the mark was first used.

1. Anywhere November 19 90

2. In Maine by applicant or his predecessor in business November 19 90

2a. If predecessor, complete form below, if not enter "N/A"

Name under which mark was last used N/A

Address where mark was last used _____

* The term of additional classes shall be the same as the term of the original registration. The addition of classes shall be subject to availability.

F. I Theodore Desveaux President believe
name (print/type) capacity

MECH. SERVICES CORP.

"Myself," Firm, Association, or Corporation name

to be the owner of the accompanying mark and that "no other person to the best of my knowledge and belief has the right to use the mark in this state as a mark or as a trade name or as a corporation name either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of the other person, to cause confusion or to cause mistake or to deceive." (10 M.R.S.A. § 1522.21)

State of Maine Date 12/14, 1990
County of Cumberland Personally appeared
the above named who acknowledged the foregoing
instrument by him/her subscribed to be his/her free
act and deed.

Theodore Desveaux President
Signature of Applicant
Corporate or Association Officer

P.O. Box 1236

Mailing Address

Portland, Maine 04104

City, State, Zip

G. Applicant is: ☐ an individual ☐ partnership ☒ corporation ☐ union ☐ association

|| other (explain)

I. If a corporation, state of incorporation Maine

a. Date of incorporation September 1 19 71

II. Date of application December 14 19 90

MAKING A FALSE STATEMENT WHICH ONE DOES NOT BELIEVE TO BE TRUE IS PUNISHABLE
AS A CLASS D CRIME ACCORDING TO THE MAINE CRIMINAL CODE, 17-A M.R.S.A. §453,
"UNSWORN FALSIFICATION."

For Use By Secretary of State

STATE OF MAINE

CERTIFICATE OF REGISTRATION

I HEREBY CERTIFY that the Service Mark

CU-24 with stylized design of cupped hands

herein described, a reproduction of which is attached, is properly
registered according to 10 M.R.S.A. Chapter 301-A for a term of
ten years ending on

December 16

10 2000

Secretary of State



DOMESTIC
BUSINESS CORPORATION

STATE OF MAINE

ARTICLES OF AMENDMENT

MECUL Services Corp.

(Name of Corporation)

File No. 19710337 D Pages 2
Fee Paid \$ 50
DCN 2082941500014 LNME
FILED
10/17/2008



Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

Pursuant to 13-C MRSA §1006, the undersigned corporation executes and delivers the following Articles of Amendment:

FIRST: The text of the amendment or the information required by 13-C MRSA §121 10 E as set forth in Exhibit A attached, was adopted on (date) October 16, 2008

The amendment was duly approved as follows: ("X" one box only.)



by the incorporators - shareholder approval was not required OR



by the board of directors - shareholder approval was not required OR



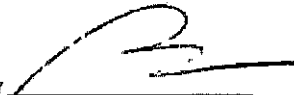
by the shareholders in the manner required by this Act and by the articles of incorporation.

SECOND: If the amendment provides for an exchange, reclassification or cancellation of issued shares, provisions for implementing the amendment, if not contained in the amendment itself, are set forth in Exhibit ____ or as follows:

THIRD: The effective date of the articles of amendment (if other than the date of filing of the articles of amendment) is _____

DATED October 16, 2008

*By



(signature of any duly authorized person)

Roderick R. Rozzar, Clerk

(type or print name and capacity)

*This document MUST be signed by any duly authorized officer OR the clerk. (13-C MRSA §121 5)

Please remit your payment made payable to the Maine Secretary of State

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101
FORM NO. MBCA-9 (1 of 1) Rev. 8/1/2004 TEL. (207) 624-7752

EXHIBIT A

**AMENDMENT TO ARTICLES OF INCORPORATION
CHANGE OF NAME**

By Unanimous Consent of the Board of Directors at a meeting duly held on October 16, 2008, the corporation was authorized to and adopted the following change to its Bylaws and Articles of Incorporation:

Former Name:

MECUL Services Corp

New Name:

Synergent

State of Maine



Department of the Secretary of State

I, the Secretary of State of Maine, certify that according to the provisions of the Constitution and Laws of the State of Maine, the Department of the Secretary of State is the legal custodian of the Great Seal of the State of Maine which is hereunto affixed and that the paper to which this is attached is a true copy from the records of this Department.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta, Maine, this twenty-first day of September 2015.



