

T0400000/153

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP WAIT MAIL

(Business Entity Name)

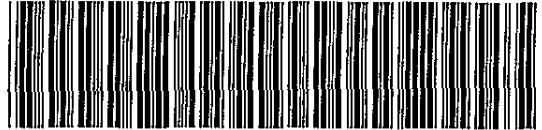
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07/20/04--01076--002 **87.50

*Mark distinguishable
as a whale.
- KB/elt*

*No
EI Charro
1526/84*

04 SEP -2 PM 3:50
02 SEP -2 PM 3:50
DIVISION OF CORPORATIONS
SECRETARY OF STATE
FILED
CLERK OF COURTS

T04-1153
(110)

W04-28029

Mark: EL CHARRO
Docket No.: PC-1763.2FL

LAW OFFICES OF BRIAN S. STEINBERGER, P. A.

Registered Patent Attorneys
101 Brevard Avenue Cocoa, Florida 32922
Phone (321) 633-5080 Fax (321) 633-9322
Email brianss@vol.com

Brian S. Steinberger (Member FL, PA Bars)*
Roland Dexter (Member TX, MA Bars)*
Joyce P. Morlin (Member FL, MI, IN, NY Bars)*
of Counsel
Frances L. Olmsted (Member NY Bar)*
* Registered Patent Attorney

State of Florida
Division of Corporations
Post Office Box 6327
Tallahassee, FL 32314


RE: Trademark application filed herewith:
Applicant: El Charro, Inc.
Mark: **EL CHARRO (Class 042)**
Atty Docket: PC-1763.2FL

Sirs:

I enclose for filing papers in the name of **El Charro, Inc., a Florida Corporation**, for registration of a Florida state trademark, **EL CHARRO**, including the Application for Registration of a Trademark/Service mark, three specimens of use and a check in the amount of \$87.50 for filing fee for one class of use.

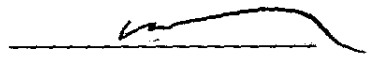
Please direct all correspondence to this office as agent/attorney for El Charro, Inc.

Respectfully submitted,


Brian S. Steinberger
Attorney at Law
PTO Registration No. 36,423
101 Brevard Avenue
Cocoa, Florida 32922
(321) 633-5080
(321) 633-9322 Fax

I certify that this correspondence, including the attachments listed, is being deposited with the United States Postal Service, in the US Post Office as Express Mail EV 217 767401 US in an envelope addressed to State of Florida, Division of Corporations, Post Office Box 6327, Tallahassee, FL 32314 on the date shown below.

7/19/04
Date of Mailing


Signature of Person Mailing



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State

July 21, 2004

BRIAN S. STEINBERGER, ESQUIRE
101 BREVARD AVENUE
COCOA, FL 32922

SUBJECT: EL CHARRO
Ref. Number: W04000028029

We have received your document for EL CHARRO 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 EL CHARRO, Registration Number 1526184, for the same or similar name and class(es).

Enclosed is an application for refund. Please sign and return and allow at least 60 to 90 days for the refund to be processed.

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

Nanette Causseaux
Document Specialist Supervisor

Letter Number: 904A00046241

Mark: EL CHARRO (AND DESIGN)
Docket No.: PC-1763.1FL

LAW OFFICES OF BRIAN S. STEINBERGER, P. A.

Registered Patent Attorneys
101 Brevard Avenue Cocoa, Florida 32922
Phone (321) 633-5080 Fax (321) 633-9322
Email brianss@vol.com

Brian S. Steinberger (Member FL, PA Bars)*
Roland Dexter (Member TX, MA Bars)*
Joyce P. Morlin (Member FL, MI, IN, NY Bars)*
of Counsel
Frances L. Olmsted (Member NY Bar)*
* Registered Patent Attorney

August 26, 2004

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

Attn: Nanette Causseaux, Document Specialist Supervisor

RE: Trademark application Mark: **EL CHARRO (AND DESIGN)**
Applicant: El Charro, Inc. a Florida corporation
Atty Docket: PC-1763.1FL
Your Reference No. W04000028031

