

2. Upon information and belief, Registrant is a corporation of Rhode Island with a business address at 2669 Post Road, Warwick, Rhode Island 02886.

3. Registrant obtained Registration No. 1,364,858 on or about October 8, 1985 for the mark FLEX CHECKING for "banking services" in Class 36.

4. Upon information and belief, Registrant discontinued use of the FLEX CHECKING mark, and sales of the FLEX CHECKING services, more than four years ago. Upon information and belief, Registrant has made no use of the FLEX CHECKING mark in interstate commerce for at least three consecutive years.

5. Upon information and belief, Registrant has abandoned its trademark FLEX CHECKING.

6. Registration No. 1,364,858 is prima face evidence of Registrant's right to exclusively use the FLEX CHECKING mark for banking services, and a bar to BRC's aforesaid application, thereby preventing BRC from obtaining the registration to which it is entitled, all resulting in damage to BRC.

WHEREFORE, BRC requests that Registration No. 1,364,858 be cancelled.

This Petition For Cancellation is submitted in duplicate pursuant to Trademark Rule 37 C.F.R. § 2.104(a) along with a check in the amount of \$300 for the filing fee. If the fee is found to be deficient for any reason, please charge our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 28, 2004



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