A handwritten signature in dark ink, appearing to read "Matthew Dunlap", written over a horizontal line.

Matthew Dunlap
Secretary of State

MARK
STATE OF MAINE
APPLICATION FOR RENEWAL

Pursuant to 10 MRSA §1524, the undersigned hereby applies to the Secretary of State of Maine to renew the following mark which is still in use in this State.

Filing Fee \$60.00, plus \$10.00 for each class affected

File No. 19910130 M Pages 3
Fee Paid \$ 60
DCN 2103411900006 RENE
FILED-----EXPIRES-----
12/01/2010 12/16/2020


Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

CAREFULLY READ ALL OF THE INSTRUCTIONS BEFORE YOU COMPLETE THIS FORM.

- A. CHARTER NUMBER (if known) 19910130M
- B. Amendments to TEXT and FEATURES of the mark are NOT permitted.
1. TEXT - list word(s) protected in the original registration, if any (if none, so indicate)
CU24
2. FEATURES - describe in detail the design protected in the original registration, if any (if none, so indicate)
Stylized letters appearing with an existing servicemark of representational cupped hands and the letters CU.
- C. TYPE OF MARK: service mark The type of mark indicated represents an amendment from that appearing on the original registration, ☐ yes ☒ no
- D. Complete this section ONLY if you are adding new classes or deleting old classes.
CLASS NUMBER: ☐ Added or ☐ Deleted (Complete for each class affected)
For each NEW class added, please complete the following
DESCRIBE goods manufactured or sold and/or the service that is provided

FORM Mark-2 (1 of 2)

DESCRIBE manner in which mark is applied to the goods or used to promote their sale and/or the manner in which the mark is used in connection with the service:

☐ Attach additional pages, if necessary.

E. I. Roderick R. Rovzar, Clerk believe
(Print/Type Name and Capacity)

Synergent (formerly known as MECUL Services Corp.)

(“Myself”, Firm, Association or Corporate Name)

to be the owner of the accompanying mark and that “no other person to the best of my knowledge and belief has the right to use the mark in this state as a mark or as a trade name or as a corporate name either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of the other person, to cause confusion or to cause mistake or to deceive.” (10 M.R.S.A. §1922 2 D)

[Signature]
Signature of Applicant (Individual, Corporate or Association Officer)

PO Box 4800, Portland, ME 04112

(Mailing Address, City, State and Zip Code)

F. Applicant is a (an) ☐ individual ☐ general partnership ☐ limited partnership ☒ corporation
☐ association ☐ union ☐ other _____
(Explain)

If a corporation, limited partnership, limited liability company or limited liability partnership the jurisdiction (state) of incorporation/organization is Maine and the date of incorporation/organization in its jurisdiction is September 1, 1971

G. Date of this application November 29, 2010

You MUST submit THREE (3) samples of the mark text and/or design with this application. If the mark is to be protected in color, all the samples must be in the appropriate colors. NOTE: Samples may be 3 of the same item, i.e. business cards, letterhead, etc.

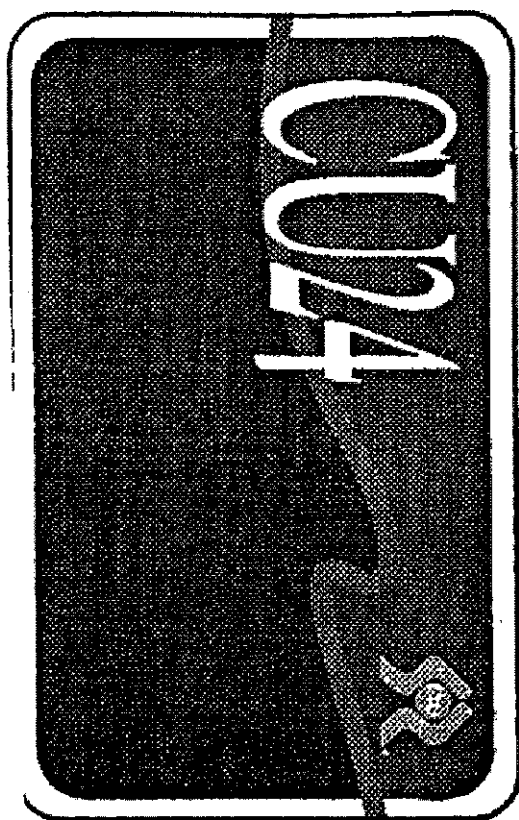
The execution of an application containing false statements that one does not believe to be true is punishable as a Class D crime according to the Maine Criminal Code, 17-A M.R.S.A. §453, “Unsworn Falsification”

