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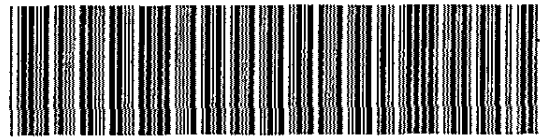
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DIVISION OF CORPORATIONS

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Sheboygan  
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Brookfield

**Davis & Kuelthau, s.c.**

ATTORNEYS AT LAW

111 East Kilbourn Ave., Suite 1400  
Milwaukee, WI 53202-6613  
Direct Dial: (414) 225-1477  
Direct Fax: (414) 278-3677  
Email: [bmajewski@dkattorneys.com](mailto:bmajewski@dkattorneys.com)

August 4, 2004

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

**Re: Florida Service Mark Registration Application for  
ORLANDOBEACHVACATIONS**

Sir or Madam:

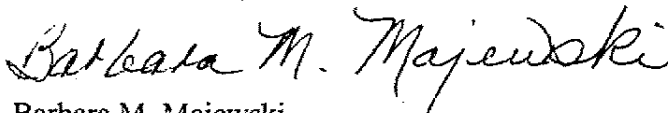
Here for filing with the State of Florida is an original and a copy of the Application for the Registration of a Trademark or Service Mark and this firm's check in the amount of \$87.50 for the filing fee. Attached to the original application are three (3) copies of a specimen in the form of a business document (i.e. letterhead) showing the mark and referring to the relevant services.

Please date stamp the enclosed copy of this correspondence and return it to the undersigned in the envelope provided.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact us.

Best Regards,

Davis & Kuelthau, s.c.



Barbara M. Majewski  
Legal Assistant to Joseph S. Heino

:bm

Enclosures

cc: Towne Realty, Inc.  
Attn: James B. Young, Esq. (w/ enclos.)



FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State

August 11, 2004

JOSEPH S. HEINO, ESQUIRE  
DAVIS & KUELTHAU, S.C.  
111 E. KILBOURN AVENUE  
MILWAUKEE, WI 53203

SUBJECT: ORLANDOBEACHVACATIONS  
Ref. Number: W04000030608

We have received your document for ORLANDOBEACHVACATIONS 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 section 495.021(1), Florida Statutes, because the mark is merely descriptive. The mark must be in use five years prior to registration.

Once the mark has been in use for five years you may resubmit the application with proof of substantially exclusive and continuous use and the Department of State will reconsider registration.

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: 504A00049706

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Green Bay  
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Sheboygan  
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Brookfield

**Davis & Kuelthau, s.c.**

ATTORNEYS AT LAW

111 East Kilbourn Ave., Suite 1400  
Milwaukee, WI 53202-6613  
Direct Dial: (414) 225-1452  
Direct Fax: (414) 278-3652  
Email: jheino@dkattorneys.com

November 5, 2004

Glenda E. Hood  
Secretary of State  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

**Re: Trademark Registration Application for ORLANDOBEACHVACATIONS  
Your Letter No.: 504A00049706**

Dear Glenda:

We are in receipt of your letter of August 11, 2004. However, we must disagree with its conclusion denying registration of the above mark on the grounds that it is merely descriptive.

As all the world knows, Florida is a peninsula having hundreds of miles of pristine beaches from Fernandina Beach in the Northeast to Pensacola in the Northwest. Despite these miles of beach, sunny Orlando is situated approximately 30 miles from the east coast of Florida and thus, not particularly near to any beaches.

It is also well known that the people of the northern United States regard all areas of Florida as vacation hotspots with opportunities for sun, surf, golf and other fun outdoor activities year around without regard to beaches. This "buzz" about Florida has created an attitude about Florida such that the mere mention of a location in Florida suggests to the listener that which Florida is famous for, namely, its beaches. This suggestion, which occurs not without some pause to the listener or reader, is what makes ORLANDOBEACHVACATIONS a suggestive, and registerable mark as opposed to a merely descriptive one. *See e.g. In re Shutts*, 217 U.S.P.Q. 363 (T.T.A.B. 1983) (SNO-RAKE held not merely descriptive of a snow removal hand tool).

Withdrawal of the refusal to register this mark is respectfully requested.

Best Regards,

Davis & Kuelthau, s.c.

  
Joseph S. Heino  
cc: Client



FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State

November 19, 2004

JOSEPH S. HEINO, ESQUIRE  
DAVIS & KUELTHAU, S.C.  
111 E. KILBOURN AVENUE  
MILWAUKEE, WI 53203

SUBJECT: ORLANDOBEACHVACATIONS  
Ref. Number: W04000030608

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

After review of your letter of November 5, 2004, we will grant registration with the corrections requested in this letter.