Sirs:

Applicant respectfully requests reconsideration of the above-referenced trademark application which covers the stylized words EL CHARRO and a logo design and as reason therefore states as follows:

1. The subject mark has a design logo of a Mexican appearing man sitting down with his features hidden under a sombrero with the design being the prevalent form of the trademark and the words are in design/stylized form, whereas the federal trademark registration shows the term in block print letters.
2. The company in Michigan is limited to doing business only in Michigan. See copy of attached corporate records. Applicant, El Charro, Inc., is a Florida corporation limited to doing business only in the State of Florida. The distance between Michigan and Florida is approximately 1,200 miles. The states are not in close proximity to one another, and there is no likelihood of any confusion between the two entities.
3. Other states have granted trademark registrations using the term El Charro. Copies of trademark records from the State of Arizona and State of Oklahoma showing these trademark registrations are attached hereto.
4. The State of Florida has a history of granting state trademarks where other entities own federal trademarks. For example, attached is a copy of a federal trademark registration No. 2,862,925 for "THE KING OF SEAMLESS GUTTERS" owned by Gutter King International, Inc. of Cocoa, Florida, together with a copy of a page

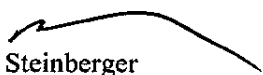
State of Florida
Division of Corporations

from the Division of Corporations, Florida Department of State, that shows a State of Florida Trademark No. T01000000948 for "THE KING OF SEAMLESS GUTTERS" owned by Masco Contractor Services Central, Inc. of Daytona Beach, Florida. Also attached is a copy of pages from the U.S. Patent and Trademark Office Trademark Electronic Search System that shows federal trademark registration No. 2,785,384 for the mark "REALCALL" and federal trademark registration No. 2,548,661 for the mark "REAL CALL" (and design) both owned by BellSouth Intellectual Property Corporation of Wilmington, Delaware, together with a copy of a page from the Division of Corporations, Florida Department of State, that shows a State of Florida Trademark No. T98000001442 for the mark "REAL CALL" (and design) owned by The Broadcast Team, Inc., of Ormond Beach, Florida.

Check number 7331 dated July 16, 2004 in the amount of \$87.50 has already been submitted. Also, three specimens consisting of menus were also previously submitted.

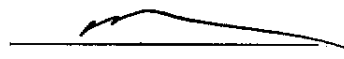
Applicant requests that this mark be allowed to go to registration in the State of Florida and hereby re-submits their trademark application

Respectfully submitted,


Brian S. Steinberger
Attorney at Law
101 Brevard Avenue
Cocoa, Florida 32922
(321) 633-5080
(321) 633-9322 Fax

I certify that this correspondence, including the attachments listed, is being deposited with the United States Postal Service, in the US Post Office as Express Mail EV2170709US in an envelope addressed to The State of Florida, Division of Corporations, P.O. Box 6327, Tallahassee, FL 32314 on the date shown below.

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Signature of Person Mailing



Secretary of State

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TRADEMARK SEARCH - VIEW TRADEMARK

Registration Number: 12002859 **Registration Date:**
Status: Active **Date of Expiration:** December 11, 2005
Word Description: El Charro (words and letters in no particular style) **Logo Description:** N/A

[View Specimen](#)

| APPLICANTS | FILING HISTORY | CLASSIFICATION |
|---|----------------------------------|--|
| Last Update December 11, 1995 | Name Rogelio Rodriquez | Address 1915 Oklahoma Avenue Woodward, OK 73801 USA |

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Instructions:

- To place an order for additional information about a Trademark, press the 'Order' button.