Please remit your payment made payable to the Secretary of State

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101

FORM NO. MARK-2 (2 of 2) Rev. 8/1/2004

TEL: (207) 624-7752



MARK
STATE OF MAINE
APPLICATION FOR RENEWAL

Pursuant to 10 MRSA §1524, the undersigned hereby applies to the Secretary of State of Maine to renew the following mark which is still in use in this State:

Filing Fee \$50.00, plus \$10.00 for each class affected
File No. 19910130 M Pages 3
Fee Paid \$ 50
DCM 2002661800023 RENE
FILED EXPIRES
09/19/2000 12/16/2010

Julia H. Flynn
Deputy Secretary of State

A True Copy When Attested By Signature

Deputy Secretary of State

CAREFULLY READ ALL OF THE INSTRUCTIONS BEFORE YOU COMPLETE THIS FORM.

- A. CHARTER NUMBER (if known) 19910139M
- B. Amendments to TEXT and FEATURES of the mark are NOT permitted.
1. TEXT - list word(s) protected in the original registration, if any (if none, so indicate):
CU24
2. FEATURES - describe in detail the design protected in the original registration, if any (if none, so indicate):
Stylized letters appearing with an existing servicemark of
representational cupped hands and letters CU.
- C. TYPE OF MARK: service mark The type of mark indicated represents an amendment from that appearing on the original registration, ☐ yes ☒ no.
- D. Complete this section ONLY if you are adding new classes or deleting old classes.
- CLASS NUMBER: ☐ Added or ☐ Deleted (Complete for each class affected.)
- For each NEW class added, please complete the following:
- DESCRIBE goods manufactured or sold and/or the service that is provided:
-
-
- DESCRIBE manner in which mark is applied to the goods or used to promote their sale and/or the manner in which the mark is used in connection with the service:
-
-
- ☐ Attach additional pages, if necessary.

E. I. Roderick R. Rovzar - clerk believe
(Print/Type Name and Capacity)

MOJIL Services Corp.

(Myself, Firm, Association or Corporate Name)

to be the owner of the accompanying mark and that "no other person to the best of my knowledge and belief has the right to use the mark in this state as a mark or as a trade name or as a corporate name either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of the other person, to cause confusion or to cause mistake or to deceive." (10 MRSA §1522.2.D)

[Signature]
Signature of Applicant (Individual, Corporate or Association Officer)

P.O. Box 4600, Portland, ME 04112

(Mailing Address, City, State and Zip Code)

F. Applicant is a (an) ☐ individual ☐ general partnership ☐ limited partnership ☒ corporation
☐ association ☐ union ☐ other _____
(Explain)

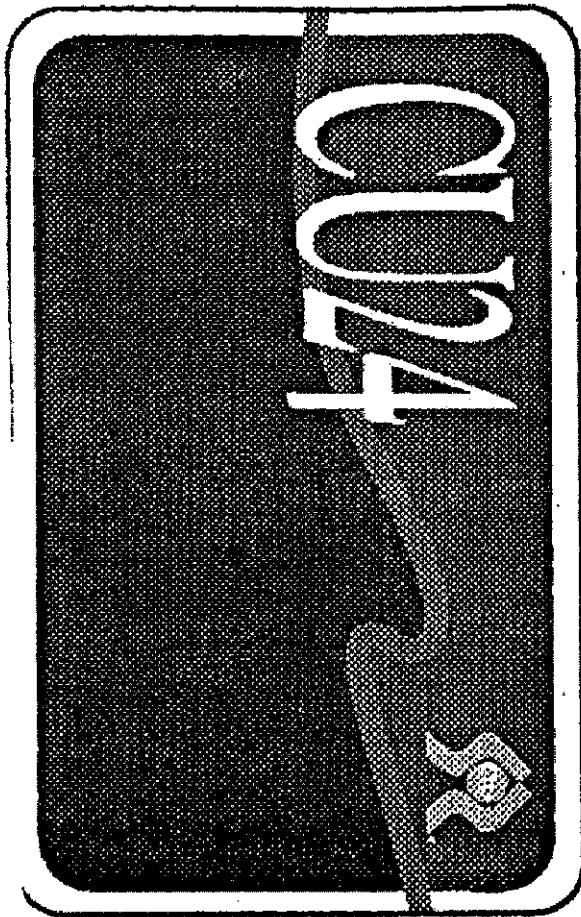
If a corporation, limited partnership, limited liability company or limited liability partnership the state of incorporation/organization is Maine and the date of incorporation/organization is September 1, 1971

