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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 30, 2019

Jonathon Schlegelmilch
Trademark Examining Attorney
Law Office 108
United States Patent and Trademark Office

RE: Serial No.: 88/309,490
Mark: FLEXIBLE
Applicant: Flexible RE Company, LLC
Office Action Date: May 3, 2019

APPLICANT’S RESPONSE TO OFFICE ACTION

The following is the response of Applicant, Flexible RE Company, LLC (“Applicant”), by Counsel Trevor A. Caudle, Esq., to the Office Action sent via email on May 3, 2019, by Examining Attorney, Jonathon Schlegelmilch.

The Examining Attorney has initially refused to register the mark “FLEXIBLE” (“Applicant’s Mark”), stating two substantive bases for refusal, which are addressed below.

The Examining Attorney asserts that Applicant’s Mark creates a likelihood of confusion with the marks in U.S. Registration Nos. 4185150 (for “FLEXIBLE PLAN INVESTMENTS, LTD.”), 4185151 (for “FLEXIBLE PLAN”) and 4618978 (for “FLEXIBLE LENDING SOLUTIONS”) (collectively the “Registrant’s Marks”). Applicant notes that the first two aforementioned marks are owned by the same investment management firm, and the third is owned by a separate company. Applicant respectfully submits that the Examining Attorney reached his conclusion in error. As explained below, when considering the nature of Applicant’s Mark, the numerous marks registered in Class 36 that utilize the word “flexible”, the distinct services associated with the respective marks, and the sophistication of the customer base that purchases services from Applicant and Registrants, there is no likelihood of confusion between

them under the standard articulated in *Application of E.I. DuPont de Nemours & Co.* 476 F. 2d 1357 (C.C.P.A. 1973) (“*DuPont*”).

The Examining Attorney also asserts that Applicant’s Mark is merely descriptive, and as such has refused registration under Section 2(e)(1). Respectfully, Applicant disagrees with the Examining Attorney’s assessment however in the interest of proceeding to publication, Applicant has amended its application to the Supplemental Register.

In light of the arguments set forth below, Applicant respectfully requests that the Examining Attorney withdraw the two referenced bases for refusal and allow the instant application to proceed to publication.

LIKELIHOOD OF CONFUSION REFUSAL

1. Introduction

The Examining Attorney has refused registration of Applicant’s Mark pursuant to Trademark Act Section 2(d), 15 U.S.C. § 1052(d), on the grounds that Applicant’s Mark is likely to be confused with the following Registrations:

- Registration No. 4,185,150 (Word Mark for “FLEXIBLE PLAN INVESTMENTS, LTD.”) for “Investment advisory services; investment management; securities trading and investment services for others; individual retirement account services; operation and management of mutual funds and other collective investment vehicles.” in International Class 36;
- Registration No. 4,185,151 (Design Mark including the literal element “FLEXIBLE PLAN”) for “Investment advisory services; investment management; securities trading and investment services for others; individual retirement account services; operation and management of mutual funds and other collective investment vehicles.” in International Class 36; and
- Registration No. 4,618,978 (Word Mark for “FLEXIBLE LENDING SOLUTIONS”) for “Commercial lending services.” In Class 36.

Likelihood of confusion is determined on a case-by-case basis by the Trademark Trial and Appeal Board at the United States Patent and Trademark Office (“USPTO”) by review of the relevant factors set forth in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A.

1973). These factors include the comparison of the marks, the similarity or dissimilarity and nature of goods and/or services, and the conditions under which sales are made. *Id.* at 1361. Not all of the *du Pont* factors are relevant to every case, and the significance of a particular factor may be different from case to case. *See du Pont*, 476 F.2d at 1361-62; *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406-07 (Fed. Cir. 1997) (noting that "any one of the factors may control a particular case").

The comparison of the marks is just one factor to be considered in the likelihood of confusion analysis. Because Registrants' Marks and Applicant's Mark create different commercial impressions, and because the services offered in connection with Registrants' Marks differ significantly from those sold by Applicant, and because Registrants' goods and Applicant's goods are sold in different channels of commerce to distinct and sophisticated customers, Applicant respectfully disagrees with the findings and requests that the Examining Attorney reconsider the statutory refusal and allow Applicant's Mark to proceed to publication.

2. Applicant's Mark and Registrants' Marks are Dissimilar

The likelihood of confusion analysis considers all relevant *du Pont* factors, however, not all factors may be afforded equal weight in a given case. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315 (Fed. Cir. 2003); *Dixie Restaurants*, 105 F.3d at 1406-07. In some cases, a determination that there is no likelihood of confusion may be appropriate even where the marks appear similar if this similarity is outweighed by other factors. TMEP § 1207.01. *See also Oakville Hills Cellar, Inc. v. Georgallis Holdings, LLC*, 826 F.3d 1376, 1381 (Fed. Cir. 2016) (emphasizing that the different pronunciation between MAYA and MAYARAI was a dispositive factor in finding these marks different for the likelihood of confusion analysis). The USPTO bears the burden of demonstrating that a mark should not be registered. *In re St. Helena Hosp.*, 774 F.3d 747, 750 (Fed. Cir. 2014) (citing 15 U.S.C. § 1052).

Here, The Examining Attorney observes that Applicant's Mark and Registrants' Marks all contain the term "FLEXIBLE." This observation is true. But is not the whole truth. The sight, sound and meaning of Applicant's entire Mark is dissimilar enough from Registrants' Marks, weighing in favor of Applicant.

Registration 4,185,151 is a logo which contains the literal element "FLEXIBLE PLAN", but the same is part and parcel of a distinctive logo design. Any consumer confronted with that

design will see that it is not similar to Applicant's Mark especially in light of the additional word "PLAN".

Registration 4,185,150 is for the Word Mark "FLEXIBLE PLAN", which is a two-word Mark rendering it distinct from Applicant's single Word Mark for merely "FLEXIBLE". The inclusion of the word "PLAN" suggests to consumers what the word relates to, which leaves a different commercial impression in the minds of consumers.

Registration 4,618,978 is for the Word Mark "FLEXIBLE LENDING SOLUTIONS", which is *three* distinct words – two more than Applicant's Mark. The inclusion of the words "LENDING SOLUTIONS" suggests to consumers what those word relate to, which leaves a different commercial impression in the minds of consumers.

3. "Flexible" is used in Numerous Registrations in Class 36.

