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CORPORATION NAME(S) & DOCUMENT NUMBER(S), (if known):

1. Sun Coast RV & des. (37)
(Corporation Name) (Document #)

2. _____
(Corporation Name) (Document #)
- Disclaimer not required due to the fact USPTO does not require disclaimer for the term(s)

3. Sun Coast
(Corporation Name) (Document #)

4. _____
(Corporation Name) (Document #)

- ☐ Walk in ☐ Pick up time ☐ Certified Copy
☐ Mail out ☐ Will wait ☐ Photocopy ☐ Certificate of Status

NEW FILINGS

- ☐ Profit
☐ Not for Profit
☐ Limited Liability
☐ Domestication
☐ Other

OTHER FILINGS

- ☐ Annual Report
☐ Fictitious Name

AMENDMENTS

- ☐ Amendment
☐ Resignation of R.A., Officer/Director
☐ Change of Registered Agent
☐ Dissolution/Withdrawal
☐ Merger

REGISTRATION/QUALIFICATION

- ☐ Foreign
☐ Limited Partnership
☐ Reinstatement
☐ Trademark
☐ Other

W02-30215

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
02 NOV 20 PM 1:36

789
2930 Suncoast
671
CR2E031(7/97)

Must disclaim "Suncoast RV"

Examiner's Initials



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

October 21, 2002

JENNY C. LEE, ESQUIRE
50 NORTH LAURA STREET
SUITE 3300
JACKSONVILLE, FL 32202

SUBJECT: SUN COAST RV AND DESIGN OF THE WORDS "SUN COAST RV"
IN BOLD BLOCK LETTERS ON 3 LINES, HALF SUN BESIDE "SUN", "COAST"
ON 2ND LINE, STYLIZED BLOCK SIMULATION OF OCEAN BESIDE "RV"
Ref. Number: W02000030215

We have received your document for SUN COAST RV AND DESIGN OF THE WORDS "SUN COAST RV" IN BOLD BLOCK LETTERS ON 3 LINES, HALF SUN BESIDE "SUN", "COAST" ON 2ND LINE, STYLIZED BLOCK SIMULATION OF OCEAN BESIDE "RV" and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

You must disclaim the term(s) SUN COAST in addition to the term(s) already disclaimed. Please amend # 2 in Part III accordingly.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6918.

Nanette Causseaux
Corporate Specialist Supervisor

Letter Number: 802A00058150

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

RESPONSE TO LETTER NUMBER 802A00058150

FILING DATE: October 17, 2002

REFERENCE NUMBER AND MARK: W02000030215
SUN COAST RV and Design

NAME AND ADDRESS OF APPLICANT: SunCoast RV, Inc.
10360 Beach Boulevard
Jacksonville, FL 32247

MAILING DATE OF LETTER: October 21, 2002

APPLICANT'S ATTORNEY: Jenny C. Lee
McGuireWoods LLP
50 North Laura Street, Suite 3300
Jacksonville, Florida 32202

CORPORATE SPECIALIST SUPERVISOR: Ms. Nanette Causseaux

Applicant filed an application for the mark SUN COAST RV and design (the "Mark") on October 17, 2002. Applicant has used the mark in Florida since December 27, 1986 in connection with the repair and maintenance of recreational vehicles, motor homes, travel trailers, slide-ins, pop-ups, boats, personal water craft, all terrain vehicles, motorcycles, automobiles, sports utility vehicles and trucks. The Corporate Specialist has refused to register SUN COAST RV pursuant to Chapter 495, Florida Statutes. The Corporate Specialist has requested a disclaimer of the phrase SUN COAST in addition to the previously disclaimed term, RV.

Applicant respectfully disagrees with the Corporate Specialist's finding that a portion of Applicant's Mark, "SUN COAST," is merely descriptive of the services for which Applicant seeks registration of the Mark and should be disclaimed.

Applicant's Mark has gained distinctiveness.

