

T17000000587

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP WAIT MAIL

W17-6562

(Business Entity Name)

(Document Number)

Certified Copies _____ Certificates of Status _____

Special Instructions to Filing Officer:

OK to file
Per BW 5/18/17
As they are not
a franchisee yet

Office Use Only



500293482375

T17-587

01/20/17--01011--017 **87.50

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
2017 MAY 18 PM 12:24

N. CAUSSEUX

MAY 18 2017

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: THE COFFEE OF POPES AND KINGS

(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:

Nestor Méndez Gómez

(Name of Person)

Pientrantoni, Mendez & Alvarez LLC

(Firm/Company)

Popular Center, 19th Floor, 208 Ponce de Leon Avenue

(Address)

San Juan, Puerto Rico 00918

(City/State and Zip Code)

For further information concerning this matter, please call:

Nestor Méndez Gómez at (787) 274-1212

(Name of Person)

(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

January 24, 2017

NESTOR MENDEZ GOMEZ, PIENFRANTONI, MENDEZ & ALVAREZ LLC
POPULAR CENTER, 19TH FLOOR
208 PONCE DE LEON AVENUE
SAN JUAN, PUERTO RICO, 00918

SUBJECT: THE COFFEE OF POPES AND KINGS
Ref. Number: W17000006562

495.041

We have received your document for THE COFFEE OF POPES AND KINGS and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

We must deny registration pursuant to sections 495.021(1)(f) and 495.181, Florida Statutes. There is a federal registration on file with the U.S. Patent and Trademark Office for "THE COFFEE OF POPES AND KINGS", Registration Number 5016867, for the same or similar name and class(es).

Pursuant to s. 495.035(5), F.S., you have three months in which to reply to this letter denying registration should you desire to do so. If you choose not to respond, your application will be considered abandoned in accordance with section 495.035(5), F.S.

If you have any questions concerning the filing of your document, please call 850-245-6051.

Nanette Causseaux
Regulatory Specialist II Supervisor

Letter Number: 717A00001497

PIETRANTONI MENDEZ & ALVAREZ LLC

POPULAR CENTER-19TH FLOOR
208 PONCE DE LEON AVENUE
SAN JUAN, PUERTO RICO 00918
SWITCHBOARD: (787) 274-1212

NESTOR M. MENDEZ-GOMEZ
MEMBER

NMENDEZ@PMALAW.COM
DIR: (787) 274-4909
FAX: (787) 274-1470

April 24, 2017

VIA CERTIFIED MAIL

Nanette Causseaux, Esq.
FLORIDA DEPARTMENT OF STATE
Division of Corporations
Corporate Records
Tallahassee, Florida 32314

TRADEMARK: THE COFFEE OF POPES AND KINGS
REF. NUMBER: W17000006562
APPLICANT: CC1 LIMITED PARTNERSHIP

Dear Colleagues:

On behalf of our client, **CC1 LIMITED PARTNERSHIP** (the "Applicant"), we acknowledge receipt of the letter denying registration dated January 24, 2017 and sent on January 27, 2017, with regards to the above referenced trademark application.

The letter denying registrations reads, in part, as follows:

We must deny registration pursuant to sections 495.021 (1)(f) and 495.181, Florida Statutes. There is a federal registration on file with the U.S. Patent and Trademark Office for "THE COFFEE OF POPES AND KINGS", Registration Number 5016867, for the same or similar name and class(es).

The owner of the trademark **THE COFFEE OF POPES AND KINGS**, Registration Number 5016867, registered before the U.S. Patent and Trademark Office (USPTO) is **Puerto Rico Coffee Roasters, LLC** (PRCR). As a matter of fact, the Applicant and PRCR are related companies, and the Applicant is authorized to distribute PRCR's goods in Florida.

Given that the Florida Department of State requires a corporation to be registered in Florida in order to register its trademarks, PRCR authorized its related company in Florida, the Applicant, to seek registration for "THE COFFEE OF POPES AND KINGS".

Pursuant to Section 495.041 of the Florida Statutes:

Nanette Causseaux, Esq.
April 24, 2017
Page -2-

495.041

Use by related companies.—Where a mark registered or unregistered is or may be used legitimately by related companies, such use shall inure to the benefit of the owner of the mark, and such use shall not affect the validity of such mark or of its registration, provided such mark is not used in such manner as to deceive the public. If first use of a mark by a person is controlled by the registrant or applicant for registration of a mark with respect to the nature and quality of the goods or services, such first use shall inure to the benefit of that registrant or applicant, as the case may be.