Applicant respectfully submits that no likelihood of confusion exists due to the plethora of third-party marks in Class 36 containing the word "flexible". While both Applicant's Mark and Registrants' Marks contain the term "FLEXIBLE", relevant consumers would not expect the services offered under the respective Marks to emanate from the same source due to the crowded field of similar marks containing "flexible", including:

1. U.S. Registration No. 4,342,655 for "MORE INCOME MORE CHOICE MORE FLEXIBILITY" for "Annuity underwriting; Financial investment in the field of retirement plans and annuities; Investment advice; Issuance and administration of annuities" in Class 36;
2. U.S. Registration No. 5,555,969 for "IGOBANKING FLEXIBLE DEPOSIT" for "Financial services, namely, remote deposit services" in Class 36;
3. U.S. Registration No. 4,736,886 for "FAST. FLEXIBLE. FLOORPLANNING." For "Financial services in the field of money lending for automobile dealerships" in Class 36;
4. U.S. Registration No. 2,330,955 for "FLEXIBLE 97" for "mortgage loan services, namely, providing mortgage loans structured to allow for a number of sources from which to derive a down payment" in Class 36;

5. U.S. Registration No. 2,343,098 for “WE’RE FLEXIBLE” for "BANKING SERVICES; INSURANCE AGENCY SERVICES IN THE FIELDS OF LIFE, ACCIDENT, HEALTH, PROPERTY, CASUALTY AND AUTOMOBILE” in Class 36;
6. U.S. Registration No. 4,449,296 for “FLEXIBLE REINVESTMENT PROGRAM” for automatic investment of funds for others” in Class 36;
7. U.S. Registration No. 3,264,319 for “FLEXIBLE FUNDING” for “Financial services, namely payroll financing exclusively in the field of temporary staffing agencies” in Class 36;
8. U.S. Registration No. 4,770,346 for “FLEXIBILITY” for “financial services in the nature of loans” in Class 36;
9. U.S. Registration No. 4,613,401 for “FLEXIBLE BETA” for “Financial advice; Financial planning; Investment management” in Class 36;
10. U.S. Registration No. 1,893,322 for “FLEXIBLE EXCHANGE” for “option market services; namely, facilitating the trading of option contracts” in Class 36;
11. U.S. Registration No. 4,724,364 for FLUSHING BANK FLEXIBLE DEPOSIT for “Financial services, namely, remote deposit services” in Class 36;

The registration certificates for these eleven third-party registrations are attached hereto at **Exhibit A**. Considering the coexistence of a large number of "flexible" marks for services in Class 36, the differences between Registrants’ Marks and Applicant’s Mark are noteworthy and should not be summarily disregarded. The addition of the terms "PLAN", “PLAN INVESTMENTS LTD.”, and “LENDING SOLUTIONS" to Registrants’ Marks are sufficient to eliminate any likelihood of confusion between those marks and Applicant’s Mark. Not only would it be inconsistent to bar registration of Applicant's Mark alongside the Registrants’ Marks and the eleven registrations listed above, but it also simply is not proper in view of the difference between Applicant's Mark and Registrants’ Marks due to the wide array of "flexible" registrations for services in Class 36.

4. The Services Covered by the Applicant’s Mark and Registrant’s Marks are Dissimilar.

Respectfully, the Examining Attorney erred in concluding that the Registrants’ and Applicant's services were sufficiently related to cause a likelihood of confusion among consumers. Although Applicant’s Mark, on the one hand, and Registrants’ Marks, on the other

hand, relate to investment generally and at a very high level of abstraction, that similarity alone is insufficient to create a likelihood of confusion between the two, given the diversity of the actual and specific services provided under each mark.

Likelihood of confusion exists when the respective products are related in such a way that it could result in the mistaken belief that the products originate from the same source. *See In re Franciscan Vineyards, Inc.*, 593 Fed. Appx. 997, 999 (Fed. Cir. 2014); *Coach Servs. v. Triumph Learning LLC*, 668 F.3d 1356, 1369 (Fed. Cir. 2012); *7-Eleven, Inc. v. Wechsler*, 83 U.S.P.Q.2d 1715, 1724 (T.T.A.B. 2007); *In re Pollio Dairy Prods. Corp.*, 8 U.S.P.Q.2D 2012, 2015 (T.T.A.B. 1988). If the contested marks would appear on "substantially identical goods," it increases the possibility of likelihood of confusion. *Coach Servs.*, 668 F.3d at 1369; *Citigroup Inc. v. Capital City Bank Group, Inc.*, 637 F.3d 1344, 1355 (Fed. Cir. 2011). It is not enough for goods to merely exist in the same broad industry, instead they must be marketed in such a way that consumers would believe that they originate from the same source or are sponsored by a common company. *See PC Club v. Primex, Inc.*, 32 Fed. Appx. 576, 578 (Fed. Cir. 2002). *See also, Lloyd's Food Products, Inc. v. Eli's Inc.*, 987 F.2d 766, 769 (Fed. Cir. 1993) (rejecting a per se rule that goods used in similar industry are similar or related). The mere fact that goods and services are "used together" does not, on its own, demonstrate relatedness. *St. Helena Hosp.*, 774 F.3d at 753; *In re Coors Brewing Co.*, 343 F.3d 1340, 1345 (Fed. Cir. 2003); *Packard Press, Inc. v. Hewlett-Packard Co.*, 227 F.3d 1352, 1358 (Fed. Cir. 2000).

The Examining Attorney posits that the Applicant's and Registrants' goods and/or services are related, however, this conclusion is not supported by substantial evidence. *See St. Helena Hosp.*, 774 F.3d at 752-54 (emphasizing that evidence of services and goods being used together alone does not rise to level of substantial evidence); *Shen Mfg. Co., Inc. v. Ritz Hotel, Ltd.*, 393 F.3d 1238, 1244-45 (Fed. Cir. 2004) (determining no substantial evidence to support that cooking classes and kitchen textiles were related when one was a service while the other was a tangible good and they were not in the same categories of products); *On-Line Careline, Inc. v. America Online, Inc.*, 229 F.3d 1080, 1086 (Fed. Cir. 2000) (finding of similarity of services was based on substantial evidence when both marks involved use of the internet). In situations in which the relatedness of the services is obscure or less evident, the USPTO must provide persuasive and substantial evidence to prove that the goods and or services are the same for the purpose of demonstrating a likelihood of confusion. *St. Helena Hosp.*, 774 F.3d at 753; *Coors*

Brewing Co., 343 F.3d at 1345. *See also Coach Servs.*, 668 F.3d at 1370 ("likelihood of confusion must be based on the goods identified in the application"). For example, the Federal Circuit Court of Appeals has determined that a brewing company and restaurant were not sufficiently related for likelihood of confusion purposes merely because some restaurants brew or serve their own private label beer. *Coors Brewing Co.*, 343 F.3d at 1346. The court there explained that it was common for restaurants to sell their own private-brand foods and beverages. *Id.* Consumers, who might encounter similar trademarks on both restaurant services and foods, would be able to distinguish the different sources of each. *Id.* Additionally, in that case there was only evidence that some restaurants rather than numerous restaurants sell their own private label beer which was reinforced by the small number of dual registrations for restaurant services and beer. *Id.*

In support of the instant refusal, the Examining Attorney has provided five examples of companies that purportedly establish that "the same entity commonly provided these services and markets them under the same mark." *See* Office Action. Crucially, however, these five examples in fact *do not* demonstrate that such is the case and instead actually strengthen Applicant's argument that the services offered by Applicant and companies like Applicant are distinct in that Applicant and companies like Applicant do not offer the same or even remotely similar services to those offered by Registrants. An in-depth look at each company identified by the Examining Attorney is necessary to demonstrate that in reality companies such as Applicant do not offer services similar to those offered by the Registrants, but first, the situation warrants taking a closer look at both Registrants' description of goods and services, as well as their *very detailed* websites which, of course, outlines the services provided by them in connection with their Marks.

