

To 3000 000/43

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP

WAIT

MAIL

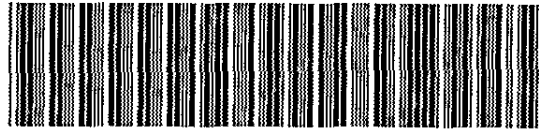
(Business Entity Name)

(Document Number)

Certified Copies \_\_\_\_\_ Certificates of Status \_\_\_\_\_

Special Instructions to Filing Officer:

Office Use Only



000009328630

12/09/02--01030--003 \*\*87.50

Jewish Hospice  
Connection (42)

10

~~W02-34621~~

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
03 FEB -4 PM 2:00

**ROGERS TOWERS**  
BAILEY JONES & GAY, P.A.

RICHARD S. VERMUT  
(904) 346-5573  
rvermut@rtlaw.com

ATTORNEYS AT LAW

RIVERPLACE TOWER  
1301 RIVERPLACE BLVD.  
SUITE 1500  
JACKSONVILLE, FL 32207-1811  
TELEPHONE (904) 398-3911  
FAX (904) 396-0663

December 6, 2002

**Via Federal Express**

Registration Section  
Division of Corporations  
409 E. Gaines Street  
Tallahassee, Florida 32399

**Re: Florida Service Mark Application for:**

**Mark: "Jewish Hospice Connection"**

**Applicant: Community Hospice of Northeast Florida, Inc.**

Dear Sir or Madame:

Please find enclosed the following documents for filing:

1. Service mark application for the mark "Jewish Hospice Connection" (and 1 copy)
2. Check number 71004 in the amount of \$87.50
3. Three specimens showing use of the mark.

Please call me at (904) 346-5573 if you have any questions.

Sincerely yours,



Richard S. Vermut

RSV:lsj  
Enclosure

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
03 FEB -4 PM 2:00



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

December 10, 2002

RICHARD S. VERMUT, ESQUIRE  
ROGERS TOWERS, RIVERPLACE TOWER  
1301 RIVERPLACE BLVD., SUITE 1500  
JACKSONVILLE, FL 32207-1811

SUBJECT: JEWISH HOSPICE CONNECTION  
Ref. Number: W02000034621

We have received your document for JEWISH HOSPICE CONNECTION and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

Your mark contains word(s)/design(s) that must have a disclaimer. All geographical terms, such as cities, states, countries, and designs of same, must be disclaimed. Some commonly used words and corporate suffixes must also be disclaimed. You must disclaim the following term(s) by completing the disclaimer statement found in #2 of Part III of the application: JEWISH, CONNECTION

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: 102A00065343

**ROGERS TOWERS**  
BAILEY JONES & GAY, P.A.

RICHARD S. VERMUT  
Registered Patent Attorney  
(904) 346-5573  
RVermut@rtlaw.com

ATTORNEYS AT LAW

RIVERPLACE TOWER  
1301 RIVERPLACE BLVD.  
SUITE 1500  
JACKSONVILLE, FL 32207-1811  
TELEPHONE (904) 398-3911  
FAX (904) 396-0663

February 3, 2003

Ms. Nanette Causseaux  
Corporate Specialist Supervisor  
Division of Corporations  
Post Office Box 6327  
Tallahassee, Florida 32314

Via Overnight Delivery

**Re: First Request for Reconsideration of Request to Disclaim "CONNECTION"  
in the service mark "JEWISH HOSPICE CONNECTION"**

**Ref. Number: W02000034621**  
**Letter Number 102A00065343**

Dear Ms. Causseaux:

This letter is in response to your written refusal, dated December 10, 2002, to the registration of the service mark "JEWISH HOSPICE CONNECTION" by Community Hospice of Northeast Florida, Inc. The Applicant has sought registration of this mark for use in connection with a program featuring heightened awareness and meeting the specific needs of the Jewish faith. The Applicant consents to the requested disclaimer of the term "JEWISH" and a revised application containing the same is enclosed herewith. However the Applicant respectfully submits that the term "CONNECTION" should not be disclaimed because that term does not constitute an unregistrable component of the mark.

The State's December 10, 2002 letter states that the term "CONNECTION" must be disclaimed because either:

1. All geographic terms, such as cities, states, countries and designs of same, must be disclaimed; or
2. Some commonly used words and corporate suffixes must also be disclaimed.

