

damaged by the continued registration of the mark sought to be canceled and hereby petitions to cancel the registration for said trademark. The grounds for the Petition to Cancel are as follows:

1. On December 6, 2001, NRI Data & Business Products, Inc. ("Petitioner") filed Application Serial No. 76/345,479 in the United States Patent and Trademark Office to register "NRI & Design" for: "computer hardware, printers, computer peripherals" in International Class 9; "distributorship services featuring computers, computer software, computer networks, printers and related computer equipment" in International Class 35; "installation and maintenance of computer hardware, computer equipment and computer systems" in International Class 37; and "computer consulting service; custom design of computer hardware, computer equipment and computer systems; technical and engineering services, namely, custom design of computer hardware, software and computer systems; and information services, namely, providing information in the field of computer software and computer hardware" in International Class 42 based on its use of the mark since September 1999 for such goods and services in the United States.

2. On information and belief, on July 23, 1968, Registration No. 853,413 for "NRI" issued for "providing home study courses in electronics, communications and all related fields of study" to National Radio Institute Corporation. ("Registrant") having an address at 4401 Connecticut Avenue, N.W., Washington D.C., 20008.

3. On information and belief, Registrant has subsequently abandoned the mark of Registration No. 853,413 and such registration, based upon Registrant's non-use of the mark in the United States for the services identified in the Certificate of Registration, with intent not to resume such use.

4. Registration No. 853,413 has been cited by the United States Patent and Trademark Office in Application Serial No. 76/345,479 as a bar to registration of "NRI & Design" to Petitioner for the goods and services specified in Petitioner's application.

5. Petitioner believes that said registration, if permitted to remain in force, will cause injury and damage to Petitioner in that it is cited as a bar to registration of Petitioner's "NRI & Design" mark for its goods and services.

6. Petitioner further believes that said registration, if permitted to remain in force, accords to Registrant the *prima facie* exclusive right to use the mark for the goods identified in the Certificate of Registration, which *prima facie* right interferes with Petitioner's ability to register the "NRI & Design" mark, constituting a source of damage to Petitioner.

WHEREFORE, Petitioner, NRI Data & Business Products, Inc., requests Registration No. 853,413 for the mark "NRI" for "providing home study courses in electronics, communications and all related fields of study" be canceled and that this Petition to Cancel be granted.

A duplicate copy of this Petition to Cancel is enclosed herewith.

A check in the amount of \$300.00 is enclosed to cover the fee for the Petition to Cancel.

Any additional fees may be charged to Miscellaneous Account No. 50-1017 and any overpayment of fee should be accredited to this account.

Respectfully submitted,

NRI Data & Business Products, Inc.

DATED: 7/9/02

BY: Shruti D. Engstrom

Jordan A. LaVine

Shruti D. Engstrom

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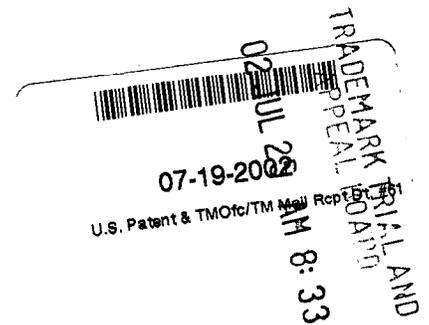
RIYADH - (AFFILIATE)

July 17, 2002

Box TTAB / FEE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Service Mark: NRI
Registrant: National Radio Institute Corp.
Registration No.: 853,413
Issued: July 23, 1968
Attorney Docket No.: 210396.0004/10396-4



Dear Madam:

Enclosed please find the following documents in connection with Petitioner's application to cancel the mark identified above:

- Petition to Cancel;
- Payment of the \$300 filing fee paid by the enclosed check; and
- A return receipt acknowledgment postcard.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the fees indicated above to Deposit Account No. 50-1017.

Respectfully submitted,

AKIN, GUMP, STRAUSS, HAUER & FELD L.L.P.

Shruti D. Engstrom
SHRUTI D. ENGSTROM

SDE/III
Enclosures