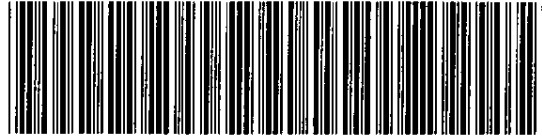


108000001405



200138715442

108-1405

12/15/08--01043--011 \*\*\$25.00

Count on US  
Pending Reg USPTO  
78634822  
W08-55598

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

08 DEC 22 PM 1:59

FILED

(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:

789/6367/304/747  
38241

6260

Need written apr

Office Use Only

Called Steven Carta office  
wants to go forward  
w/reg. 12/22/08  
np

N. CAUSSEAU

DEC 22 2008

EXAMINER

## COVER LETTER

**TO:** Registration Section  
Division of Corporations

**SUBJECT:** COUNT ON US nbc-2.com

(Mark to be registered)

The enclosed Trademark/Service Mark Application, specimens and fee(s) are submitted for filing.

Please return all correspondence concerning this matter to the following:

STEVEN CARTA, ESQ.

(Name of Person)

HENDERSON & CARTA

(Firm/Company)

P.O. BOX 1906

(Address)

FORT MYERS, FL 33902

(City/State and Zip Code)

For further information concerning this matter, please call:

STEVEN CARTA

(Name of Person)

at ( 239 ) 332-3366

(Area Code & Daytime Telephone Number)

**MAILING ADDRESS:**

Registration Section  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

**STREET/COURIER ADDRESS:**

Registration Section  
Division of Corporations  
Clifton Building  
2661 Executive Center Circle  
Tallahassee, FL 32301

**(NOTE:** The information contained in this cover letter will be included in the permanent record and will be available to the general public.)



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

December 16, 2008

STEVEN CARTA, ESQUIRE  
HENDERSON & CARTA  
P.O. BOX 1906  
FT. MYERS, FL 33902

SUBJECT: COUNT ON US NBC-2.COM AND DESIGN OF PEACOCK AND  
"NBC.2.COM"

Ref. Number: W08000055598

We have received your document for COUNT ON US NBC-2.COM AND DESIGN OF PEACOCK AND "NBC.2.COM" and your check(s) totaling \$175.00. However, the enclosed document has not been filed and is being returned for the following correction(s):

Please note there is a pending registration for the same or a similar mark with the U.S. Patent and Trademark Office. Chapter 495, Florida Statutes, does not allow this office to deny a Florida mark due to a pending federal registration. Therefore, we will register the mark in the state of Florida if you wish to proceed with its registration. However, we strongly suggest that you reconsider your registration. The registration of mark with the Florida Department of State is a ministerial act intended solely for the purpose of providing public notice of the registrant's ownership rights. The right of ownership of any mark is based on the use of a mark in the ordinary course of trade and is not based on a grant by the Florida Department of State. Therefore, it will be the owner's responsibility, not that of the Florida Department of State, to defend it should a case of infringement arise as a result of the mark's Florida registration.

If you wish to go forward with this registration, please advise in writing.

Class(es) (38 & 41) would appear applicable to your specific mark. Please delete the class(es) you have on line 2 (d) and insert the pertinent class(es) (38 & 41).

Pursuant to s. 495.035(5), F.S., this application will be considered abandoned if the applicant fails to reply or resubmit the corrected/amended application within three months from date of this letter.

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

Nanette Causseaux  
Document Specialist Supervisor

Letter Number: 208A00060507

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

FILED  
09 DEC 22 PM 1:59  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

PART I

1. OWNER/APPLICANT: Enter the name and address of the individual or the business entity to be listed as the owner of the Trademark and/or Service Mark on the records of the Florida Department of State.