The Owner/Registrant of 4,185,150 and 4,185,151 is "Flexible Plan Investments, Ltd." The description of goods and services for both registrations is identical and reads as follows: "Investment advisory services; investment management; securities trading and investment services for others; individual retirement account services; operation and management of mutual funds and other collective investment vehicles." Notably, the term "real estate" is completely absent from this description. Furthermore, a review of Flexible Plan Investments, Ltd.'s website (www.flexibleplan.com) does not include the term "real estate". *See Exhibit B* attached hereto. Flexible Plan Investments, Ltd. is a traditional investment portfolio management firm in the

sense that their focus is advising clients on their investments in traditional financial investment vehicles such as mutual funds, securities, and other investments that exist within the stock market. *See Exhibit B* attached hereto. Again, and most notably, Flexible Plan Investments, Ltd. does not directly or indirectly invest in real estate, nor does it advise clients as to potential or actual real estate investment or ownership. And, conversely, Applicant does not advise its clients with respect to traditional securities investment portfolios. As such, Applicant's services and Registrants' (Flexible Plan Investments, Ltd.) services are not competitive and, as evidenced by the discussion below regarding those companies identified by the Examining Attorney, they are also not related.

The Owner/Registrant of 4,618,978 for "FLEXIBLE LENDING SOLUTIONS" is Flexible Lending Solutions LLC. This company's website is no longer active and they appear to be out of business. Their Florida LLC is listed as "InActive". As such, this Registration should not be enforced against Applicant even if *some* of Applicant's services (loans) are deemed to be related. *See Exhibit B*. Applicant is considering a cancellation action as to the referenced Mark.

Turning now to the companies that the Examining Attorney has identified as evidence that the services offered by Applicant are related to those offered by Registrants, Applicant respectfully submits the following:

The Examining Attorney has identified "Allied Property Group" (<http://alliedpropertygroup.net/financial-services/>) as an example of a company that offers the services offered by Registrants as well as those offered by Applicant. Respectfully, the Examining Attorney is not correct. Allied Property Group is a property management company only. While they deal with accounting and financial reporting for generally larger real estate (apartment building, condominiums, etc.) they do not have anything to do with stocks, bonds, mutual funds, nor do they lend money to customers nor do they partner with clients to purchase real property. While Applicant does offer real property management services to its customers, just like Allied Property Group, like Allied Property Group, Applicant does not offer any services related to traditional investment products. Various screenshots taken from the Allied Property Group website are attached hereto as **Exhibit C**.

The Examining Attorney has identified RBFCU (<https://www.rbfcu.org/investments/investment-strategies>) as an example of a company that offers the services offered by Registrants as well as those offered by Applicant. Respectfully,

the Examining Attorney is not correct. RBFCU is a bank. They do not offer property management services, they do not invest in real property directly, they do not advise clients as to the selection of real property and, unlike Registrant, they do not provide traditional investment advice when it comes to stocks, bonds, mutual funds and the like. The only relationship that RBFCU has to real estate is that they offer mortgages to their retail banking customers – that is all. Notably, while Applicant may invest with its clients in a given piece of real estate, Applicant does not offer traditional retail mortgages to its clients. Also, RBFCU does not market, sell, or manage traditional financial investment products such as stocks, bonds, securities, and the like. Various screenshots taken from the RBFCU’s website are attached hereto as **Exhibit D**.

The Examining Attorney has identified “Encore” (<http://www.encoreinvestmentrealestate.com/advantages/>) as an example of a company that offers the services offered by Registrants as well as Applicant. Respectfully, the Examining Attorney is not correct. Encore is a real estate brokerage and not a direct or indirect investor in real estate. Encore will assist customers as an agent or brokerage in locating real property and negotiating a deal for the purchase or lease of same. This is significantly different from Applicant’s services where Applicant does not serve as a traditional agent or broker and instead focuses on identifying and, in some instances, partnering with the client to actually purchase and operate a particular piece of real property. Notably, Encore does not offer property management services, does not lend funds to clients, does not partner with clients and, most importantly, does not have anything to do with traditional financial investment products such as stocks, bonds, mutual funds, etcetera. Various screenshots taken from the Encore’s website are attached hereto as **Exhibit E**.

The Examining Attorney has identified “NAI” (<http://www.realvest.com/services/investment-services>) as an example of a company that offers the services offered by Registrants as well as Applicant. Respectfully, the Examining Attorney is not correct. NAI is a real estate brokerage and not a direct or indirect investor in real estate. NAI will assist customers as an agent or brokerage in locating real property and negotiating a deal for the purchase or lease of same. This is significantly different from Applicant’s services where Applicant does not serve as a traditional agent or broker and instead focuses on identifying and, in some instances, partnering with the client to actually purchase and operate a particular piece of real property. Notably, NAI does not offer property management services,

does not lend funds to clients, does not partner with clients and, most importantly, does not have anything to do with traditional financial investment products such as stocks, bonds, mutual funds, etcetera. Various screenshots taken from the NAI's website are attached hereto as **Exhibit F**.

The Examining Attorney has identified "Block (<http://www.blockllc.com/investment/default.aspx>) as an example of a company that offers the services offered by Registrants as well as Applicant. Respectfully, the Examining Attorney is not correct. In fact, Block is the closest approximation to Applicant's services. Like the preceding examples, Block focuses on a specific set of real estate-related services *only*. In this case, they assist clients with acquiring real estate by identifying properties and assisting in the acquisition of same – just like Applicant. Block does not offer, promote, sell, or manage traditional financial investment products such as stock, bonds, mutual funds or any other securities. Its sole focus is real estate. And, like Applicant, Block does not offer traditional retail mortgages or other lending to consumers. Various screenshots taken from the Block's website are attached hereto as **Exhibit G**.

Examining Attorney has cited to the above five companies in support of the premise that the services offered by these companies are related. In actual fact, these five companies establish that, like Applicant, the same companies do not offer services related to *both* real estate and traditional investment products such as stocks, bonds, mutual funds, etcetera, and therefore such services are in fact not related.

5. The Services Covered by Applicant's Mark and Registrants' Marks are Aimed at Dissimilar, Sophisticated Consumers.

Additionally, the Examining Attorney did not compare the Applicant and Registrants' consumers in his analysis. The fourth DuPont factor examines the conditions under which, and to whom, sales are made. *See DuPont*, 467 F.2d at 1361; *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1376 (Fed. Cir. 2005). Consequently, purchaser sophistication may diminish the likelihood of confusion whereas with impulsive buying, the risk of confusion is increased because purchasers of these products apply a lesser standard of purchasing care. *See Palm Bay Imps., Inc.*, 396 F.3d at 1376; *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329 (Fed. Cir. 2000). If the products are low-priced, this may support a finding

of likelihood of confusion because it is more likely they will be purchased on impulse. *Recot Inc.*, 214 F.3d at 1329.

Registrant focuses Registrant's Marks primarily at a narrow class of sophisticated clientele interested in investment advice related to stocks, bonds, mutual funds and other traditional stock market-based products. Registrant's registrations nor their website make a single mention of the term "real estate" as they do not offer any advice relating to investing in real estate. Registrant's customers will be deliberative and familiar with various providers of financial portfolio management in the marketplace.

Similarly, Applicant's customers are also sophisticated. Applicant's customers are not general investors, rather they are a very specific set of consumers – real estate investors. A consumer who comes into contact with the FLEXIBLE PLAN INVESTMENTS LTD. brand of financial portfolio management is not going to then view Applicant's website for FLEXIBLE and conflate the sources of those very dissimilar and unrelated services – the respective consumers know better.