Applicant began using its mark in 1986. It has continuously used the Mark for 16 years. Since Applicant has used its Mark continuously, for over 5 years, the mark has gained secondary meaning or distinctiveness. The Applicant requests that the Mark be registered since Applicant has used the mark for over 5 years and the Mark has become distinctive as applied to the applicant's goods or services in commerce.

Other marks incorporating the term SUN COAST are registered in Florida.

Upon a cursory review of the Florida trademark database, it appears that the following marks have been registered in the State without a disclaimer of the term "SUN COAST":

SUNCOAST SEABIRD SANCTUARY	Document No. 928358
SUNCOAST SURF SHOP	Document No. T05514
SUNCOAST EYE CENTER	Document No. T10912
SUNCOAST INDUSTRIAL EQUIPMENT	Document No. T98000000773
SUNCOAST OPINION SURVEYS	Document No. T12604
SUNCOAST ALUMINUM FURNITURE	Document No. T05423
SUNCOAST BEACH TROLLEY	Document No. T02000000690

The term "SUN COAST" is not merely descriptive of the services for which Applicant seeks registration of the Mark.

Applicant respectfully disagrees with the Corporate Specialist's finding that a portion of Applicant's Mark, "SUN COAST" merely describes the services for which registration is sought. Applicant asserts that "SUN COAST" does not merely describe a quality, characteristic, function, feature, purpose, or use of the services for which Applicant seeks to register the Mark. Instead, Applicant submits that "SUN COAST" is an arbitrary term, not descriptive of the services for which Applicant seeks to register the Mark.

Authorities have formulated a variety of tests to determine whether a mark should be deemed descriptive. The United States Court of Appeals for the Fifth Circuit articulated four of the most commonly applied tests in the case of Zatarains, Inc. v. Oak Grove Smokehouse, Inc. 698 F.2d 786 (5th Cir. 1983) (evaluating whether the marks FISH-FRI and CHICK-FRI were merely descriptive as applied to coatings used to fry food products). The first test simply consults the dictionary definition of the word or words sought to be registered as a mark to determine whether the definition corresponds to the goods or services for which the mark is to be registered. See id. at 792. The second test is known as the "degree of imagination test", and it seeks to measure the directness of the relationship between the word or words sought to be registered as a mark and the goods or services with which the mark is associated. See id. The third test is known as the "competitors' need test", and it considers whether parties other than the applicant are likely to need the word or words used in the applicant's mark in order to describe their own products. See id. at 793. The fourth test is known as "the competitors' use test", and it assesses whether parties other than the applicant are already using the word or words incorporated in the applicant's mark in connection with their own competing products. See id.

The Trademark Trial and Appeal Board has adopted a three-part analysis for determining whether a mark is descriptive, incorporating three of the four tests discussed by the Fifth Circuit in the Zatarains opinion: (i) the degree of imagination test; (ii) the competitors' need test; and (iii) the competitors' use test. See No Nonsense Fashions, Inc. v. Consolidated Foods Corp., 226 U.S.P.Q. 502, 507 (T.T.A.B. 1985) (holding that the mark SHEER ELEGANCE was not merely descriptive as applied to hosiery); see also 2 J. Thomas McCarthy, McCarthy on Trademarks and

Unfair Competition §11.67-69 (4th ed. 1999) (discussing the three tests incorporated in the Trademark Trial and Appeal Board's analysis).

Application of any of the foregoing tests to "SUN COAST" results in the conclusion that "SUN COAST" is arbitrary and fanciful. The definition of "SUN COAST" does not correspond to the services for which Applicant seeks to register the Mark. Consequently, after perceiving Applicant's Mark, a consumer must exercise imagination in order to determine the nature of the services provided by Applicant. Furthermore, Applicant's competitors do not need to use the word "SUN COAST" in order to describe their services.

Upon perceiving "SUN COAST," a consumer must exercise imagination in order to determine the nature of the services offered by Applicant.

