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Domain

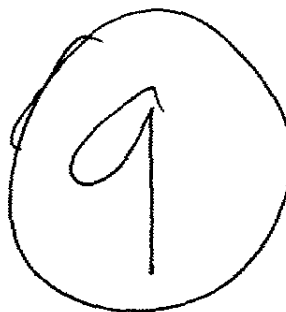
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07 JUL 25 AM 8:26
SECRETARY OF STATE
TALLAHASSEE FLORIDA



~~6007-31978~~
107-1020

**FLEIT, KAIN,
GIBBONS, GUTMAN,
BONGINI & BIANCO P.L.**
ATTORNEYS AT LAW

Miami • Fort Lauderdale • Boca Raton

750 Southeast Third Avenue
Suite 100
Fort Lauderdale, Florida 33316-1153
Telephone: (954) 768-9002
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Robert C. Kain, Jr. rkain@FocusOnIP.com

June 28, 2007

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

Re: Florida State Trademark Application
For: DEFEND MY DOMAIN
Our Ref: 5031-03

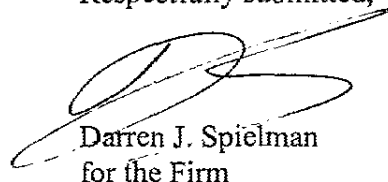
Dear Sir or Madam:

Enclosed for filing are the following papers:

1. Trademark application for Defend My Domain
2. Applicant: Robert C. Kain, P.A.
3. Three (3) specimens of the mark
4. A check in the amount of \$87.50, Check No. 5733
5. Return receipt postcard

Thank you for your attention to this matter.

Respectfully submitted,


Darren J. Spielman
for the Firm

DJS/cjp
encls.

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: DEFEND MY DOMAIN

(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:

ROBERT C. KAIN, JR.

(Name of Person)

Fleit, Kain, Gibbons, Gutman, Bongini & Bianco P.L.

(Firm/Company)

750 Southeast Third Avenue, Suite 100

(Address)

Fort Lauderdale, FL 33316

(City/State and Zip Code)

For further information concerning this matter, please call:

ROBERT C. KAIN, JR.

(Name of Person)

at (954) 768-9002

(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



FLORIDA DEPARTMENT OF STATE
Division of Corporations

July 6, 2007

DARREN J. SPIELMAN, ESQUIRE
FLEIT, KAIN, ET AL
750 SOUTHEAST THIRD AVENUE, SUITE 100
FT. LAUDERDALE, FL 33316-1153

SUBJECT: DEFEND MY DOMAIN
Ref. Number: W07000031978

We have received your document for DEFEND MY DOMAIN 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.

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: 707A00043359

**FLEIT, KAIN,
GIBBONS, GUTMAN,
BONGINI & BIANCO P.L.L.C.**
ATTORNEYS AT LAW

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www.FocusOnIP.com
www.FleitKain.com
Robert C. Kain, Jr. rkain@FocusOnIP.com

July 13, 2007

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

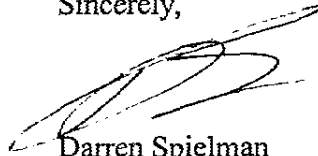
Re: Florida State Trademark Application
For: DEFEND MY DOMAIN
Your Ref. Number: W07000031978
Letter Number: 707A00043359
Our Ref: 5031-03

Dear Ms. Causseaux:

In accordance with your letter dated July 6, 2007 (copy enclosed), applicant has disclaimed the terms "DOMAIN" apart from the mark as shown. The corrected application is also enclosed.

Accordingly, registration of the mark "DEFEND MY DOMAIN" is respectfully requested.

Sincerely,


Darren Spielman
for the Firm

DJS
encl.

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:

ROBERT C. KAIN, P.A.
750 Southeast Third Avenue, Suite 100
Fort Lauderdale, FL 33316
(954) 768-9002
Daytime Telephone number

PART I

1. (a) Applicant's name: ROBERT C. KAIN, P.A.
(b) Applicant's business address: 750 S.E. Third Avenue, Suite 100
Fort Lauderdale, FL 33316
City/State/Zip

If different, Applicant's mailing address: _____
City/State/Zip

- (c) Applicant's telephone number: (954) 768-9002
☐ Individual ☒ Corporation ☐ Joint Venture ☐ Other
☐ General Partnership ☐ Limited Partnership ☐ Union

If other than an individual,

- (1) Florida registration/document number: P96000079463 (2) Domicile State: _____
(3) Federal Employer Identification Number: 650707227

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.)

Services relating to the analysis, evaluation and creation of domain names and trademarks

- (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.)

website

(Continued)

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

35

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: 05/27/07 (b) Date first used in Florida: 05/27/07

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.)