Accordingly, there is no likelihood of confusion as to the source of the services from the perspective of Applicant and Registrants' actual customers, and therefore this *du Pont* factor should weigh in favor of Applicant.

6. Registrants' Marks are not Famous.

The Examining Attorney did not consider whether Registrants' Marks are famous, however, it is unlikely that they meet the high bar for actual fame in light of relevant precedents. *University of Texas v. KST Elec.* 550 F. Supp. 2d 657 (W.D. Tex. 2008) (finding Texas Longhorn mark not famous in a dilution action). When a mark is not famous, and uses a common English word, the mark will receive less protection from subsequent registrations arguably close to the language of mark. *Sure-Fit Products Co. v. Saltzon Drapery Co.* 254 F. 2d 158, 159 (C.C.P.A. 1958) (holding that "Rite-Fit" mark may be registered even when "Sure-Fit" existed as a prior registration since (1) "Sure-Fit" was not famous; and (2) "Fit" is a word commonly used in the English language). Flexible is commonly known in the English. Given that Registrants' Marks are not famous, and that Flexible is a common English word, such should weigh in favor of Applicant.

MERELY DESCRIPTIVE REFUSAL

The Examining Attorney also asserts that Applicant's Mark is merely descriptive, and as such has refused registration under Section 2(e)(1). Respectfully, Applicant disagrees with the Examining Attorney's assessment however in the interest of proceeding to publication, Applicant has amended its application to the Supplemental Register.

CONCLUSION

In conclusion, because Applicant's Mark and Registrants' Marks (1) have different commercial impressions; (2) are used in connection with the sale of services that bear no real relationship to one another to sophisticated customers, Applicant's Mark should proceed to publication. Applicant's Mark is not likely to cause confusion with Registrants' Marks, especially in light of the revised and narrowed nature of Applicant's description of goods and services, which now accurately reflect the services offered. Furthermore, Applicant respectfully disagrees that Applicant's Mark is descriptive for the reasons outlined herein and, accordingly, Applicant requests that the Examining Attorney reconsider the statutory refusal and allow Applicant's Mark to proceed to publication.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Trevor A. Caudle', with a long horizontal flourish extending to the right.

Trevor A. Caudle, Esq.
Attorney for Applicant

Exhibit A

United States of America

United States Patent and Trademark Office

MORE INCOME MORE CHOICE
MORE FLEXIBILITY

Reg. No. 4,342,655

AMERICAN INTERNATIONAL GROUP, INC. (DELAWARE CORPORATION)
180 MAIDEN LANE

Registered May 28, 2013

NEW YORK, NY 10038

Int. Cl.: 36

FOR: ANNUITY UNDERWRITING; FINANCIAL INVESTMENT IN THE FIELD OF RETIREMENT PLANS AND ANNUITIES; INVESTMENT ADVICE; ISSUANCE AND ADMINISTRATION OF ANNUITIES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

FIRST USE 1-23-2012; IN COMMERCE 1-23-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-759,761, FILED 10-22-2012.

SALLY SHIH, EXAMINING ATTORNEY



Susan Street Lee

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* *See* 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office

IGOBANKING FLEXIBLE DEPOSIT

Reg. No. 5,555,969

Registered Sep. 04, 2018

Int. Cl.: 36

Service Mark

Principal Register

Flushing Bank (NEW YORK chartered bank)
220 Rxr Plaza
Uniondale, NEW YORK 11556

CLASS 36: Financial services, namely, remote deposit services

FIRST USE 7-10-2014; IN COMMERCE 7-10-2014

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 3321369, 3321366, 3419009

No claim is made to the exclusive right to use the following apart from the mark as shown:
"FLEXIBLE DEPOSIT"

SER. NO. 86-258,797, FILED 04-22-2014



Andrei Iancu

Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

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Requirements in the First Ten Years*

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- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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United States of America

United States Patent and Trademark Office

FAST. FLEXIBLE. FLOORPLANNING.

Reg. No. 4,736,886

FLOORPLAN XPRESS LLC-OK (OKLAHOMA LIMITED LIABILITY COMPANY)
4300 HIGHLINE BLVD., SUITE B330

Registered May 12, 2015

OKLAHOMA CITY, OK 73108

Int. Cl.: 36

FOR: FINANCIAL SERVICES IN THE FIELD OF MONEY LENDING FOR AUTOMOBILE DEALERSHIPS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

FIRST USE 1-31-2014; IN COMMERCE 1-31-2014.

SUPPLEMENTAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-234,430, FILED P.R. 3-27-2014; AM. S.R. 3-12-2015.

BRIN ANDERSON, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

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Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,330,955

United States Patent and Trademark Office

Registered Mar. 21, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

FLEXIBLE 97

**FEDERAL NATIONAL MORTGAGE ASSOCIATION (UNITED STATES CORPORATION),
DBA FANNIE MAE
3900 WISCONSIN AVENUE, NW
WASHINGTON, DC 200162899**

**FOR: MORTGAGE LOAN SERVICES,
NAMELY, PROVIDING MORTGAGE LOANS
STRUCTURED TO ALLOW FOR A NUMBER
OF SOURCES FROM WHICH TO DERIVE A**

**DOWN PAYMENT, IN CLASS 36 (U.S. CLS. 100,
101 AND 102).**

**FIRST USE 2-28-1997; IN COMMERCE
2-28-1997.**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "FLEXIBLE", APART FROM
THE MARK AS SHOWN.**

SER. NO. 75-489,679, FILED 5-22-1998.

MICHAEL ENGEL, EXAMINING ATTORNEY

Int. Cl.: 36

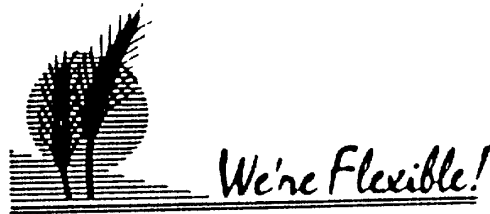
Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,343,098

United States Patent and Trademark Office

Registered Apr. 18, 2000

**SERVICE MARK
PRINCIPAL REGISTER**



LABETTE COUNTY STATE BANK (KANSAS
BANKING CORPORATION), AKA LABETTE
COUNTY INSURANCE
4TH & HUSTON
ALTAMONT, KS 67330

FOR: BANKING SERVICES; INSURANCE
AGENCY SERVICES IN THE FIELDS OF LIFE,
ACCIDENT, HEALTH, PROPERTY, CASUAL-

TY AND AUTOMOBILE, IN CLASS 36 (U.S.
CLS. 100, 101 AND 102).

FIRST USE 1-0-1993; IN COMMERCE
1-0-1993.

SER. NO. 75-658,413, FILED 3-11-1999.

ANN LINNEHAN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

FLEXIBLE REINVESTMENT PROGRAM

Reg. No. 4,449,296

SCOTTRADE, INC. (ARIZONA CORPORATION)
700 MARYVILLE CENTRE DRIVE
ST. LOUIS, MO 63141

Registered Dec. 10, 2013

Int. Cl.: 36

FOR: AUTOMATIC INVESTMENT OF FUNDS FOR OTHERS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

FIRST USE 5-30-2013; IN COMMERCE 5-30-2013.

SUPPLEMENTAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "REINVESTMENT PROGRAM", APART FROM THE MARK AS SHOWN.