G. Date of this application September 14, 2000

You MUST submit THREE (3) samples of the mark text and/or design with this application. If the mark is to be protected in color, all the samples must be in the appropriate colors. NOTE: Samples may be 3 of the same item, i.e. business cards, letterhead, etc.

THE EXECUTION OF AN APPLICATION CONTAINING FALSE STATEMENTS WHICH ONE DOES NOT BELIEVE TO BE TRUE IS PUNISHABLE AS A CLASS D CRIME ACCORDING TO THE MAINE CRIMINAL CODE, 17-A MRSA §453, "UNSWORN FALSIFICATION".

SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101
FORM NO. MARK-2 Rev. 10/99 TEL. (207) 287-4195



MARK

STATE OF MAINE

APPLICATION FOR REGISTRATION

Pursuant to 10 MRSA §1522, the undersigned hereby applies to the Secretary of State of Maine to register the following mark:

Filing Fee \$60 for one class, plus \$10 for each additional class

File No. 20140120 M Pages 3

Fee Paid \$ 60

DCN 2133531600027 MARK

-----FILED-----EXPIRES-----

12/12/2013

12/11/2023

EXHIBIT

2

Julie R. Flynn
Deputy Secretary of State

A True Copy When Attested By Signature

Julie R. Flynn
Deputy Secretary of State

CAREFULLY READ ALL OF THE INSTRUCTIONS BEFORE YOU COMPLETE THIS FORM.

A. DATES OF FIRST USE: (to the best of the applicant's knowledge and belief)

1. Date of first use anywhere: 11/01/1990

2. Date of first use in Maine by applicant or predecessor in business: 11/01/1990

If predecessor, list name and address under which mark was last used:

MECUL SERVICES CORP.

B. 1. TEXT - list word(s) to be protected, if any (if none, so indicate):

CU24

2. FEATURES - describe in detail the design to be protected, if any (if none, so indicate):

None

C. TYPE OF MARK and CLASS NUMBER: Service Mark, Class 37

D. DESCRIBE goods manufactured or sold and/or the service that is provided:

Financial services; ATM services

DESCRIBE manner in which mark is applied to the goods or used to promote their sale and/or the manner in which the mark is used in connection with the service:

Brochures, Internet website, advertising and other promotional materials

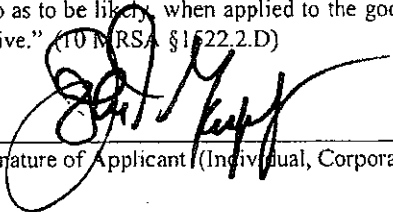
☐ Attach additional pages, if necessary.

E. I, John G. Murphy, President and CEO believe
(Print/Type Name and Capacity)

Synergent

(“Myself”, Firm, Association or Corporate Name)

to be the owner of the accompanying mark and that “no other person to the best of my knowledge and belief has the right to use the mark in this state as a mark or as a trade name or as a corporate name either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of the other person, to cause confusion or to cause mistake or to deceive.” (10 M.R.S.A. §1522.2.D)


Signature of Applicant (Individual, Corporate or Association Officer)

2 Ledgeview Dr., Westbrook, ME 04092

(Mailing Address, City, State and Zip Code)

F. Applicant is a (an) ☐ individual ☐ general partnership ☐ limited partnership ☒ corporation
☐ association ☐ union ☐ other _____
(Explain)

If a corporation, limited partnership, limited liability company or limited liability partnership, the jurisdiction (state) of incorporation/organization is Maine and the date of incorporation/organization in its jurisdiction is September 1, 1971

G. Date of this application 11/27/13

You **MUST** submit **THREE (3)** samples of the **mark text and/or design** with this application. If the mark is to be protected in color, all the samples must be in the appropriate colors. **NOTE:** Samples may be 3 of the same item, i.e. business cards, letterhead, etc.

