

**T160000000822**

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(Requestor's Name)

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(City/State/Zip/Phone #)

PICK-UP     W. <sup>25</sup>     MAIL

**W16-52519 ✓**

\_\_\_\_\_  
(Business Entity Name)

\_\_\_\_\_  
(Document Number)

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**T16-822**

07/27/16--01015--020 \*\*437.50

FILED  
16 AUG 26 PM 2:34  
STATE OF FLORIDA

AUG 30 2016  
N. CAUSSEAU



**SANDLER, TRAVIS & ROSENBERG, P.A.**  
Customs & International Trade Law

---

TIFFANY MARTINEZ, CP, FRP

Telephone: (305) 894-1015  
Facsimile: (305) 267-5155  
E-Mail: [tmartinez@strtrade.com](mailto:tmartinez@strtrade.com)

1000 NW 57TH COURT, SUITE 600  
MIAMI, FL 33126-2022 USA

July 22, 2016

**Via Fedex**

Ms. Nanette Causseaux - Registration Section  
Division of Corporations, Clifton Building  
2661 Executive Center Circle  
Tallahassee, FL 32301

**Applications for the Registration of Trademarks**  
**Owner: Vive La Fête, Inc.**

**Trademarks:**

- **BETTI TERRELL**
- **VIVE LA FÊTE COLLEGIATE**
- **MONDAY'S CHILD**
- **SIMI**
- **COLLECTION BEBE DE VIVE LA FÊTE**

Dear Ms. Causseaux:

Enclosed are five Applications for registration of the referenced trademarks, along with the requisite specimens and a check made payable to the Florida Department of State in the amount of \$437.50, reflecting the total filing fee for all five Applications. We look forward to receiving the Registration Certificates in due course.

Please contact the undersigned should you have any questions.

Sincerely,

**SANDLER, TRAVIS & ROSENBERG, P.A.**

By: 

Tiffany Martinez, CP, FRP  
National Litigation Support Mgr.  
And Certified Paralegal

**COVER LETTER**

**TO:** Registration Section  
Division of Corporations

**SUBJECT:** Betti Terrell

(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:

Gilbert Lee Sandler

(Name of Person)

Sandler, Travis & Rosenberg, P.A.

(Firm/Company)

1000 NW 57th Court, Suite 600

(Address)

Miami, FL 33126

(City/State and Zip Code)

For further information concerning this matter, please call:

Tiffany Martinez

(Name of Person)

at ( 305 ) 894-1015

(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

August 1, 2016

GILVERT LEE SANDLER, ESQUIRE  
SANDLER, TRAVIS & ROSENBERG, P.A.  
1000 NW 57TH COURT, SUITE 600  
MIAMI, FL 33126

SUBJECT: BETTI TERRELL  
Ref. Number: W16000052519

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

Any time the name, signature or portrait of any living individual is used in a mark, section 495.021(d), Florida Statutes, requires the individual's written consent. If the name, signature, or portrait is a fictitious entity, we need a statement to that effect.

You must be more specific in your description of the goods and/or services the mark is being used in connection with. Phrases such as related services, related goods, or other broad statements are too general and are not acceptable. Please amend #2(a) and/or (b) in Part I of the application accordingly.

In Part II(1) a & b we need a month, a day, and a year for the date the mark was first used anywhere and for the date it was first used in Florida.

Page 4 of the application was not received. Please complete page 4 and return it with the rest of the corrections requested in this letter.

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) 245-6051.

Nanette Causseaux  
Regulatory Specialist II Supervisor

Letter Number: 516A00015865



**SANDLER, TRAVIS & ROSENBERG, P.A.**  
Customs & International Trade Law

TIFFANY MARTINEZ, CP, FRP

Telephone: (305) 894-1015  
Facsimile: (305) 267-5155  
E-Mail: [tmartinez@strtrade.com](mailto:tmartinez@strtrade.com)

1000 NW 57TH COURT, SUITE 600  
MIAMI, FL 33126-2022 USA

August 24, 2016

**Via Fedex**

Ms. Nanette Causseaux - Registration Section  
Division of Corporations, Clifton Building  
2661 Executive Center Circle  
Tallahassee, FL 32301

2016 AUG 26 PM 1:57

**Application for the Registration of Trademark – BETTI TERRELL**  
**Owner: Vive La Fête, Inc.**

Dear Ms. Causseaux:

Pursuant to your letter returning the originally submitted application for the mark noted above, enclosed is the revised Application for registration of the referenced trademark along with the requested materials. Please use the previously submitted check and specimens in your possession to complete this application.