SER. NO. 85-906,994, FILED P.R. 4-17-2013; AM. S.R. 10-18-2013.

MARK SPARACINO, EXAMINING ATTORNEY



Deborah S. Cohn

Commissioner for Trademarks of the
United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,264,319

Registered July 17, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

Flexible Funding

FLEXIBLE FUNDING, LLC (CALIFORNIA LTD
LIAB CO)

SUITE 1200

ONE EMBARCADERO CENTER

SAN FRANCISCO, CA 94111

FOR: FINANCIAL SERVICES, NAMELY PAY-
ROLL FINANCING EXCLUSIVELY IN THE FIELD
OF TEMPORARY STAFFING AGENCIES, IN CLASS
36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-1-1992; IN COMMERCE 7-31-1997.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "FUNDING", APART FROM THE
MARK AS SHOWN.

SEC. 2(F).

SER. NO. 78-636,000, FILED 5-24-2005.

JAY BESCH, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

FLEXIBILITY

Reg. No. 4,770,346

Registered July 7, 2015

Int. Cl.: 36

SERVICE MARK

PRINCIPAL REGISTER

INTEGRATED COMMERCE, LLC (DELAWARE LIMITED LIABILITY COMPANY)
6950 W. 56TH STREET
MISSION, KS 66202

FOR: FINANCIAL SERVICES IN THE NATURE OF LOANS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-28-2015; IN COMMERCE 2-28-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 86-370,522, FILED 8-19-2014.

SUI DUONG, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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United States of America
United States Patent and Trademark Office

Flexible Beta

Reg. No. 4,613,401

AVANT-GARDE ADVISORS LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Sep. 30, 2014

9155 E NICHOLS AVE, SUITE 175
CENTENNIAL, CO 80112

Int. Cl.: 36

FOR: FINANCIAL ADVICE; FINANCIAL PLANNING; INVESTMENT MANAGEMENT, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

FIRST USE 2-1-2014; IN COMMERCE 2-1-2014.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-205,975, FILED 2-27-2014.

HOWARD SMIGA, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
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Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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Int. Cl.: 36

Prior U.S. Cl.: 102

United States Patent and Trademark Office

Reg. No. 1,893,322

Registered May 9, 1995

**SERVICE MARK
PRINCIPAL REGISTER**

FLEXIBLE EXCHANGE

CHICAGO BOARD OPTIONS EXCHANGE, INC.
(DELAWARE CORPORATION)
400 SOUTH LASALLE STREET
CHICAGO, IL 60605

FOR: OPTION MARKET SERVICES;
NAMELY, FACILITATING THE TRADING OF
OPTION CONTRACTS, IN CLASS 36 (U.S. CL.
102).

FIRST USE 2-26-1993; IN COMMERCE
2-26-1993.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "EXCHANGE", APART FROM
THE MARK AS SHOWN.

SER. NO. 74-432,928, FILED 9-7-1993.

DONNA MIRMAN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

Flushing Bank Flexible Deposit

Reg. No. 4,724,364

FLUSHING BANK (NEW YORK CHARTERED BANK)
1979 MARCUS AVENUE

Registered Apr. 21, 2015

LAKE SUCCESS, NY 11042

Int. Cl.: 36

FOR: FINANCIAL SERVICES, NAMELY, REMOTE DEPOSIT SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

FIRST USE 12-11-2013; IN COMMERCE 12-11-2013.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F) AS TO "FLUSHING".

OWNER OF U.S. REG. NOS. 3,209,224 AND 3,736,894.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BANK" AND "FLEXIBLE DEPOSIT", APART FROM THE MARK AS SHOWN.

SN 85-949,073, FILED 6-3-2013.

DOMINICK J. SALEMI, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

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Requirements in the First Ten Years*

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

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Exhibit B

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"real estate" search input



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- Community outreach

What we do

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- Strategic diversific...
- Managing investor ...
- Methodology
- Research team

For advisors

- Building your practice
- Knowledge Center
- Helping your clients
- Strategies
- Where we manage
- Fund holdings
- Partner with us

For investors

- OnTarget investing

Weekly Update

Contact us

- Schedule a meeting
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3883 Telegraph Road, Suite 100
 Bloomfield Hills, MI 48302
 Phone: (248) 642-6640 | Toll Free: (800) 347-3539 | Fax: (248) 642-6741
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For Investors

OnTarget investing



Peace-of-mind
regardless
of where the
stock market closes

We equip investors to compete in changing market environments with a strategically diversified portfolio

Traditional asset allocation is the practice of dividing investments among different equity and income categories seeking to reduce risk to the extent each asset class acts differently from each other.

We take it one step further and also diversify among strategies. We provide the opportunity for each of our portfolios to be individually diversified across both asset classes, including alternative investments and strategies. When blended together into one account and sorted by risk, the portfolio can achieve a level of diversification that is designed to deal with the challenge of today's, and future, financial markets.

View your account

Investor login >>



BEAR MARKET STUDY

It takes longer than most investors think to recover from bear markets

3.6
YEARS

On average, a new bear market begins every 5.5 years, with an average duration of 18.1 months. Omitting the distortion of the 1929 crash, the average time lost making up bear markets (zero earnings): 3.6 years.

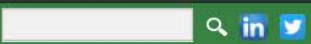
The average bear market slashed almost

Mathematics of declines and gains

| Amount of market decline | Gain needed to break even |
|--------------------------|---------------------------|
| -5% | 5.3% |
| -10% | 11.1% |

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Register Now



Flexible Plan Investments, Ltd.
Your partner in active wealth management

For advisors

- For Advisors
- Building your practice
- Knowledge Center
- Helping your clients
- Strategies
- Where we manage
- Fund holdings
- Partner with us

Focus on gathering assets and building your business

Finding the proper balance between the time spent growing your client base versus trading and managing client expectations can be a challenge for many advisers. Flexible Plan is a nationally known investment adviser based in Bloomfield Hills, Michigan, dedicated to delivering effective money management solutions to the brokerage community.

Build your practice

Help your clients reach their goals

You and your clients deserve more

Efforts to expand your practice often result in compromising attention to your current clients. Considerable time and resources are increasingly invested to continually monitor your clients' portfolios and ensure they're getting the management they expect.



It may be time to move this responsibility to an experienced and dedicated management firm so

LOG IN

Register Now



Flexible Plan Investments, Ltd.
Your partner in active wealth management

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What we do

What We Do

Dynamic risk-managed investing

Strategic diversification

Managing investor expectations

Methodology

Research team

Dynamic risk-managed investing

Strategic diversification

Managing investor expectations

Multiple dynamic risk-managed strategies in a single account

FPI does not promote employing a single strategy based on but one investing methodology. Instead, FPI encourages combinations of multiple diverse strategies into a single account. This is known as [strategic diversification](#).

Solutions to laydowns and drawdowns

Typically, every strategy on its own will suffer from two problems—lay down and draw down. They can occur at different times and during different market environments

Laydown occurs when the strategy is not producing returns or losses, appearing stagnant.

Drawdown is the temporary loss from a peak to a valley.

Strategic diversification is Flexible Plan's proposed solution to these two common problems.