The execution of an application containing false statements that one does not believe to be true is punishable as a Class D crime according to the Maine Criminal Code, 17-A MSEA §453, “Unsworn Falsification”.

Please remit your payment made payable to the Secretary of State.

**SUBMIT COMPLETED FORMS TO: CORPORATE EXAMINING SECTION, SECRETARY OF STATE,
101 STATE HOUSE STATION, AUGUSTA, ME 04333-0101**

FORM NO. MARK-1 (2 of 2) Rev. 8/1/2004

TEL. (207) 624-7740

State of New Hampshire
Department of State

Certificate of Registration
Model State Trademark Act
(RSA 350-A)

This is to certify that **Synergent Corp.**, of P.O. BOX 1236, PORTLAND, ME 04104
has registered the attached mark;

CU24

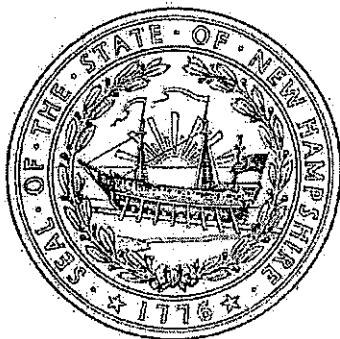
Date first used in New Hampshire: 2/13/2003

Class: 102

Description of goods or services on which mark is used: **financial services, ATM
services.**

Registration date: 12/19/2013

Expiration date: 12/19/2023



IN TESTIMONY WHEREOF,

I hereto set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 20th day of December, 2013 A.D.

A handwritten signature in cursive script, appearing to read "Wm. Gardner".

William M. Gardner
Secretary of State

TM # 5921

State of New Hampshire

Filed
Date Filed: 12/19/2013
Registration #: 5921
William M. Gardner
Secretary of State

Filing fee: \$50.00
Use black print or type.

Form TM-1
RSA 350-A

APPLICATION FOR REGISTRATION OF TRADEMARK/SERVICE MARK

Applicant: Synergent Corp.

Business address: 2 Ledgeview Drive, Westbrook, ME 04092

State of incorporation (if a corporation): Maine

Description of Mark: CU24

Description of Goods or Services: financial services; ATM services

Class: 102
(enter one only)

Mark applied to: advertising, brochures, ATM cards
(goods, labels, containers, displays, etc.)

Date of first use: November 30, 1990 State of first use: Maine

Date of first use in New Hampshire: February 13, 2003

STATEMENT: Applicant is the owner of this mark, and no other person to his/her knowledge and belief has the right to use said mark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

Signed

(By an officer, if a corporation)

John G. Murphy, President and CEO
(Print or type name)

STATE OF Maine
COUNTY OF Cumberland ss.

Before me personally appeared John G. Murphy, who signed the foregoing instrument in my presence, on this 13th day of September, 2013.

Marianne SENSELE-GUERIN
(Signature of Notary Public or Justice of the Peace)

My commission expires:

MARIANNE SENSELE-GUERIN

Notary Public, Maine

My Commission Expires June 19, 2018

DISCLAIMER: All documents
public inspection in either

Mail fee, DATED AND
FACSIMILES OF MARK
4989. Physical location.

State of New Hampshire
Form TM 1 - Trade Mark/Service Mark 1 Page(s)



T1335345012

and will be available for

SPECIMENS OR
Street, Concord, NH 03301-

Form TM-1 (6/2009)

TM
SM

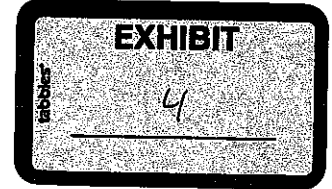
The Commonwealth of Massachusetts

William Francis Galvin

Secretary of the Commonwealth

One Ashburton Place, Boston, Massachusetts 02108-1512

Filing Fee \$50.00 per class
5 year registration period



FORM MUST BE TYPED

Trademark / Service Mark Application
(General Laws Chapter 110H, Section 3)

FORM MUST BE TYPED

All information must be completed or this document will not be accepted for filing.