As well, Section 5 of the federal Trademark Act, 15 U.S.C. 1055, allows related companies to benefit from their related companies' use of trademarks and rely on the use of the mark by a related company. *See* Trademark Manual of Examining Procedures (TMPEP), Section 1201.03. The important thing about the relation between the companies is that the owner of the mark controls the nature and quality of the goods in connection with which the mark is used. These elements are met, because PRCR controls the nature and quality of the coffee that uses the slogan "THE COFFEE OF POPES AND KINGS" distributed by the Applicant. *See* Section 45 of the Trademark Act, 15 U.S.C. §1127; Noble House Home Furnishings, LLC v. Floorco Enters., LLC, 118 USPQ2d 1413, 1421 (TTAB 2016).

In light of the above, and taking into account that the Applicant and PRCR, the federal registrant, are related companies, we request that the Division of Corporations of the Florida Department of State take note of this response and issue the certificate of registration for the referenced trademark.

In case that additional documentation or evidence is required to complete the registration process, do not hesitate to contact us.

Cordially,

S/NESTOR M. MENDEZ/
Néstor M. Méndez

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

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
2011 MAY 18 PM 12:24

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

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: CC1 LIMITED PARTNERSHIP

(b) Owner's/Applicant's business address: 220 ALHAMBRA CIRCLE SUITE 304
CORAL GABLES, FL 33134

If different, Owner's/Applicant's mailing address: POPULAR CENTER-19TH FLOOR
208 PONCE DE LEON AVE. SAN JUAN P.R. 00918
City/State/Zip

(c) Owner's/Applicant's telephone number: (787) 274-1212

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: A95000001174 ✓

(2) Domicile State or Country: FLORIDA

(3) Federal Employer Identification Number: 65-0602510

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.)

Coffee

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

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 30

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: 01/01/1988

(b) Date first used in Florida: 01/01/1991

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.)

The mark consists of the words THE COFFEE OF POPES AND KINGS used as a slogan.

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

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)" COFFEE

_____ "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:

1. Alberto Javier Rivera Ramirez, 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.

Alberto Javier Rivera Ramirez
Typed or printed name of applicant

[Signature]
Applicant's signature
(List name and title)

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
2017 MAY 18 PM 12: 24

Affidavit 1,104

STATE OF _____
COUNTY OF Commonwealth of Puerto Rico

Sworn to and subscribed before me on this 28 day of December 2016 by Alberto Javier Rivera Ramirez, of legal age, married, ex-resident and resident of San Juan, Puerto Rico.
(Name of Individual Signing)

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

[Signature]
Notary Public Signature
Manuel E. del Valle
Notary's Printed Name

Commission Expires: indefinite

16-A1550592
RECIBO DE PAGO
Sello
MRO 09/28/2016 \$5.00
Sello de Asistencia Legal
80066-2016-0928-52905046



FILING FEE: \$87.50 per class

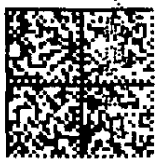


FLORIDA DEPARTMENT OF STATE
 DIVISION OF CORPORATIONS
 Corporate Records
 P.O. Box 6327
 Tallahassee, Florida 32314

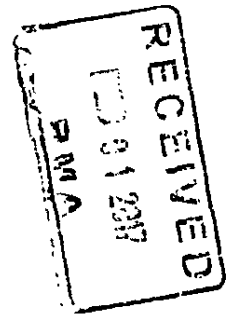


ADDRESS SERVICE
 REQUESTED

PRESORT
 FIRST CLASS

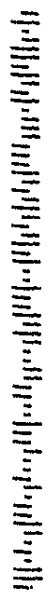


U.S. POSTAGE PITNEY BOWES
 ZIP 32301 \$ 000.42
 02 1W
 0001403894 JAN 27 2017



1001.001

SB AYU-IMB 00918





ALTO GRANDE

Super Premium Coffee

*Puerto Rico
1839*

*COFFEE
Gourmet*

*The Coffee
of Popes & Kings*

NET WEIGHT 8.8 oz. (250 g)