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[Events](#) **No Name History**
Detail by Entity Name

Florida Limited Liability Company
FLEXIBLE LENDING SOLUTIONS LLC

Filing Information

Document Number L14000064193
FEI/EIN Number 46-5584720
Date Filed 04/21/2014
Effective Date 05/01/2014
State FL
Status INACTIVE
Last Event VOLUNTARY DISSOLUTION
Event Date Filed 09/11/2016
Event Effective Date 09/15/2016

Principal Address

3801 DURANGO ST
CORAL GABLES, FL 33134

Mailing Address

3801 DURANGO ST
CORAL GABLES, FL 33134

Registered Agent Name & Address

FERNANDEZ, JORGE F
3801 DURANGO ST
CORAL GABLES, FL 33134

Authorized Person(s) Detail

Name & Address

Title MGR

MINTO, ABRAHAM
3801 DURANGO ST

Exhibit C



📞 305-232-1579
info@alliedpropertygroup.net

📍 12350 SW 132 Court, #114
Miami, Florida 33186

🕒 9 am to 5 pm M to F
Lunch: 12:30 - 1:30



- Home
- About Allied Property Group ▾
- Our Services ▾
- Online Services ▾
- Upcoming Events
- Latest News
- Contact
- Podcast

- Association Management
- Financial Services
- Real Estate Services

Allied Property Group

Providing service to South Florida since 2003

[Click Here To Learn More >](#)

ALLIED PROPERTY GROUP
Providing service to South Florida since 2003

COMMITTED TO YOUR SUCCESS
Winner of the FLCAU's Real Estate Choice Award for 6 years in a row!

HAVE ANY QUESTIONS?
Get in contact with us today to see how we can help you.

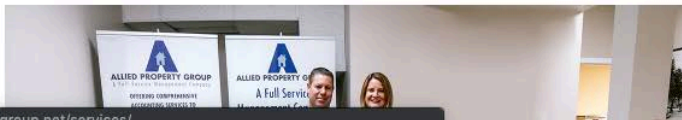


Allied Property Group

Property Management Solutions

Allied Property Group is a full service property management company providing service to South Florida since 2003. We understand the challenges faced by the Board of Directors to maintain costs low, increase property values, and enhance the community experience for their fellow neighbors. Our experienced and talented staff can help you achieve those goals by helping you save time and money. You will find that we genuinely care about your community and its goals. We provide a personal touch to increase positive relationships with our board members and homeowners alike.

We have maintained long standing relationships with many of our clients and communities for the last five, ten, even 14 years. Not only do our clients remain with us, so do our people. More than 60% of our employees have been with us for over 5 years and more than 25% have been with us for 10 years. That is an accomplishment we are proud of and is very unusual in our industry. This allows us to provide our services at a consistent level of excellence.

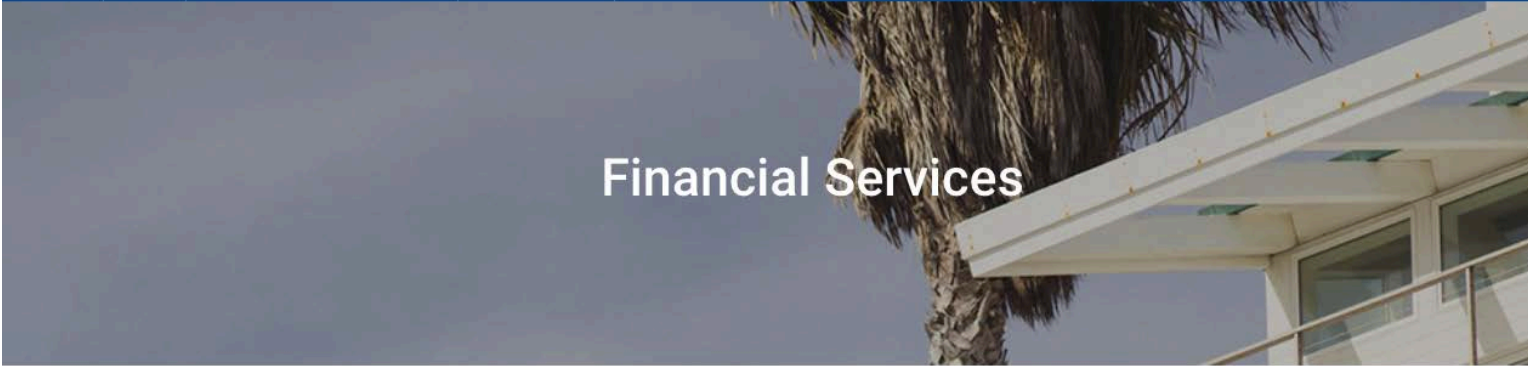




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Financial Services

[Home](#) > [Financial Services](#)

Financial Services

Financial Services

Financial stability and strength are the core of an association's success. Our experienced accounting team is responsible for providing you with the financial reporting you need to ensure your community is financially sound. Allied Property Group prides itself in the highest security measures to guard against manipulation or fraud by separating accounting, collections, and accounts payable services.

As always, we have a checks and balances system in place. The payables are approved by the community manager, processed by our payables department, and reviewed by senior management.

Our accounting services include:

- Online payables processing
- Electronic signatures
- Accounts receivable collection process
- Effective internal controls
- Financial statement preparation
- Annual Budget preparation
- Lockbox services and remote deposit scanners



Request A Proposal

Allied Property Group has been serving its customers and communities proudly for over 14 years. If you would like to request a proposal, please click the button below



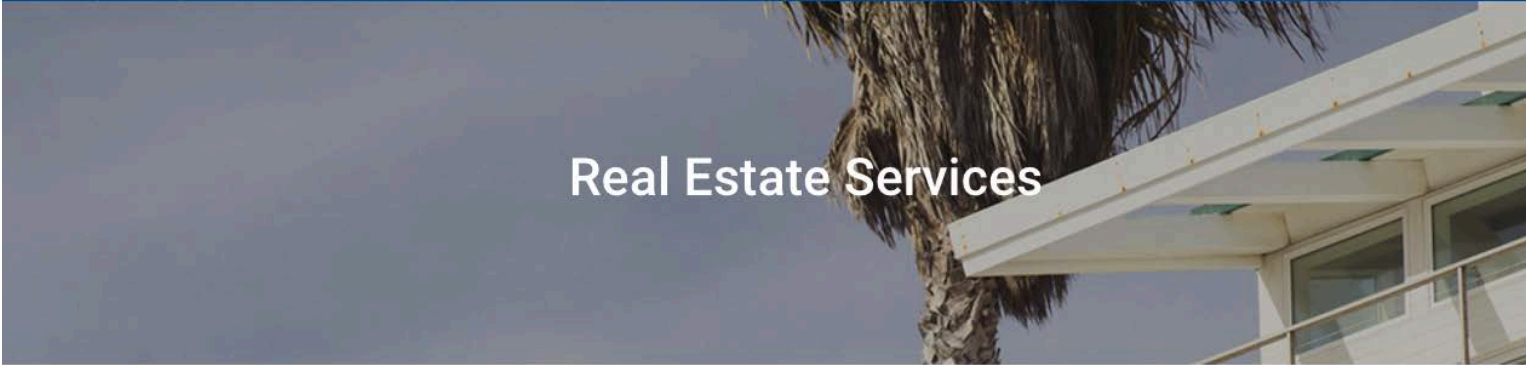
Latest News



10 Things to Know About Homeowners and Condo Associations

Homeowners and Condo Associations can provide...