1211952

(1) Applicant's name and business address:

a) Individual: _____
Last First Middle

Business address: _____
Number Street
City State Zip
04101

or

b) Business Organization: Synergent Corp. _____

Business address: 2 Ledgeview Drive _____
Number Street
Westbrook ME 04092
City State Zip

(2) If applicant is a business, identify type (check box), and if applicable, state and date of organization:

☒ corporation ☐ limited liability company ☐ limited partnership ☐ partnership ☐ sole proprietor

☐ other _____
(indicate entity type)

a) State of incorporation or organization: Maine b) Date of incorporation or organization: 9/1/71

(3) If applicant is a partnership, state the names of the general partners:

(4) Applicant is seeking to register (check box):

☐ Trademark

☒ Service Mark

(5) The mark is (complete one of the following):

a) **Words only** - If the mark is only words, the words in the mark are (include type style if it is claimed as part of the mark):

CU24

b) **Design Only** - If the mark is a design only, describe the design (include colors if they are claimed as part of the mark):

c) **Words and Design** - State the words in the mark (include color and type style if they are claimed as part of the mark) and describe the design:

(6) Describe briefly the goods or services used in connection with the mark:

Financial services, ATM services

(7) For each class provide the number and class in which such goods or services fall (see attached classification schedule):

(An application may include multiple classes)

Class 36 Insurance and Financial

(8) Describe briefly how the mark is used in connection with such goods or services:

a) The mark is used by displaying it (check box):

☐ on documents, wrappers, or articles delivered with the goods

☒ in advertisements of the services

☒ in connection with the services rendered

☐ other

b) If other, describe briefly how the mark is used:

(9) The trademark or service-mark has been used by the applicant, or the applicant's predecessor in business, since

November 1, 1990

(month, day, year)

September 26, 2000

(month, day, year)

(If first use of the mark anywhere was in Massachusetts, use the same date for both.)

(10) a) Has the applicant or predecessor in interest filed an application for the same mark or portions of the same mark with the U.S. Patent and Trademark Office? ☐ Yes ☒ No

b) If yes, for each application, provide (using additional pages if necessary):

Filing date _____ and serial number _____
(month, day, year)

c) What is the status of the application (check box)?

☐ awaiting examination

☐ refusal (office action) issued

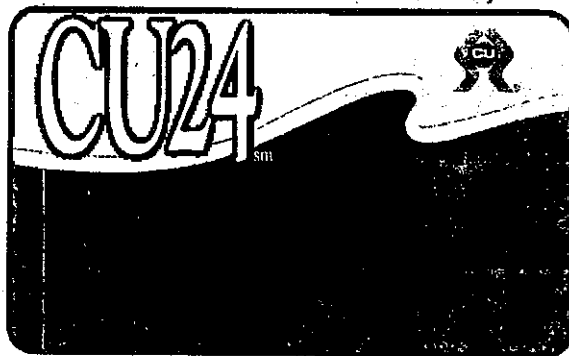
☐ approved for publication

☐ registered

☐ abandoned/withdrawn

d) If finally refused, or not resulted in a registration, give reason: _____

(11) Attach a sample showing the mark as actively used. The sample specimen may not be larger than 3" x 3".



The applicant is the owner of the mark. The mark is in use, and, to the knowledge of the person verifying the application, no other person has registered, either federally or in this state, or has the right to use such mark either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive.

I, John G. Murphy, President and CEO, state that I am the applicant or a lawfully authorized
(Name of Applicant / Authorized Representative)

representative of the applicant and declare under penalty of perjury that the foregoing application is true and correct.