If imagination, thought, and perception are required to determine the nature of the goods or services associated with a term, then such term is suggestive and it may be protected as a mark. See Stix Products, Inc. v. United Merchants & Manufacturers, Inc., 160 U.S.P.Q. 777, 785 (S.D.N.Y. 1968) (finding that the mark CON-TACT was not merely descriptive of self-adhesive paper). In contrast, if a term conveys an immediate idea of the ingredients, qualities, characteristics, or nature of the goods or services to which the term is applied, then the term is descriptive. See id. at 785. As stated by the Trademark Trial and Appeal Board, "if one must exercise mature thought or follow a multi-stage reasoning process in order to determine what product or service characteristics the term indicates, the term is suggestive rather than merely descriptive." In re Tennis in the Round, 199 U.S.P.Q. 496, 498 (T.T.A.B. 1978) (ruling that the mark TENNIS IN THE ROUND was not merely descriptive for tennis instruction services and providing tennis facilities).

The Mark does not indicate recreational vehicle maintenance and repair. Even after engaging his or her imagination, a consumer who is aware that Applicant provides services under the Mark SUN COAST RV is not likely to be able to determine the nature of such services without the benefit of additional information. It would require a sophisticated thought process in order to deduce from the term "SUN COAST" that the services provided under the Mark are repair and maintenance services. The term "SUN COAST" does not convey an immediate idea of the features, characteristics, or nature of the services provided by Applicant and, therefore, that portion of Applicant's Mark should not be disclaimed.

Applicant's competitors do not need to use the word "SUN COAST" in order to describe their own services.

Registration of a descriptive term as a mark would be problematic because parties other than the owner of the mark would need or desire to use the term in order to describe their own goods or services. See generally, 2 J. Thomas McCarthy, McCarthy on Trademarks and Unfair Competition §11.18 (4th ed. 1999) ("Descriptive terms are regarded as words in the 'public domain' in the sense that all sellers should be free to truthfully use these terms to describe their merchandise."). Therefore, the analysis of whether a particular mark is descriptive considers the degree to which the applicant's competitors will need to use the mark in order to describe their

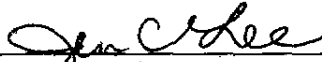
own goods or services. See No Nonsense Fashions, Inc. v. Consolidated Foods Corp., 226 U.S.P.Q. 502, 507 (T.T.A.B. 1985) (describing the "competitors' need test" as an analysis of whether registration of a mark would deprive the applicant's competitors with an apt description of their goods or services).

If a term is suggestive rather than descriptive, multiple parties will not need to use the term in order to describe the services produced or services rendered by such parties. See, e.g., Public Service Company of New Mexico v. Nexus Energy Software, Inc., 36 F. Supp. 2d 436, 439 (D. Mass. 1999) (holding that the mark ENERGY PLACE was not merely descriptive of information and consulting services relating to energy and noting that companies other than the owner of the mark had a variety of terms with which to describe their competing services); The Firestone Tire & Rubber Co. v. The Goodyear Tire & Rubber Co., 186 U.S.P.Q. 557, 558-59 (T.T.A.B. 1975) (finding that the mark BIASTEEL was not merely descriptive of steel belted tires and observing that other tire manufacturers and merchandisers had not used the phrases "bias steel tires" or "biased steel tires" in order to describe their products). This analysis supports the conclusion that "SUN COAST" is not descriptive.

Other maintenance and repair providers are capable of describing their services without using the word "SUN COAST". Such companies may truthfully describe their similar services by using such terms as "RV servicing" or "RV repair." Use of "SUN COAST" by Applicant's competitors would not help such companies to describe their own services because Applicant's Mark does not describe maintenance and repair.

As Applicant has responded to all outstanding issues relating to the above-referenced application, Applicant respectfully requests that SUN COAST RV proceed to registration.

Respectfully submitted,

By: 
Jenny C. Lee

Counsel to Applicant
SunCoast RV, Inc.