[Read more ▶](#)



Real Estate Services

Home > Real Estate Services

Real Estate Services

Real Estate Services

Allied Property Group strives to provide complete real estate services and has partnered with Allied Realty Inc. Please click on the link below for additional information on selling, buying, or leasing information. Residents in communities managed by Allied Property Group receive special incentives.

[Learn More](#)



Request A Proposal

Allied Property Group has been serving its customers and communities proudly for over 14 years. If you would like to request a proposal, please click the button below



Contact Us Today To Request A Proposal By Filling Out The Form Or Click The Link Below.

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Your Name (required)

Your Address (required)

Your Email (required)

Your Phone Number (required)

Latest News



10 Things to Know About Homeowners and Condo Associations
Homeowners and Condo Associations can provide...
[Read more ▶](#)



Association Standards in Decorating during the Holidays
It's the most wonderful time ~f

Exhibit D



Auto Loans 3.7% APR
AS LOW AS

Member Sign In

User Name

Password

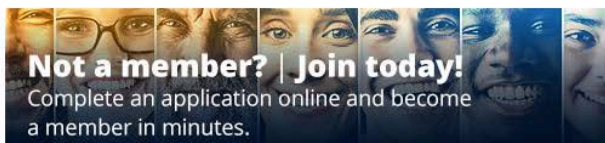
[Sign In](#)

[First Time User?](#)

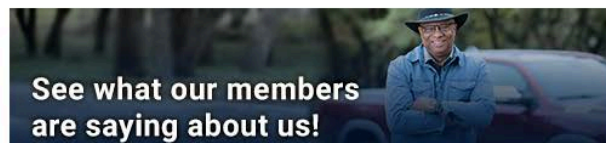
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[Password?](#)

[Need Help?](#)

Not a member? | Join today!
Complete an application online and become a member in minutes.



See what our members are saying about us!



Earn 2% cash back



It pays to spend



FHA & VA loans



We've got you covered



BUSINESS SELECT
Mastercard®

Turn business expenses into rewards.



10% CASH BACK
on every debit card purchase

Why choose an RBFCU Debit Card?



FLEXIBLE OPTIONS
for homeownership

Low rates, low or no down payment.



HOME, AUTO, PETS
and just about everything else

Our family is ready to help yours.



FHA & VA Mortgages

Make your dreams of homeownership a reality

If you're looking for a more affordable path to homeownership and navigating some of the traditional buyer's hurdles — like down payment requirements — we have options to help you find the mortgage loan you need.

An FHA loan is a mortgage loan insured by the Federal Housing Administration. A VA loan is designed for military members, veterans and surviving spouses, and is guaranteed by the Veterans Affairs Department.

These loans provide buyers, including first-time homebuyers, with additional lending options.

[Apply for an FHA or a VA loan](#)

FHA 30 Year

AS LOW AS
3.625%

FHA 15 Year

AS LOW AS
3.625%

VA 30 Year

AS LOW AS
3.625%

VA 15 Year

AS LOW AS
3.625%

Exhibit E



| | | | |
|--|--|---|--|
| VIEW LISTINGS | OUR TEAM | TRACK RECORD | 1031 EXCHANGE |
|  |  |  |  |



Encore Real Estate Investment Services is dedicated to assisting clients in the acquisition and disposition of net leased and multi-tenant retail properties across the country. We provide advisory and brokerage expertise with the highest level of commitment and attention to detail, which ensures a higher assurance of closing and a faster turnaround time as each client is assisted and advised on strategic exit and entrance strategies aimed at achieving their investment goals.

[LEARN MORE](#)



ADVANTAGES

Encore Real Estate Investment Services is dedicated to assisting clients in the acquisition and disposition of net leased and multi-tenant retail properties across the country. We provide advisory and brokerage expertise with the highest level of commitment and attention to detail, which ensures a higher assurance of closing and a faster turnaround time as each client is assisted and advised on strategic exit and entrance strategies aimed at achieving their investment goals.

Led by Principals Brandon Hanna and Deno Bistolarides, our team of distinguished brokers has evaluated, listed, sold and marketed over \$5 Billion of investment real estate nationally totaling over 700 transactions. We have a combined track record of investment real estate sales experience spanning 50 years. Through this experience, we have executed transactions on behalf of some of the most prominent developers, institutions, and private investors in the industry. We have built strong relationships and a global database of investors and developers, which enables us to provide our clients with real estate investment services that are unmatched in the industry.

With a strong commitment to our clients, our track record, attention to detail and passion for the real estate business, we continue to earn long-term relationships with the leaders in the investment community. We are results oriented – our advisors all have a shared vision of excellence and a commitment to ensuring we are meeting our client's needs above all else.

SINGLE TENANT NNN LEASED PROPERTIES

Single-Tenant net leased real estate is a large part of Encore Real Estate Investment Services emphasis. We work with a wide array of single-tenant deals, ranging from discount store to pharmacies to fast food to auto parts related stores. Work with these properties occurs on a national basis with a wide array of clients, ranging from large institutions to private investors. Our national reach enables us to reach the right investors while maximizing value.

MULTI-TENANT RETAIL CENTERS

The agents of Encore Real Estate Investment Services have effectively evaluated, marketed and sold-multi tenant retail centers across the United States for various client types. The market for multi-tenant retail is constantly evolving and we stay ahead of the curve to advise our clients from a portfolio positioning perspective.

INVESTMENT ADVISORY

By learning about our client's investment objectives and current portfolio, we structure an analysis that serves as the roadmap to arriving at buy, hold and sell decisions. Our goal is to build long term relationships with our clients in order to fully understand their goals and set strategies.

PROPERTY EVALUATION

Our underwriting expertise, knowledge of financial markets and real time market feedback enables us to properly evaluate and position a client's real estate portfolio to assist in determining their investment objectives.

LISTING MARKETING

Our approach to marketing a client's asset is simple – exposure creates activity, activity creates demand and demand drives price and terms. We will leave no stone unturned in ensuring that a client's property is in front of all qualified and capable buyers. We utilize a proven marketing and positioning strategy with the goal of creating a competitive bidding environment to ensure that we sell our client's asset at the highest price the market will bear.

1031 BUYER EXCHANGE REPRESENTATION

Our approach to the 1031 process is simple – we will leave no stone unturned in identifying replacement properties for our clients. This process ideally begins prior to the sale of the relinquished property – Buyers who work with us are provided access to our exclusively listed inventory as well as our national inventory of off market assets sources through our extensive client relationships. Our long-standing relationships with developers, allow access to a large volume of investment opportunities that are not being publicly marketed. Investors limited by time restrictions of 1031 and 1033 exchanges benefit from gaining access to our property inventory. Our goal is to provide our clients with the highest level options in order for them to exchange seamlessly and smoothly into a replacement as quickly as possible after the sale of their relinquished property.

Exhibit F



Services Properties Research



Leasing, investment sales, property management, research, marketing and more. Put the power of Orlando's leading real estate professionals to work for you. >>



Welcome to NAI Realvest

NAI Realvest is the Orlando-area representative of NAI Global, an international organization of real estate professionals with connections across the world. We serve Orange, Seminole, Lake, Osceola, Polk and Volusia Counties in Central Florida. Our transaction and management professionals are among the most experienced and successful in the business.