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Registered Name

Information Search

Generated by TrT Names Search Version 3.05

Instructions

General Information

| | |
|---------------------|---------------------|
| FILE ID | 37728 |
| DESCRIPTION | Trademark |
| STATUS | Active |
| NAME | EL CHARRO CAFE |
| ADDRESS 1 | 311 N. COURT AVENUE |
| CITY | TUCSON |
| STATE | AZ |
| ZIP | 85701- |
| DOMESTIC BEGIN DATE | 3/30/1995 |
| STATE OF ORIGIN | AZ |
| FOREIGN BEGIN DATE | 3/30/1995 |

Trademark Information

| | |
|-------------|---|
| DESCRIPTION | TWO-SIDED LAMINATED DAILY MENU WHICH INCLUDES DAILY SPECIALS, HISTORY OF EL CHARRO AND OTHER MEMORABLE INFORMATION - "EL CHARRO CAFE" |
| CLASS CODE | 13 |
| GOODS | MENU |

Agent/Owner Information

| AGENT ID | TYPE | FULLNAME | ADDRESS | CITY | STATE | ZIP | PHONE |
|----------|-------|-----------------------------|---------------------|--------|-------|--------|-------|
| 120080 | Owner | EL CHARRO ENTERPRISES, INC. | 311 N. COURT AVENUE | TUCSON | AZ | 85701- | |

Registration Information

| RECEIVED | AMENDED | ASSIGNED | EXPIRATION | CANCELLED | REVOKED |
|-----------|---------|----------|------------|-----------|---------|
| 5/28/1996 | | | 5/28/2006 | | |

Correspondence History

| DESCRIPTION | DATE | PRINTED | FILMED | LOC. NO. | PAGE NO. | PAGES |
|-------------|-----------|----------|--------|----------|----------|-------|
| Application | 5/28/1996 | 1/3/2001 | | | | |

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Please email your comments or questions regarding this system to trades@mail.sosaz.com. We appreciate any feedback.

Disclaimer

Int. Cl.: 37

Prior U.S. Cls.: 100, 103 and 106

Reg. No. 2,862,925

United States Patent and Trademark Office

Registered July 13, 2004

**SERVICE MARK
PRINCIPAL REGISTER**

THE KING OF SEAMLESS GUTTERS

GUTTER KING INTERNATIONAL, INC. (FLOR-
IDA CORPORATION)
161 SOUTH VARR AVENUE
COCOA, FL 32922

OWNER OF U.S. REG. NO. 2,023,836.

FOR: INSTALLATION, CONSTRUCTION, MAIN-
TENANCE AND REPAIR OF GUTTERS, SEAMLESS
GUTTERS DOWNSPOUTS AND SEAMLESS DOWN-
SPOUTS, FOR USE ON RESIDENTIAL AND COM-
MERCIAL BUILDING STRUCTURES, IN CLASS 37
(U.S. CLS. 100, 103 AND 106).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE SEAMLESS GUTTERS, APART
FROM THE MARK AS SHOWN.

SER. NO. 78-282,901, FILED 8-4-2003.

FIRST USE 1-15-1994; IN COMMERCE 1-15-1994.

MICHAEL ENGEL, EXAMINING ATTORNEY

04 SEP -2 PM 3:51
SECTION 15
INTERNATIONAL REGISTRATIONS



UNITED STATES PATENT AND TRADEMARK OFFICE

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TESS was last updated on Thu Aug 26 04:42:39 EDT 2004

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Start List At: OR Jump to record: Record 6 out of 12

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)



Word Mark REAL CALL
Goods and Services IC 035. US 100 101 102. G & S: telemarketing services, namely, soliciting sales of products over the telephone. FIRST USE: 19970401. FIRST USE IN COMMERCE: 19970401
IC 038. US 100 101 104. G & S: electronic voice messaging by telephone, namely, the recording, storage and subsequent transmission of voice messages by telephone. FIRST USE: 19970401. FIRST USE IN COMMERCE: 19970401
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 160108
Serial Number 75333482
Filing Date July 31, 1997
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition October 27, 1998

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2548661

Registration Date March 19, 2002

Owner (REGISTRANT) BELLSOUTH INTELLECTUAL PROPERTY CORPORATION
CORPORATION DELAWARE 824 MARKET STREET, SUITE 901
WILMINGTON DELAWARE 19801