McGuireWoods LLP
50 North Laura Street, Suite 3300
Jacksonville, Florida 32202
(904) 798-3470

APPLICATION FOR THE REGISTRATION OF A TRADEMARK OR SERVICE MARK
PURSUANT TO CHAPTER 495, FLORIDA STATUTES

TO: Division of Corporations
Post Office Box 6327
Tallahassee, FL 32314

Name & address to whom acknowledgment should be sent:

Jenny C. Lee, Esq.

50 North Laura Street, Suite 3300

Jacksonville, FL 32202

(904) 798-3470
Daytime Telephone number

PART I

1. (a) Applicant's name: SunCoast RV, Inc.

(b) Applicant's business address: 10360 Beach Boulevard

Jacksonville, FL 32247

City/State/Zip

(c) Applicant's telephone number: (904) 642-7878

☐ Individual

☒ Corporation

☐ Joint Venture

☐ Other: _____

☐ General Partnership

☐ Limited Partnership

☐ Union

If other than an individual,

(1) Florida registration number: P01000058393

(2) Domicile State: Florida

(3) Federal Employer Identification Number: 59-3742741

2. (a) If the mark to be registered is a service mark, the services in connection with which the mark is used:
(i.e., furniture moving services, diaper services, house painting services, etc.)

Repair and maintenance of recreational vehicles, motor homes, travel trailers, slide-ins,

pop-ups, boats, personal water craft, all terrain vehicles, motorcycles, automobiles,

sports utility vehicles and trucks.

(b) If the mark to be registered is a trademark, the goods in connection with which the mark is used:
(i.e., ladies sportswear, cat food, barbecue grills, shoe laces, etc.)

N/A

(c) The mode or manner in which the mark is used: (i.e., labels, decals, newspaper advertisements, brochures, etc.)

INTERNET ADVERTISING; NEWSPAPER ADVERTISEMENTS AND STOREFRONT SIGNS.

(Continued)

(d) The class(es) in which goods or services fall:

Class 37

PART II

1. Date first used by the applicant, predecessor, or a related company (must include month, day and year):

(a) Date first used anywhere: 12/27/86 (b) Date first used in Florida: 12/27/86

PART III

1. The mark to be registered is: (If logo/design is included, please give brief written description which must be 25 words or less.)

SUN COAST RV IN BOLD BLOCK LETTERS ON 3 LINES, HALF SUN BESIDE "SUN",

COAST ON 2ND LINE, STYLIZED BLOCK SIMULATION OF OCEAN BESIDE "RV"

English Translation

2. DISCLAIMER (if applicable)

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM " RV

" APART FROM THE MARK AS SHOWN.

I, Fred Hassan

being sworn, depose and say that I am the owner and the applicant herein, or that I am authorized to sign on behalf of the owner and applicant herein, and no other person except a related company has the right to use such mark in Florida either in the identical form or in such near resemblance as to be likely to deceive or confuse or to be mistaken therefor. I make this affidavit and verification on my/the applicant's behalf. I further acknowledge that I have read the application and know the contents thereof and that the facts stated herein are true and correct

SUNCOAST RV, INC.

Typed or printed name of applicant

Fred Hassan

Applicant's signature or authorized person's signature
(List name and title)

STATE OF FLORIDA

COUNTY OF DUVAL

On this 14th day of ~~September~~ ^{October}, 2002, Fred Hassan

appeared before me,

☒ who is personally known to me

☐ whose identity I proved on the basis of

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
02 NOV 20 PM 1:37

(Seal)

MARY JO THOMAS
Notary Public, State of Florida
My comm. expires March 18, 2006
Comm. No. DD 097485

Mary Jo Thomas
Notary Public Signature

Notary's Printed Name

My Commission Expires:

FEE: \$87.50 per class



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We focus our attention on our service capabilities for our loyal customers.

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- Factory honored warranties
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Parts Department

- Feature OEM replacement parts
- Latest in RV Accessories and supplies
- Special Ordering available (most parts 24-48 hours)

Service Hours

Monday – Friday: 8a.m. – 5p.m.
Saturday: 9a.m. – 4p.m.

Parts Hours

Monday – Friday: 8a.m. – 5p.m.
Saturday: 9a.m. – 4p.m.