Executed on: 11/27/13
(Month, Day, Year)

Signature: _____

COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

Trademark / Service Mark Application (General Laws Chapter 110H, Section 3)

Registered with

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth



on:
DECEMBER 16, 2013

, 20

CK# 098684

Trademark Section
One Ashburton Place, Rm. 1717
Boston, MA 02108

Contact Information

Sara E. Hirshon

Name

One Portland Square, P.O. Box 586

Mailing Address

Portland, ME 04112-0586

City/town

State

ZIP

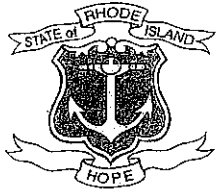
(207) 774-4000

shirshon@verrilldana.com

Telephone

Email

FEE PAID
DEC 16 2013
CASHIERS
SECRETARY'S OFFICE



State of Rhode Island and Providence Plantations

A. Ralph Mollis

Secretary of State



EXHIBIT

5

State of Incorporation: Maine

Number: 201312017

Class: 36

CERTIFICATE OF TRADEMARK/SERVICE MARK REGISTRATION

Pursuant to Chapter 6-2-4 of the Rhode Island General Laws, 1956, as amended

I, A. Ralph Mollis, Secretary of State, do hereby certify an application for the registration of a mark was filed by

SYNERGENT CORP., 2 LEDGEVIEW DRIVE WESTBROOK, ME 04092

First use anywhere 11/01/1990

First use Rhode Island 11/01/1990

The description of the goods/services in connection with which the mark is used is:

FINANCIAL SERVICES, ATM SERVICES

Said affixed mark has been duly registered in this office on Thursday, December 19, 2013.

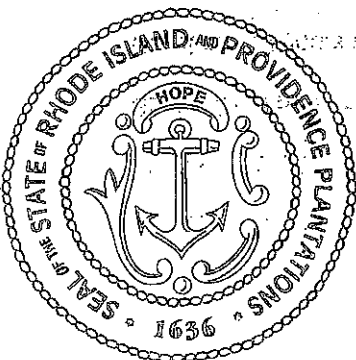
Duration: 10 years from the date hereof unless sooner cancelled.

SIGNED AND SEALED ON

Thursday, December 19, 2013

Secretary of State

Authorized Agent



Applicant: Synergent
Address: 2 Ledgeview Dr., Westbrook, ME 04092
Mark: CU24

2013.12.017

CU24

Certificate of Registration

Registration Date: Dec 16, 2013

Registration Number: 0039463803

Class of Goods/Services: 36

WHEREAS it appears from an application for registration of a SERVICE MARK that
SYNERGENT CORP.

is using within the State of Connecticut

CU24

as a SERVICE MARK for FINANCIAL SERVICES, ATM SERVICES, which mark was first used anywhere on Nov 01, 1990 and first used in Connecticut commerce on Nov 01, 1990, which use is evidenced by the specimen or facsimile of the mark affixed to the page of this certificate.

WHEREAS, said application has been duly examined and the mark identified therein has been found registrable in accordance with the laws of this State.

NOW AND THEREFORE the mark is hereby registered as evidenced by this certificate for a period which shall expire on Dec 16, 2018 unless otherwise renewed.

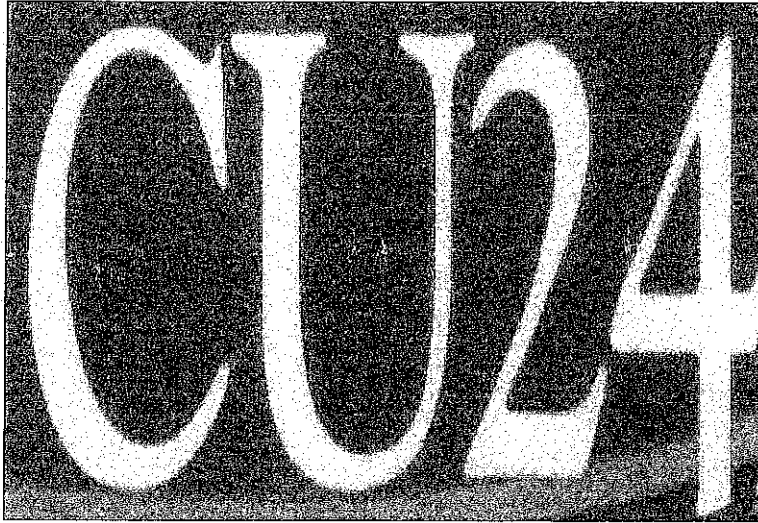
In Testimony Whereof, I have hereunto
set my hand, and affixed the
Great Seal of the State of
Connecticut, at Hartford on
Dec 16, 2013



