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(Business Entity Name)

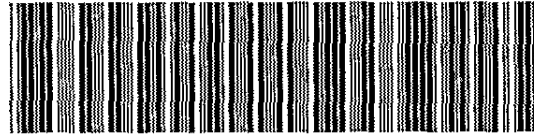
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406-55042

No Banc First  
1247311

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KB/alt

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

07 FEB -7 PM 2:21

FILED

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*Attorneys and Counselors at Law*

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December 19, 2006

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

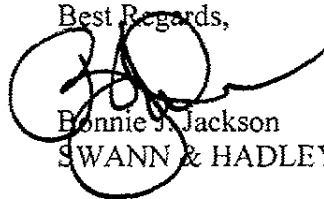
***Re: Trademark and ServiceMark  
Registration of "BankFIRST"***

To Whom it May Concern:

Enclosed please find a completed application for the registration of a Trademark/ServiceMark, as well as specimens reflecting use of the mark in commerce. Also enclosed is a check in the sum of \$87.50 for processing the enclosed application.

If you need any additional information, please do not hesitate to contact me.

Best Regards,



Bonnie J. Jackson  
SWANN & HADLEY, P.A.

BJJ:mes

Enclosures

cc: Megan B. Bobiak  
Donald J McGowan



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

December 26, 2006

BONNIE J. JACKSON, ESQUIRE  
SWANN & HADLEY, P.A.  
1031 W. MORSE BLVD., SUITE 350  
WINTER PARK, FL 32789

SUBJECT: BANKFIRST AND DESIGN OF A FORWARD SLANT WHITE  
NUMBER 1 INSIDE A FORWARD SLANT BLUE LETTER B ABOVE THE  
WORD "BANKFIRST" IN BLACK LETTERS  
Ref. Number: W06000055042

We have received your document for BANKFIRST AND DESIGN OF A FORWARD SLANT WHITE NUMBER 1 INSIDE A FORWARD SLANT BLUE LETTER B ABOVE THE WORD "BANKFIRST" IN BLACK LETTERS 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 , Registration Number , for the same or similar name and class(es).

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

Nanette Causseaux  
Document Specialist Supervisor

Letter Number: 506A00072522

*Swann & Hadley, P.A.*  
*Attorneys and Counselors at Law*

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[bjackson@swannhadley.com](mailto:bjackson@swannhadley.com)

January 19, 2007

Ms. Nanette Causseaux  
Florida Department of State  
Division of Corporations  
P. O. Box 6327  
Tallahassee, Florida 32314

**Re: Reference Number W06000055042;  
Registration of "BankFIRST"**

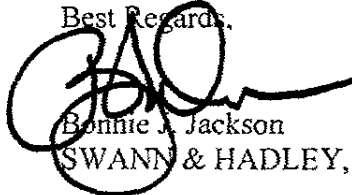
Dear Ms. Causseaux:

We are in receipt of your correspondence denying our application for trademark and servicemark registration of BankFIRST ("the Application"), based upon the registration of BANCFIRST with the U.S. Patent and Trademark Office. We are writing to request that the application be reconsidered for the following reasons.

First, the enclosed specimen demonstrates that the Application for BankFIRST has a logo/design element, whereas BANCFIRST does not. The registration of the trademark BANCFIRST is for words only. Also, the mark "BANCFIRST" is in all capital letters, and the prefix "BANC" is spelled differently than the Application prefix "Bank." Second, the mark BANCFIRST is owned by an Oklahoma corporation and is used in Oklahoma, with offices exclusively in Oklahoma. Conversely, the owner of the Application for the mark BankFIRST is a Florida corporation using the mark in Florida, with offices exclusively in Florida. All of the foregoing render the Application for the mark BankFIRST readily distinguishable from the U.S. Registration of BANCFIRST.

Alternatively, we would like the Application for the mark BankFIRST to be reconsidered as a servicemark only. I have enclosed the original Application for Registration and request your thoughtful consideration of the foregoing matters. Thank you.

Best Regards,



Bonnie J. Jackson  
SWANN & HADLEY, P.A.

BJJ:mes

Enclosures

cc: Donald J McGowan  
Megan B. Bobiak

# 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:

Swann & Hadley, P.A.  
1031 W. Morse Blvd., Suite 350  
Winter Park, Florida 32789  
(407) 647-2777  
Daytime Telephone number

## PART I

1. (a) Applicant's name: BankFIRST

(b) Applicant's business address: 1031 W. Morse Boulevard, Suite 323

Winter Park, Florida 32789

City/State/Zip

If different, Applicant's mailing address: \_\_\_\_\_

City/State/Zip

(c) Applicant's telephone number: ( ) \_\_\_\_\_

☐ Individual

☒ Corporation

☐ Joint Venture

☐ Other: \_\_\_\_\_

☐ General Partnership

☐ Limited Partnership

☐ Union

If other than an individual,

(1) Florida registration/document number: J83020

(2) Domicile State: Florida

(3) Federal Employer Identification Number: 592895534

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.)

Banking services

(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.)

Banking services

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

(Continued)

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

Class 36 - financial services

## 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: 01/01/1989 (b) Date first used in Florida: 01/01/1989

## 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.)

A forward slant white number 1 inside a forward slant blue letter B above the word BankFIRST in black letters.

English Translation

2. DISCLAIMER (if applicable)

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

I, Donald J. McGowan, 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

Donald J. McGowan  
Typed or printed name of applicant

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

STATE OF Florida

COUNTY OF Orange

On this 20th day of December, 2006, by Donald J. McGowan personally  
appeared before me, as President of BankFIRST  
☒ who is personally known to me ☐ whose identity I proved on the basis of said by

(Seal)

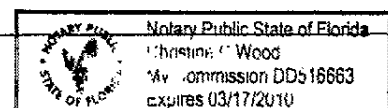
[Signature]  
Notary Public Signature

**CHRISTINE C. WOOD**

Notary's Printed Name

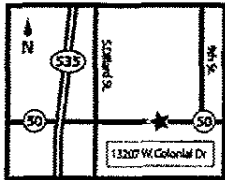
My Commission Expires:

FEE: \$87.50 per class





Enjoy the difference. Open 7am - 7pm.



13207 W. Colonial Dr.  
Winter Garden, FL 34787  
(407) 877-0909 • [www.bankfirst.com](http://www.bankfirst.com)

Lobby and Drive-thru Hours  
Monday-Friday: 7:00 am - 7:00 pm  
Saturday: 9:00 am - 1:00 pm



## Free Business Checking\*

Unlimited check writing

No minimum balance and no monthly fees

FREE BankFIRST Check Card

Free check safekeeping and images

Free Internet Banking and Online Bill Payment



### Time waits for no one.

Why wait to switch to  
BankFIRST Totally Free Checking?

\*This account is available as "free" for a period of 12 months.

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