Commercial Lending Solutions

Learn more about financing your project through our partnership with CommLoan. [Click here.](#)

NewsRoom

PRESS RELEASE: 22 hours ago



NAI Realvest | Charles Wayne Commercial Negotiates Long Term Lease for Largest Medical Marijuana Dispensary in the State

PRESS RELEASE: 5 days ago



NAI Realvest | Charles Wayne Commercial Negotiates Ground Lease for Riptides Raw Bar Expanding into New Smyrna Beach – Will bring in 100 Jobs



We work with institutions, REITs, and private investors seeking to maximize their real estate position and strategies for properties ranging from portfolios of owned real estate and non-performing loans to single-tenant net leases, multi-family properties, hotels, industrial parks, and corporate headquarters.

We maintain relationships with buyers of investment and development properties and continually track activity by product type, value range, and geographic area. Our local experts are on call to provide the skills and historical data together with recommendations based on present-day market conditions to value and position your current properties or ones you may wish to purchase. We know that when a client receives the approval to evaluate or dispose of an asset or an entire portfolio, time is money. That's why we emphasize speed, efficiency, and accuracy when delivering our recommendations.

Successful transactions are supported by robust investment and asset management strategies. We will guide you in your investment decisions and help you address and mitigate the financial effects of any uncertainties or risks.

Our integrated investment services enhance value and bring key intelligence to the sales process with in-depth market research, acquisition and disposition expertise, due diligence processes, asset optimization solutions, customized analytics and valuation.

Our agents continually strive to reach the highest level of professionalism. Evidence of that is the prestigious designation of CCIM. A CCIM (Certified Commercial Investment Member) is a recognized expert in the commercial and investment real estate industry. The CCIM lapel pin is earned after successfully completing a designation process that ensures CCIMs are proficient not only in theory, but also in practice.

The Society of Industrial and Office Realtors® is the leading professional commercial and industrial real estate association. With more than 3,000 members in more than 630 cities in 34 countries, SIOR

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- [Office](#)
- [Retail](#)
- [Industrial](#)
- [Land](#)
- [Investment Services](#)
- [Property Management](#)
- [Consulting Services](#)

Exhibit G

BLOCK REAL ESTATE SERVICES

Kansas City's Leader in Commercial Real Estate

As an entrepreneurial leader in commercial real estate, Block Real Estate Services (BRES) provides customized solutions that maximize the financial outcome to each and every client we serve. [Read more about us ...](#)

BRES' OWN BRENT ROBERTS, GRANT REVES, AND KEITEN NUSPL MAKE KANSAS CITY BUSINESS JOURNAL HEAVY HITTERS LIST FOR 2018



LATEST: BRES Named a Top Leasing Firm by the 2017 CoStar Power Broker Awards



Business Parks & Developments

BRES provides management and leasing services in several business parks and developments.

MORE



Surplus KC Schools

Click to learn more about the properties being offered for sale or lease by Kansas City Public Schools.

MORE



BRES Affiliates

BRES affiliates allow our expertise to reach more cities across the country.

MORE



Corporate Woods Office Park

Click to learn more about the properties being offered for lease at Corporate Woods.

MORE

Market Report

Register to access the most comprehensive report on the Kansas City commercial real estate market.



REGISTER



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Property Search

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Owner/Landlord Services

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Block Healthcare Development

Surplus Kansas City Schools

Corporate Woods

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Stay informed on all the news and updates from BRES

Follow @BlockRes

For More Information



Michael R. Block, CPM
Principal - Director of Brokerage

CONTACT
Phone: 816.932.5549
[Email Michael](#)

BRES Property Search

[Looking for a property in the St. Louis Metro area? Click here.](#)

SEARCH TYPE: For Sale Sale Price \$ to \$
 For Lease Rental PSF \$ to \$

AVAILABLE SF: to

PROPERTY TYPE:

Flex Hospitality Industrial
 Land Medical Office Mixed-Use
 Multi-Family Office Religious
 Restaurant Retail School
 Specialty Sports/Entertainment Unclassified

PROPERTY INFO:

Listing Name:
Address:
City:
State:
County:
Zip Code:
Distance: Exact Zip Code Match

LISTING AGENT:

SEARCH >> 10 Per Page



About Us

Home > BRES Services

| |
|---|
| BRES Services |
| Sales & Leasing |
| Multifamily Services |
| Healthcare Development |
| Construction Services |
| Development Services |
| Property & Asset Management |
| Strategic Advisory Services |
| Maintenance Solutions |
| Investment Services |
| Technology Services |

BRES Services

Block Real Estate Services, LLC (BRES) is the most comprehensive commercial real estate firm in Kansas City, providing real estate brokerage services, tenant representation, investment services, asset and property management, economic incentives consultation, financial services, and construction and development services.

Learn more about the BRES portfolio of services:

- [Sales & Leasing](#)
- [Multifamily Services](#)
- [Healthcare Development](#)
- [Construction Services](#)
- [Development Services](#)
- [Property & Asset Management](#)
- [Strategic Advisory Services](#)
- [Maintenance Solutions](#)
- [Investment Services](#)
- [Technology Services](#)



Block Real Estate Services obtained terms that we did not think were possible

“BRES is a trusted partner that represents our interests diligently and effectively, and advises us of market conditions that could impact our goals.”

— Tony Sanders, Sanders Management Inc.

Block Funds

Home > Investment Services > Overview

Investment Services

- Overview
- Case Studies
- Testimonials
- Block Funds Web Site

For More Information



Brian Beggs, CFA
Director of Acquisitions

CONTACT
Phone: 816.932.5568
[Email Brian](#)

Investment Services: Overview

Investment Syndication

For over 20 years, principals of Block Real Estate Services (BRES) have served as a sponsor of commercial real estate investment syndications, allowing our investors to diversify among many property types and locations. Last year BRES helped investors place more than \$56 million into high-quality commercial real estate investments.

Fund Management

Block Funds sponsors a series of private equity funds invested in institutional-quality commercial real estate. The fund objectives are capital preservation, cash flow distributions and long-term appreciation. With nearly four million square feet of commercial properties, Block Funds has the experience and expertise to assist you in commercial real estate investment decisions. [Click here to visit the Block Funds Web site.](#)

Portfolio Strategies

The key to successful long-term commercial real estate investing is to create a portfolio of assets that meets the needs of each individual investor. This often includes diversifying available capital over multiple property types and geographies, while determining appropriate property risk levels. BRES' experience in portfolio construction enables us to assist our clients in assembling asset portfolios to meet their income and wealth building objectives.

1031/721 Exchanges

Tax deferred exchanges are a preferred mechanism of many real estate investors. BRES has the ability to assist investors with identifying critical timelines and trade properties, ensuring the tax deferred status is preserved throughout these exchanges.

Tenant in Common Structures

BRES has structured hundreds of Tenant in Common partnerships, allowing investors to place capital into larger investment opportunities, under the expert oversight of BRES professionals.

Financial Modeling & Analysis

BRES has been involved in the underwriting and acquisition of more than \$2 billion of commercial properties. Our analysts are equipped with the latest research and technology to enable BRES to accurately determine property values and anticipated cash flows.

Financing & Debt Structuring Advisory Services

BRES has arranged financing for millions of dollars worth of commercial real estate properties. Our long-term experience and expertise in financing properties allows us to advise our clients on optimal debt structures, lending partners and financing terms.