(a) Owner's/Applicant's name: WATERMAN BROADCASTING CORPORATION OF FLORIDA

(b) Owner's/Applicant's business address: 3719 CENTRAL AVENUE

FORT MYERS, FL 33901  
City/State/Zip

If different, Owner's/Applicant's mailing address: P.O. BOX 7578

FORT MYERS, FL 33911-7578  
City/State/Zip

(c) Owner's/Applicant's telephone number: ( 239 ) 939-2020

Check the appropriate box to indicate the Owner/Applicant is a(n):

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

If the Owner/Applicant is a business entity, the business entity must have an active filing or registration on file with the Florida Department of State. If the Owner/Applicant is not an individual, enter the business entity's Florida registration/document number in #1, the state or country under the laws of which the business entity is currently formed, organized or incorporated under in #2, and the entity's federal employer identification number (EIN) in #3.

(1) Florida registration/document number: G42428 ✓

(2) Domicile State or Country: FLORIDA

(3) Federal Employer Identification Number: 59-2308739

2. (a) SERVICE MARK: If the owner/applicant is using the name, logo, design and/or slogan being registered in connection with a type of service, the mark is a service mark. If the mark is a service mark, the applicant/owner must list the specific service(s) the mark is being used in connection with. For example: furniture moving services, diaper services, house painting services, wholesale and retail sales of tractor equipment, etc. If the owner/applicant is using the mark to identify services available in the market place, enter the specific service(s) being rendered here:

(Note: List only those services currently being rendered by the owner/applicant. Do not include future services.)

NEWS AND ENTERTAINMENT PROGRAMMING

2. (b) TRADEMARK: If the owner/applicant is using the name, logo, design and/or slogan being registered in connection with an actual product manufactured by the owner/applicant or on the owner/applicant's behalf, the mark is a trademark. If the mark is a trademark, the applicant/owner must list the specific product(s) the name, logo, design and/or slogan is being used to identify. For example: ladies sportswear, cat food, barbecue grills, shoe laces, etc. If the owner/applicant is using the name, logo, design and/or slogan to identify goods available in the market place, enter the specific product(s) the name, logo, design and/or slogan is being used to identify:

(Note: List only those product(s) currently available. Do not include future products.)

N/A

---

---

---

2. (c) HOW IS THE NAME, LOGO, DESIGN AND/OR SLOGAN CURRENTLY USED:

SERVICE MARKS: If the name, logo, design and/or slogan are/is being used in connection with a type of service, you must specify the form(s)/mean(s) of advertisement the applicant/owner is using to advertise the services to the general public. For example: newspaper advertisements, business cards, brochures, flyers, pamphlets, menus, etc. If the mark is being used in connection with a type of service, state how the name, logo, design and/or slogan are/is being used in advertising here:

NEWS AND ENTERTAINMENT PROGRAMMING

---

---

---

TRADEMARKS: If the name, logo, design and/or slogan are/is being used to identify a product manufactured by or for the applicant/owner, you must specify how the mark is applied or affixed to the actual product or its packaging. For example: a tag, label, imprinted or engraved on the actual product, etc. If the mark is being used in connection with a specific product, state how the name, logo, design and/or slogan is applied or affixed to the actual product(s) or the packaging:

N/A

---

---

---

2. (d) FEE(S) AND CLASS(ES): There are a total of 45 classes or categories in which all products or services must be categorized. The fee to register a mark is \$87.50 per class. Make check payable to Florida Department of State.

List the class(es) which apply to the product(s) and/or service(s) listed in 2(a) and/or 2(b) above:

41 (Entertainment) AND 38 (TELECOMMUNICATIONS)

---

---

**PART II**

1. You must state the date the name, logo, design and/or slogan was first used in the state of Florida, and, if it was used in another state or country, the date you first used the name, logo, design and/or slogan in the other state or country. Enter the month, day, and year the name, logo, design and/or slogan was first used by the applicant/owner, the predecessor, or a related company in Florida. If the name, logo, design and/or slogan has been used in another state or country, then you must also enter the month, day, and year the name, logo, design and/or slogan was/were used in another state or country, when applicable.

**Note: The Florida Statutes require a mark to be in use prior to registration.**

(a) Date first used in other state or country, if applicable: \_\_\_\_\_

(b) Date first used in Florida: JULY 1, 1997

**PART III**

**ENTER NAME, LOGO, DESIGN AND/OR SLOGAN BEING REGISTERED:**

1. Enter the name, a brief description of the logo or design, and/or the slogan you are registering. The description of the logo and/or design must be 25 words or less. List the exact name, slogan, and/or description of the logo/design here: (NOTE: The name, logo, design and/or slogan listed in this section must match the exact name, logo, design and/or slogan listed on your specimens or examples.)