We look forward to receiving the Registration Certificate in due course. Please contact the undersigned should you have any questions.

Sincerely,

**SANDLER, TRAVIS & ROSENBERG, P.A.**

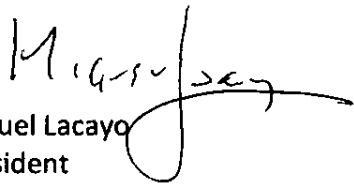
By: 

Tiffany Martinez, CP, FRP  
National Litigation Support Mgr.  
And Certified Paralegal

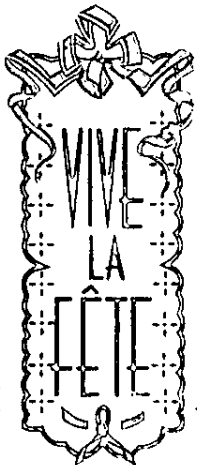
Encls.

August 12, 2016

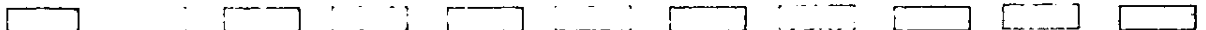
I, Miguel Lacayo, as president of the applicant Vive La Fête, hereby state that BETTI TERRELL was the name of the president of the original owner of the trademark registered with the USPTO on May 28, 1963 – US Reg. No: 750226 – and a written consent was submitted at the time of filing. In 1992 the owner of the BETTI TERRELL trademark, Johnston Inc. d/b/a Johnston's Fashions for Children filed for bankruptcy. In 1993, Richard H. Johnston purchased the rights to the trademark, BETTI TERRELL. That sale was approved by an Order entered on February 7, 1994 by the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division. On April 11, 2016 ownership of the trademark was transferred to applicant, Vive La Fête. Copies of all relevant documents are enclosed for your records.



Miguel Lacayo  
President  
Vive La Fête, Inc.



7175 S.W. 47<sup>th</sup> Street Suite 205 Miami, Florida 33155. Tels. (305) 740-4646 • (786) 264-1206  
Fax. (305) 740-3330, (305) 513-5211 • E-mail: customerservice@vivelafete.com • sales@vivelafete.com.sv



Date 2/15/94  
TO: Richard Johnston

**FOR YOUR CONVENIENCE**

We are taking the liberty of forwarding the attached information without a cover letter in the belief that promptness may be more important to you than formality.

**JONATHAN COCKS & ASSOCIATES**  
(A PROFESSIONAL CORPORATION)  
CERTIFIED PUBLIC ACCOUNTANTS  
2929 NORTH CENTRAL EXPRESSWAY, SUITE 250  
RICHARDSON, TEXAS 75080  
TELEPHONE (214) 690-6628 FAX (214) 690-6850

From: Rishelle McKeown  
REMARKS:

Order for sale of trade names signed by Judge Abel.

Jonathan Cocks, Trustee  
JONATHAN COCKS & ASSOCIATES  
251 W. Renner Road, Suite 121  
Richardson, Texas 75080  
(214) 690-6628

**EOD FEB 07 '94**

**FILED**  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
FEB 07 1994 A.M.  
P.M.  
CLERK, U.S. BANKRUPTCY COURT  
BY: DEPUTY

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT  
SHERMAN DIVISION**

**IN RE:**

**JOHNSTON, INC., d/b/a  
JOHNSTON'S FASHIONS  
FOR CHILDREN,  
Debtor.**

§  
§  
§ **CASE NO. 92-40316A**  
§  
§ **CHAPTER 7**  
§

**ORDER GRANTING TRUSTEE'S  
MOTION TO SELL TRADE NAMES**

CAME ON FOR CONSIDERATION, the motion of the Chapter 7 Trustee in the above-entitled and numbered proceeding, and the Court having reviewed the pleadings, and no objections having been filed, is of the opinion that said motion is well taken. It is accordingly

ORDERED that the trade names of the Debtor herein be sold to Richard H. Johnston, President of Semi, Inc. for the sum of \$1,500.00.

DATED:

*C. Houston Abel*  
C. HOUSTON ABEL, BANKRUPTCY JUDGE

Richard H. & Frances A. Johnston  
5429 Castlewood Road  
Dallas, Texas 75229  
214-401-2870

November 29, 1993

Mr. John Cocks  
Trustee for Johnston Inc.  
John Cocks & Associates  
251 W. Renner Parkway, Suite 121  
Richardson, Texas 75080

RE: Johnston Inc. / Trade names

Dear Mr. Cocks,


Pursuant to our telephone conversation this morning I am forwarding payment to purchase all of the Trade names from the Bankrupt company Johnston Inc., d/b/a Johnston's Fashions for Children; including **Johnston, Betti Terrell, Fischel, Petite Gamine, etc.**

Sincerely yours,

Richard H. Johnston

Enclosed: Check # 122 / \$1500.00

Copy: Robert C. Johnson Jr.