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record JACQUELINE GREGORSKI

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CALL" APART
FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|------------------------------|---------------------|----------------------|---------------------------|
| P/TO HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSER DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

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Trademark Electronic Search System(Tess)

TESS was last updated on Thu Aug 26 04:42:39 EDT 2004

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Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark REALCALL
Goods and Services IC 035. US 100 101 102. G & S: TELEMARKETING SERVICES, NAMELY, SOLICITING SALES OF PRODUCTS AND SERVICES OVER THE TELEPHONE. FIRST USE: 19970401. FIRST USE IN COMMERCE: 19970401
IC 038. US 100 101 104. G & S: ELECTRONIC VOICE MESSAGING BY TELEPHONE, NAMELY, THE RECORDING, STORAGE AND SUBSEQUENT TRANSMISSION OF VOICE MESSAGES BY TELEPHONE. FIRST USE: 19970401. FIRST USE IN COMMERCE: 19970401

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76254248

Filing Date May 7, 2001

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition September 2, 2003

Registration Number 2785384

Registration Date November 25, 2003

Owner (REGISTRANT) BELLSOUTH INTELLECTUAL PROPERTY CORPORATION

CORPORATION DELAWARE 824 MARKET STREET SUITE 510
WILMINGTON DELAWARE 19801

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record SANDRA J EVANS
Type of Mark Register SERVICE MARK
PRINCIPAL
Live/Dead Indicator LIVE

| | | | | | | | | | |
|---------------------------|---------------------------|---------------------------|--------------------------|----------------------------|---------------------------|-----------------------------|---------------------|----------------------|---------------------------|
| P/O HOME | TRADEMARK | TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | TOP | HELP | PREV LIST |
| CURR LIST | NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC | | | | |

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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:

Brian S. Steinberger
101 Brevard Avenue
Cocoa, FL 32922
(321) 633-5080
 Daytime Telephone number

PART I

1. (a) Applicant's name: El Charro, Inc.

(b) Applicant's business address: 916 Florida Avenue, Cocoa, FL 32922

(c) Applicant's telephone number: (321) 639-1004 City/State/Zip

- | | | | |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Individual | <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> Joint Venture | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Union | |

If other than an individual,

(1) Florida registration number: J61230 (2) Domicile State: Florida

(3) Federal Employer Identification Number: 59 2776295

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.)

Restaurant and bar 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.)

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

advertising, business cards, menus, letterhead and stationery

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

Class 042

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: June 10, 1985 (b) Date first used in Florida: June 10, 1985

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.)

EL CHARRO

Stylized lettering above figure sitting down with features hidden under a sombrero

English Translation _____

2. DISCLAIMER (if applicable)

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

I, Rodolfo Barrial, Jr., 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

Rodolfo Barrial, Jr.

Typed or printed name of applicant

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

FILED
SECRETARY OF STATE
DIVISION OF CORPORATIONS
04 SEP -2 PM 3:50

STATE OF FLORIDA

COUNTY OF BREVARD

On this 19 day of July, 2004, Rodolfo Barrial, Jr. personally appeared before me,

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

(Seal)

[Signature]
Notary Public Signature

Notary's Printed Name

My Commission Expires _____

FEE: \$87.50 per class



EL CHARRO



THANK YOU FOR YOUR
18 YEARS OF SUPPORT

916 FLORIDA AVENUE
COCOA, FLORIDA

FINE MEXICAN FOOD
(321) 639-1004

Skin Clear Plus

- Deep cleansing bar & skin protection.
- With carrot extract.
- Enriched with Vitamin "E".
- Use it daily.

INGREDIENTS:

Sodium Tallowate, Sodium Coccoate,
Water, Glycerin, Titanium Dioxide,
Sodium Chloride, Inosperyl Acetate
(Vitamin E), Carrot Extract, FD&C Yellow
No. 5, FD&C Red No. 4, Fragrance.

Carrot Soap
with vitamin "E"

**Moisturizing
Formula**



Skin Clear Plus
For a smooth and healthy complexion



Savon des
Carottes

(3.0 oz.)

avec vitamine E