"COUNT ON US nbc-2.com" The words, "COUNT ON US" connected with web site address, "nbc-2.com", with peacock logo.

Provide the English translation of any and all terms listed #1 above, when applicable: N/A

2. **DISCLAIMER STATEMENT** (if applicable):

Your mark may include a word or design that is commonly used by others. Commonly used terms or designs must be disclaimed. When you disclaim a specific term or design, you are acknowledging this term is commonly used by others and that you do not claim the exclusive right to use the disclaimed term or design. All geographical terms and representations of cities, states or countries must be disclaimed (i.e., Miami, Orlando, Florida, the design of the state of Florida, the design of the United States of America, etc.). Corporate suffixes and terms readily associated with the specific product(s) and/or(s) service being provided must also be disclaimed.

Enter all terms listed in #1 above which require a disclaimer in the space provided below:

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM(S) "peacock design .COM" <sup>nbc</sup> "APART FROM THE MARK AS SHOWN."

3. ATTACH OR INCLUDE THREE SPECIMENS OR EXAMPLES OF THE TRADEMARK OR SERVICE MARK BEING REGISTERED

Chapter 495, F.S., requires you to submit three specimens (samples or examples) of the mark in use. You must submit three specimens FOR EACH CLASS listed in Part I #2(d). The name, logo, design and/or slogan on the specimens must be identical to the name, logo, design and/or slogan being registered. You may provide three identical specimens or three different specimens. For each service mark class (classes 35-45), you may provide three newspaper advertisements, business cards, brochures, flyers, or any combination thereof. For each trademark class (classes 1-34), you may provide three tags, labels, boxes, etc. or any combination thereof. Photographs of bulky specimens are acceptable if the mark being registered and the good(s) or product(s) are clearly legible.

SIGNATURE OF APPLICANT/OWNER AND NOTARIZATION:

I, Steve Pontius, 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 to the best of my knowledge no other person except a related company has registered this mark in this state or has the right to use such mark in Florida either in the identical form thereof or in such near resemblance as to be likely, when applied to the goods or services of such other person to cause confusion, to cause mistake or to deceive. 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.

Steve Pontius  
Typed or printed name of applicant  
[Signature]  
Applicant's signature  
(List name and title)

FILED  
08 DEC 22 PM 1:59  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

STATE OF FLORIDA  
COUNTY OF LEE

On this 2ND day of DECEMBER, 2008, STEVE PONTIUS personally appeared before me,

who is personally known to me  whose identity I proved on the basis of \_\_\_\_\_

 Lydia A. Branson  
Commission # DD603573  
Expires October 20, 2010  
Bonded Troy Firm Insurance Inc 800-385-7019

(Seal)

[Signature]  
Notary Public Signature  
LYDIA A. BRANSON  
Notary's Printed Name

My Commission Expires: OCTOBER 20, 2010

FILING FEE: \$87.50 per class

708-1405



3719 Central Avenue • Fort Myers, FL • 33901 • (239) 939-2020 • www.nbc-2.com

RESEARCH



**Why 25-64?**  
"The number of people  
aged 50-64  
will increase ...  
while the number of  
30-44 year olds  
will actually shrink"

-JWT BOOM,  
in partnership with  
BoomerEyes/ C&R Research

### Fourth Annual Boomer Heartbeat

**Boomers are the largest demographic segment** of the population today. The 78 million Boomers spend about 2 trillion annually, and due to shifting demographic patterns, many **marketers who have traditionally focused their efforts on 30- to 44-year-olds are turning their focus to the Boomer market.** . . The number of **people aged 50-64 will increase** by 8.1 million . . . while the number of **30-44 year olds will actually shrink** to 2.7 million. . . This shift has broad implications for the economy, as well as individual businesses that need to accommodate this age wave.



**Count On Us**

N1011 Rev 1/10/08