FIRST NATIONAL BANK OF PARK CITIES P.O. BOX 4400 DALLAS, TEXAS 75220	Richard H. & Frances A. Johnston 5429 Castlewood Road Dallas, Texas 75229 214-401-2870	# 122
		November 29, 19 93 32-1432/1110
	PAY TO THE ORDER OF Jonathan Cocks, Trustee -----	\$ 1,500.00
	One Thousand Five Hundred Dollars & No/100----- DOLLARS	
	Purchase of Johnston Inc. Tradenames.	
		
	THIS CHECK IS RETURNED FOR PAYMENT ON THE ACCOUNTS LISTED	
	⑆111014325⑆ ⑈40 2377 6⑈	



frances johnston designs

Store: 400 Main Street, Downtown Chatham  
Office & Studio: 27 Cedar Street  
Chatham, MA 02633  
Store: 508-945-9300 / Studio: 945-1954  
Email: richard@francesjohnston.com

April 11, 2016

Mr. Miguel Lacayo  
Vive La Fete, Inc.  
7175 SW 47th ST, Suite 205  
Miami, FL 33155

Dear Miguel,

This Letter is to acknowledge that Richard Hastings Johnston, Owner of the Trademark/Label Betti Terrell, has transferred, for value received, ownership and any claim of the Trademarked Children's Clothing Label Betti Terrell, to Vive La Fete Inc., a corporation established in Miami, Florida. Samples of the Trademarked Label are attached as Exhibit "A".



Richard H. Johnston  
Owner, Trademark Betti Terrell

~~Commonwealth of Massachusetts~~  
Barnstable

SS: County of

On this, the 11<sup>th</sup> day of April, 2016, before me a notary public, the undersigned, personally appeared Richard Johnston, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof, I hereunto set my hand and official seal.

Paula A. Tobin  
Public

Notary

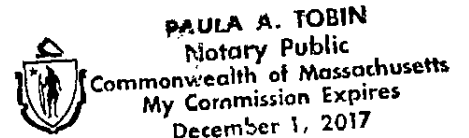


Exhibit "A"

Trademarked Label Betti Terrell: Ownership Transferred to Vive La Fete, Inc.

Exhibit ( )

Betti Terrell



Betti Terrell®

First Used in Commerce 1936

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  
16 AUG 26 PM 2:14  
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: Vive La Fête, Inc.

(b) Owner's/Applicant's business address: 7175 SW 47th Street, Suite 205  
Miami, FL 33155  
City/State/Zip

If different, Owner's/Applicant's mailing address: \_\_\_\_\_  
City/State/Zip

(c) Owner's/Applicant's telephone number: (786) 264-1206

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: M24625

(2) Domicile State or Country: Florida

(3) Federal Employer Identification Number: 59-2810920

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.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.)

Babies and Children apparel.

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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:

**TRADEMARKS:** If the name, logo, design and/or slogan are/is being used to identify a product manufactured by or fore 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:

label imprinted on the product, hang tags

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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:

Class 25

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**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: March 3, 1962

(b) Date first used in Florida: 2/14/2008

**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.)

Betti Terrell

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Provide the English translation of any and all terms listed #1 above, when applicable: \_\_\_\_\_

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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)" \_\_\_\_\_

\_\_\_\_\_ "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, Lida Rodriguez-Ellison, 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.

Vive La Fête, Inc.

Typed or printed name of applicant

Lida Rodriguez-Ellison Office Manager  
Applicant's signature  
(List name and title)

STATE OF Florida

COUNTY OF Miami Dade

Sworn to and subscribed before me on this 15<sup>th</sup> day of July, 2016, Lida Rodriguez-Ellison  
(Name of Individual Signing)

who is personally known to me  whose identity I proved on the basis of Drivers license

(Seal)



NICHOLAS SHAHEEN  
MY COMMISSION # FF 218279  
EXPIRES: April 7, 2019  
Bonded Thru Budget Notary Services

Nicholas Shaheen  
Notary Public Signature

Nicholas Shaheen  
Notary's Printed Name

My Commission Expires: April 7, 2019

FILING FEE: \$87.50 per class

16 AUG 26 PM 2:34  
STATE OF FLORIDA  
ALL CHANGES MUST BE FILED