The term "CONNECTION" should not be disclaimed because it does not fall within either of the above two categories. The first category identified above is inapplicable to this matter because the term "CONNECTION" is not a geographic term. Nor does the second category apply because the term "CONNECTION" is not a commonly used word or a corporate suffix.

ROGERS TOWERS  
BAILEY JONES & GAY, P.A.

Nanette Causseaux  
February 3, 2003  
Page 2

The State's position is based upon sections 495.051(1) and 495.021(1)(e)1. of the Florida Statutes. The latter statutory section provides:

1. A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of other shall not be registered if it:

(e) Consists of a mark which:

1. When applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them.

The term "CONNECTION" does not merely describe the Applicant's services. The Applicant's services are "a program featuring heightened awareness and meeting the specific needs of the Jewish faith." *The American Heritage Dictionary of the English Language*, Fourth Edition, defines word "CONNECTION" as meaning:

1. The act of connecting.
2. The state of being connected.
3. One that connects; a link: made a connection between the two pipes.
4. An association or relationship: There appeared to be no connection between the two crimes.
5. The logical or intelligible ordering of words or ideas; coherence.
6. Reference or relation to something else; context: In this connection, the agreement can be seen as a step toward peace.
7. A person, especially one of influence or importance, with whom one is associated, as by kinship or common interests: used her connections to land a job.
8. A conveyance or scheduled run providing continuing service between means of transportation: missed my connection in Atlanta.
9. A physical link, such as by wire or fiber-optic cable, between two or more points in a telecommunications system: established a connection to the Internet.
10. A means or channel of communication: couldn't hear due to the bad phone connection.
11. A drug dealer.
12. A purchase of illegal drugs.

None of the foregoing definitions describe the act of operating an awareness program. The term "CONNECTION" as used by the Applicant is capable of serving as a service mark because the use of that term is either arbitrary or fanciful or suggestive when specifically applied to the Applicant's services. The Applicant's services do not connect anything together and do not make any type of physical link between two objects. The mere fact that "CONNECTION" is a word that may be frequently used, as suggested by the State in its letter, does not form a legal basis for requiring a disclaimer under Chapter 495.

ROGERS TOWERS  
BAILEY JONES & GAY, P.A.

Nanette Causseaux  
February 3, 2003  
Page 3

Even assuming that the term "CONNECTION" may be disclaimed because it is a commonly used word, the State has not produced any evidence to support its position. A trademark search of the State's Corporations Online database reveals no evidence of a single existing trademark registration beginning with the word "CONNECTION." A copy of a printout of a search conducted on the State's website is attached hereto as Exhibit "A."

The existence of Florida corporations using the word "CONNECTION" in their name may not form the basis of a refusal of a registration. Section 495.021(1)(f) provides:

Registration shall not be denied solely on the basis of reservation or registration by another of a corporate name or fictitious name that is the same or similar to the mark for which registration is sought.

Based upon this statutory language, the State can not require a disclaimer merely because one or more words of a mark appears in the name of a Florida corporation.

In closing, Applicant respectfully requests that the requirement of a disclaimer for the term "CONNECTION" be reconsidered, withdrawn, and the service mark be registered with the State of Florida.