DEFEND MY DOMAIN

English Translation _____

2. DISCLAIMER (if applicable)

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

I, Darren J. Spielman, 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

Darren J. Spielman

Typed or printed name of applicant

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

STATE OF Florida

COUNTY OF Broward

On this 28th day of JUNE, 2007, DARREN J. SPIELMAN personally appeared before me,

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

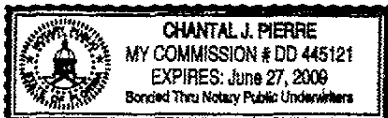
(Seal)

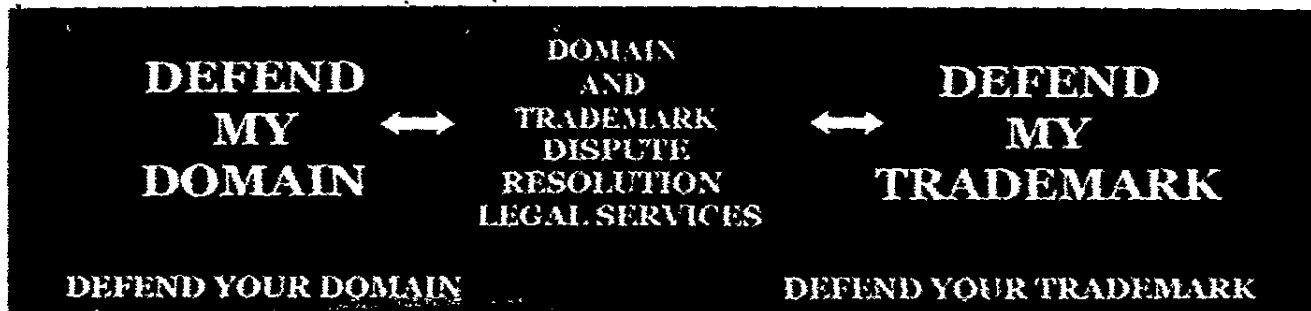
[Signature]
Notary Public Signature

CHANTAL J. PIERRE
Notary's Printed Name

My Commission Expires: 6/27/09

FEE: \$87.50 per class



**Law**

Federal Trademark Act
 Anti-Cybersquatting Consumer Protection Act

Articles**About Us****Contact Us****Home****Introduction****Defend My Domain**

Provides a stream-lined portal for the delivery of legal services to members of the public and businesses who are either the subject of a cease and desist letter, demanding that they turn over a domain owned by them or a defendant in an Internet domain dispute. The domain is an electronic address on the Internet which is many times associated with a web site (sometimes called a web site address). Internet domain disputes typically arise when a trademark owner seeks to enforce his or her trademark rights and recover an Internet domain owned by another.

Defend Your Domain

Generally to prevail, the trademark owner must show use of the mark prior to the registrant's use on the Internet or in connection with some type of sale of goods or services. The trademark owner must also show some likelihood of confusion between the trademark and the domain subject to the dispute. On the other hand, the domain owner has rights if the domain is a generic term, is highly descriptive, is a geographic term or the domain owner is using the web site associated with the domain for news, criticism or commentary about the owner of the mark. The first commercial use of the domain or the mark often times determines the outcome. **Defend My Domain - Defend Your Domain** services enables the domain owner to (a) identify potential defenses, (b) gather data relevant to the defense, and (c) retain the services of highly qualified lawyers of the firm **Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.** to merge the facts supporting the defense with case law and present a well structured legal and factual argument supporting the ownership of the domain by the client. As with all legal services, we at Fleit, Kain, keep all your communications confidential and we run a conflicts check to avoid an appearance that we favor one client over another in any matter.

Defend My Trademark

These services are equally important in the Internet environment. Trademark owners may spend a significant number of years and money building a reputation with the public or segments of the business community who buy their goods or services. Trademark owners may have large advertising budgets to promote a mark and associate that mark with goods or services in the marketplace. Trademark rights arise when goods or services are sold in commercial settings with a mark that is unique or distinctive to the seller of the goods or services. Sophisticated trademark owners register their marks with the U S Patent and Trademark Office. Other

Helpful Links

WIPO (World Intellectual Property Organization)
 ICANN (Internet Corporation for Assigned Names and Numbers)
 Domain Dispute Rules/UDRP (Uniform Domain Name Dispute Resolution Policy)
 National Arbitration Forum
 USPTO (United States Patent & Trademark Office)
 USPTO (Trademark Search Tool)
 United States Copyright Office

owners register their marks with state registrars. Sometimes, unauthorized persons buy domains that are identical or similar to the trademark and warehouse or not use the mark. Sometimes, these domain owners use the domain to sell similar goods or services. As a result, actual or prospective consumers or buyers search the Internet, see the similar domain and go to the domain owner's web site thinking it to be associated with the trademark owner.

Defend Your Trademark

The trademark owners have a right to stop this confusion. The public has a right to be free of confusion. Enforcement of trademark rights may involve sending cease and desist letters, initiating ICANN Internet domain disputes, pursuing Federal court litigation, as well as preparatory trademark and sometimes copyright registrations. **Defend My Trademark - Defend Your Trademark** services provide a portal for trademark owners to (a) identify defendants, (b) gather data relevant to the enforcement of their trademark rights, (c) retain the services of highly qualified lawyers of the firm **Fleit, Kain, Gibbons, Gutman, Bongini & Bianco, P.L.** [link www.Focusonip.com] to merge the facts supporting the rights of the owner with case law and present a well structured legal and factual argument supporting his or her trademark rights, and (d) initiate procedures or negotiate to protect your rights. All your communications with Fleit Kain, the legal service provider of **Defend My Trademark** services, are confidential. We run conflicts check to avoid issues arising between our clients.

Click here for a list of **HELPFUL LINKS** related to Trademarks, Domains and Dispute Resolutions. We are in no way affiliated with these resources but find their information to be valuable and educational for our clients and the public in general.

Disclaimer: The information provided by **Defend My Domain - Defend My Trademark** generally describes basic concepts relative to domain disputes and trademark disputes. Each particular case is judged on its own merits and the foregoing information is, by necessity, incomplete in that it does not discuss all aspects of trademark law, computer law or domain law.

Attorneys at Law

patents, copyrights, trademarks,

trade secrets, computer law

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