Denise W. Merrill
Secretary of the State of Connecticut

Registration Number: 0039463803

SPECIMEN OF THE MARK



GENERAL INFORMATION ABOUT THE OWNER

TYPE OF ORGANIZATION: CORPORATION

STATE/COUNTRY OF FORMATION: ME

ADDRESS: 2 LEDGEVIEW DRIVE

WESTBROOK

ME 04092

New York State Department of State Certificate of Service Mark Registration

I, Anthony Giardina, Executive Deputy Secretary of State, do certify that the Service Mark described below and depicted on the attached copy has been duly registered in this Department pursuant to Article 24 of the General Business Law. This registration will remain in force for TEN years from the Date of Registration.

Registration Number: S22828

Registration Date: 2/7/2014

Applicant: SYNERGENT CORP.
2 LEDGEVIEW DRIVE
WESTBROOK

ME 04092-

State of Incorporation or
Partnership Organization: MAINE

Class Numbers: 36

Date First Used in NYS: 9/30/2008

Date First Used Anywhere: 11/30/1990

Service Mark Description:

CU24

Description of Services: Financial Services, ATM Services

WITNESS my hand and the seal of the State of New York In
the City of Albany on this:

Tuesday, February 11, 2014

by:



Executive Deputy Secretary of State

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Credit Union 24, Incorporated
TRADEMARK: CU24
APPLICATION NO.: 76/399,306
APPLICATION DATE: April 24, 2002

**EXPRESS WITHDRAWAL OF
APPLICATION WITH PREJUDICE,
WITH CONSENT OF OPPOSER**

Applicant hereby expressly withdraws Application No. 76/399,306 with prejudice, with the consent of Mecul Services Corp., d/b/a Synergent. Mecul Services Corp., d/b/a Synergent is the opposer in Trademark Opposition No. 91158461 currently pending against the subject application, and its consent to this withdrawal is confirmed by the signature of its counsel as set forth below.

Respectfully submitted,

Credit Union 24, Incorporated

Date: August 10, 2005

By: 

Jeffrey C. Davidson
Baker & McKenzie LLP
One Prudential Plaza
Suite 3500
130 East Randolph Drive
Chicago, IL 60601
Its Attorney



Consented by Mecul Services Corp., d/b/a Synergent:

Mecul Services Corp., d/b/a Synergent

Date: August 12, 2005

By: Charles P. Bacall

Charles P. Bacall
Verrill & Dana, LLP
One Portland Square
Portland, ME 04112-0586
Its Attorney

CHIDMS1/585007.1

CERTIFICATE OF MAILING AND SERVICE


The undersigned hereby certifies that the foregoing **Express Withdrawal of Application with Prejudice, With Consent of Opposer**, are being deposited with the United States Postal service, as first class mail, postage prepaid, in an envelope addressed as follows:

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

and

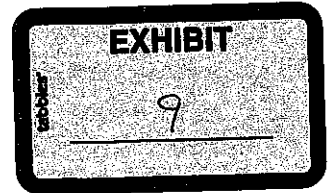
Charles P. Bacall
Verrill & Dana, LLP
One Portland Square
Portland, ME 04112-0586

on this 22nd day of August, 2005



Jeffrey O. Davidson

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451



Taylor

Mailed: August 30, 2005

Opposition No. 91158461

MECUL SERVICES CORP., d/b/a
SYNERGENT

v.

Credit Union 24, Incorporated

Notice of Default

On July 11, 2005, the Board issued a notice of default in this case. Applicant, via a certificate of mailing dated August 10, 2005, filed a timely response. Based on the showing made in its response, the notice of default is hereby set aside.

Withdrawal of Application

On August 25, 2005, applicant filed an abandonment of its application Serial No. 76399306, with prejudice, and with opposer's written consent.

In view thereof, application Serial No. 76399306 stands abandoned with prejudice, and the opposition is dismissed without prejudice. See Trademark Rule 2.135.

***By the Trademark Trial
and Appeal Board***