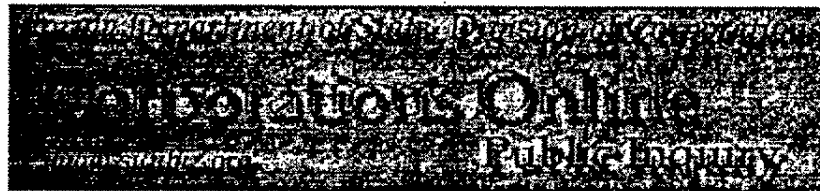
Sincerely yours,



Richard S. Vermut  
Attorney for Applicant

Enclosures

## EXHIBIT A



## Trademark Name List

Trademark Name	Document Number	Status
THE CONNECTION AN UNIQUE CLUB FOR MEN	920487	INACT
CONNECTIONS	T10533	INACT
CONNECTOR MATE	927478	ACT
CON NET	T95000001030	ACT
CONNIE THE CONVENIENT TELLER	920712	INACT
CONNIE'S RENT A CAR AND DESIGN OF THE WORDS IN BAZOOKA LETTER AND A RUNNING RABBIT	T99000000889	ACT
CONNOISSEUR	T08057	INACT
CONNVERGE & DESIGN	T08765	INACT
CON-O-MATIC III	928281	INACT
CONPAK	T12284	INACT
CONPLEX	914052	INACT
CONQUEST	T00000001138	ACT
CONRET, INC. AND FACIFUL LINE DESIGN	T11209	ACT
CONSAT NETWORK-THE LOGO IS THE INITIAL C & N 1/2 SPACE ABOVE AND BELOW EACH OTHER	924891	INACT
CON-SAY-WAY	921586	INACT
CONSEJERO	T99000000027	ACT
CONSEJERO.COM	T99000000028	ACT
CONSERVATION SOLUTION, INC.	927575	INACT
THE CONSERVATIVE	908511	CROSS REF
... CONSIDER IT CLOSED!	T94000000228	ACT
CONSIGNMENT COLLECTION & DESIGN A PREGNANT WOMAN PULLING A CHILD WHO IN TURN IS PULLING A TEDDY BEAR	T12497	INACT
CONSIGNMENT CONNECTION	T93000000531	ACT
CONSIGNMENT FURNITURE GALLERY	T10975	ACT
CONSIGNMENT KING	928883	INACT

[Previous List](#)
[Next List](#)

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Corporations Inquiry](#)
[Corporations Help](#)

**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:

Richard S. Vermut

1301 Riverplace Blvd., Suite 1500

Jacksonville, FL 32207

( 904 ) 346-5573  
Daytime Telephone number

**PART I**

1. (a) Applicant's name: Community Hospice of Northeast Florida, Inc.

(b) Applicant's business address: 4266 Sunbeam Road

Jacksonville, Florida 32257  
City/State/Zip

(c) Applicant's telephone number: ( 904 ) 268-9674

- Individual       Corporation       Joint Venture       Other: \_\_\_\_\_  
 General Partnership       Limited Partnership       Union

If other than an individual,

(1) Florida registration number: 745062 ✓      (2) Domicile State: Florida

(3) Federal Employer Identification Number: 591940256

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.)

A program featuring heightened awareness and meeting the specific needs of the Jewish faith.

(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.)

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

Flyer



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

042

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: 05/22/02 (b) Date first used in Florida: 05/22/02

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.)

JEWISH HOSPICE CONNECTION

English Translation

2. DISCLAIMER (if applicable)

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

I, 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

Community Hospice of Northeast Florida, Inc.

Typed or printed name of applicant

Susan Ponder Stansel

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

FILED SECRETARY OF STATE DIVISION OF CORPORATIONS 03 FEB -4 PM 2:00

STATE OF Florida

COUNTY OF Duval

On this 29 day of November, 2002, Susan Ponder-Stansel personally appeared before me,

[x] who is personally known to me [ ] whose identity I proved on the basis of

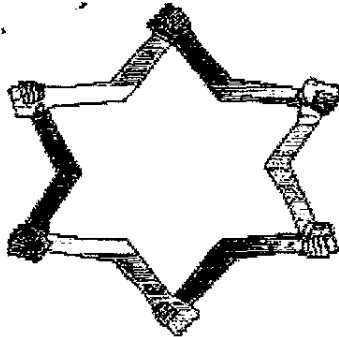


Lisa A. Shelar Notary Public Signature

Lisa Anna Shelar Notary's Printed Name

My Commission Expires: November 19, 2006

FEE: \$87.50 per class



## JEWISH HOSPICE CONNECTION

### Jewish Caring and Support at End of Life

Introducing the Jewish Hospice Connection, a program designed to provide compassionate, caring and skillful end-of-life care to the Jewish Community of Jacksonville that is sensitive to specific Jewish cultural and religious traditions.

The Jewish Hospice Connection is a collaboration of Community Hospice of Northeast Florida, the River Garden Hebrew Home and Jewish Family & Community Services.

#### Featuring timely topics to include:

- "How Hospice Philosophy Reflects Jewish Values"  
– Rabbi Michael Matuson
- "Bikkur Cholim, the Compassionate Visitor"  
– Rabbi Stephen Grundfast
- "Comfort Through Psalms and Prayer"  
– Rabbi Nossen Kaiser
- "Ethical Wills, Leaving a Heritage"  
– Rabbi Barton Leftin
- "Jewish Approach to Grief and Mourning"  
– Rabbi Eliezer Ben-Yehuda

Kenneth Sekine, M.D. – Moderator

**When:** Wednesday, May 22, 2002

**Time:** 7 p.m.

**Where:** Jewish Community Alliance

**Sponsored by:**