Class(es) (39) would appear applicable to your specific mark. Please delete the class(es) you have on line 2 (d) and insert the pertinent class(es) (39).

The specimens provided this office are not acceptable; we need three permanent specimens, **which may be the same or different**. We do not accept photocopies or camera ready copies. We do not accept specimens which have been altered or defaced in any manner. In order to register your service mark, we need specimens from which we can determine the services being rendered. We will accept brochures, newspaper, or magazine advertisements, or business cards. If business cards are used, we must be able to determine from the business card the services offered. The mere mark, address, city, etc., on the business card, brochure, or advertisement is not acceptable -- we must be able to look at the specimens provided and be able to determine the services being rendered. We need specimens for each class of registration. We DO NOT accept letterhead, stationery, envelopes, invoices or mailing labels.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

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

Nanette Causseaux  
Document Specialist Supervisor

Letter Number: 004A00066036

Milwaukee  
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Green Bay  
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Sheboygan  
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Brookfield

**Davis & Kuelthau, s.c.**

ATTORNEYS AT LAW

111 East Kilbourn Ave., Suite 1400  
Milwaukee, WI 53202-6613  
Direct Dial: (414) 225-1452  
Direct Fax: (414) 278-3652  
Email: [jheino@dkattorneys.com](mailto:jheino@dkattorneys.com)

January 14, 2005

**VIA UPS OVERNIGHT**

Registration Section  
Division of Corporations  
409 E. Gaines Street  
Tallahassee, FL 32399

Attn: Ms. Nanette Causseaux

**Re: Florida Service Mark Registration Application for  
ORLANDOBEACHVACATIONS  
Ref. No. W04000030608**

Dear Ms. Causseaux:

Responding to your November 19, 2004 communication, enclosed please find our original filing which has been amended to change the class of services on line 2(d) to Class 39.

Also enclosed, please find one original and three copies of substitute specimens in the form of a marketing folder that is provided to prospective users of the services. On the inside cover of the folder is a specimen business card. We believe that either the folder or the business card would be acceptable service mark specimens insofar as they show the mark and refer to the relevant services.

Please contact us immediately if the substitute specimens are deemed not to be acceptable or if there are any other matters that need to be addressed regarding this application.

Best Regards,

Davis & Kuelthau, s.c.



Joseph S. Heino

JSH:bm  
Enclosures

cc: Towne Realty, Inc.  
Attn: James B. Young, Esq. (w/o enclos.)

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:

Joseph S. Heino, Esq.

Davis & Kuelthau, s.c.

111 E. Kilbourn Ave, Milw., WI 53202-6

( 414 ) 276-0200

Daytime Telephone number

PART I

1. (a) Applicant's name: Towne Realty, Inc.

(b) Applicant's business address: 710 North Plankinton Avenue

Milwaukee, WI 53203

City/State/Zip

(c) Applicant's telephone number: ( 414 ) 274-2420

Individual

Corporation

Joint Venture

Other;

General Partnership

Limited Partnership

Union

If other than an individual,

(1) Florida registration number: 847554

(2) Domicile State: WI

(3) Federal Employer Identification Number: 39-1093454

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.)

This service mark will be used to promote travel packages, travel specials, which may include hotels, airfare, car rental and cruises, and other travel related events and programs.

(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.)

Newspaper and magazine advertisements, brochures, handbills, direct-mail leaflets, web site

pages and business documents showing the mark and referring to the relevant services.

(Continued)

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

39

**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: 7/27/04 (b) Date first used in Florida: 7/27/04

**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.)

ORLANDOBEACHVACATIONS

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
05 JAN 25 PM 2:22

English Translation

2. DISCLAIMER (if applicable)

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

I, James B. Young, 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

James B. Young, SRVS

Typed or printed name of applicant

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

FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS

STATE OF Wisconsin

COUNTY OF Milwaukee

On this 3rd day of August, 2004, James B. Young personally appeared before me,

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

**OrlandoBeachVacations<sup>SM</sup>**  
Specialists in travel packages

**Andy Jarmusz**  
Vice President - Travel Services

1000 Shorewood Drive • Cape Canaveral, FL 32920  
Phone 321-328-2741  
www.orlando beachvacations.com

Joseph S. Heino  
Notary Public Signature

Joseph S. Heino  
Notary's Printed Name

My Commission is permanent

E: \$87.50 per class

