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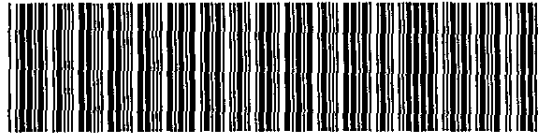
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Patent, Trademark & Copyright Law

March 30, 2005

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

Re: Florida Trademark Application -
"A PARTY 4 LESS, INC."
Our Ref.: 2.449.05

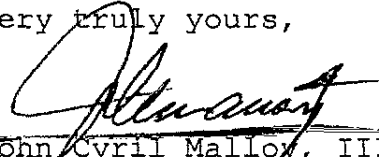
Dear Sir:

Enclosed please find a trademark application, along with three (3) specimens, to be filed with the State of Florida regarding the above-referenced trademark.

Also enclosed is our check in the amount of \$87.50 to cover the appropriate filing fee.

Kindest regards,

Very truly yours,


John Cyril Malloy, III
For the Firm

JCM3/ma

Enclosures

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3

FLORIDA DEPARTMENT OF STATE

Glenda E. Hood
Secretary of State

April 5, 2005

MALLOY & MALLOY, P.A.
ATTN: JOHN CYRIL MALLOY, III ESQUIRE
2800 S.W. THIRD AVENUE
MIAMI, FL 33129

SUBJECT: A PARTY 4 LESS, INC.
Ref. Number: W05000017270

We have received your document for A PARTY 4 LESS, INC. 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 "PARTY FOR LESS", Registration Number 2833379, 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: 405A00023170

4

IN THE DIVISION OF CORPORATIONS FLORIDA DEPARTMENT OF STATE

Applicant: A Party 4 Less, Inc.
Serial No.: W05000017270
Mark: A PARTY 4 LESS, INC.

Nanette Causseaux
Document Specialist Supervisor

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129

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

Dear Madam:

Responsive to Letter Number 405A00023170 concerning Reference Number W05000017270, dated April 5, 2005, the Applicant submits the following:

REMARKS

Registration of Applicant's mark "A PARTY 4 LESS, INC." for use in connection with the "rental of inflatable rides, rental of cotton, popcorn and snow-cone machines, arrangement for ponies, clowns, and character shows, rental of chairs and tables" has been refused pursuant to §495.021(f) and §495.181 of the Florida statutes, on the ground that the mark, when applied to Applicant's goods, is considered to share the same or similar name and class(es) as U.S. Registration No. 2,833,379.

5

As set forth in the often cited case of In re E.I duPont de Nemours & Co., 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), there are several points to consider in determining if marks are confusingly similar. The relevant points for consideration herein include:

- (1) The similarity or dissimilarity and nature of the goods and services as described in an application or registration;
- (2) The similarity or dissimilarity of established, and likely-to-continue trade channels; and
- (3) The extent to which applicant has a right to exclude others from use of its mark on its goods.

On balance of the above factors, there is no likelihood of confusion, as set forth below.

I. THE DISSIMILARITY OF THE SERVICES.

The mere fact that both marks are used in connection with parties is not dispositive, even when the two marks are similar. See e.g., Interstate Brands Corp. v. Celestial Seasonings, Inc., 198 USPQ 151 (C.C.P.A. 1978) (Rejecting a per se rule of likelihood of confusion whenever food items are sold under the same or similar marks, and finding no likelihood of confusion between "RED ZINGERS" for use on herb tea and "ZINGERS" for use on cakes.); In Re Mars, Inc., 222 USPQ 938 (Fed. Cir. 1984) (finding no likelihood of confusion between the applicant's mark "CANYON" for candy bars and a prior registrant's identical mark for fresh citrus fruit).

6

One case even rejected a finding that there would be a likelihood of confusion where the food items were related, such as tea and cakes. See Interstate Brands Corp., 198 USPQ 151. However, in this case, it cannot in good faith be argued that the two services are indeed related, nor has such a claim been asserted. Instead, the Applicant's mark has been rejected because the goods are in "a similar class".

As set forth above, this type of cursory analysis has been held insufficient. See In Re Mars, Inc., 222 USPQ 938 (Fed. Cir. 1984) ("mere fact that applicant's and registrant's goods may be sold in the same retail establishment does not by itself establish that the goods are related" - candy bars v. citrus); In re Triton Boat Company, L.P., 220 TTAB LEXIS 232 (TTAB 2002) (same - boats v. scooters); Interstate Brands Corporation, 134 USPQ 37, 39 (TTAB 1962) ("RED ZINGER" for tea and "ZINGERS" for cakes; held no confusion).

As noted, the cited mark is for a "retail store and online ordering services featuring party supplies", while Applicant's mark is for the "rental of inflatable rides, rental of cotton, popcorn and snow-cone machines, arrangement for ponies, clowns, and character shows, rental of chairs and tables". These services are not related, are not used in connection with each other, and do not share similar qualities.

Applicant's services are almost industrial in nature whereby

heavy machinery is rented, live animals are delivered and managed, and live entertainment is planned. Applicant's services are intended for high-end entertaining events that would provide a multitude of services, such as ponies and cotton candy machines. Applicant will not be placing anything for sale. Similar services have previously been listed in International Class 41. See Exhibit 1.

The cited mark, on the other hand, is tailored quite narrowly towards the retail sale of "party supplies". A perusal of their website shows that they provide party supplies such as paper plates, streamers, and party hats. See Exhibit 2. They do not show any use in connection with the "rental of inflatable rides, rental of cotton, popcorn and snow-cone machines, arrangement for ponies, clowns, and character shows, rental of chairs and tables". Furthermore, the cited mark is only for services in International Class 35.

Despite these vast differences, the Examiner appears to be making the argument that the cited mark may be used in connection with Applicant's goods. There is absolutely no proof of that. A search of the PTO's voluminous records revealed only nine registrations in International Class 35 for "inflatable rides", "cotton candy machines", "popcorn machines", "snow-cone machines", "pony rides", "clowns", "character shows", "table rentals", or "chair rentals". See Exhibit 3. Given the number of above search

terms, this is a minuscule number of hits. Furthermore, the cited mark's website makes absolutely no mention of the provision of any of these services. See id.

Given the differences in services, namely, the cited mark's provision of simple party elements compared to the Applicant's provision of comprehensive entertainment services, it stands to reason that the services performed in connection with the Applicant's mark and the services offered in connection with the Applicant's mark are quite dissimilar and unlikely to be confused.

II. DISSIMILARITY OF CHANNELS OF TRADE.

Further, as to the cited mark, the Examiner may take note that the goods may be purchased at a store or via the internet. Conversely, Applicant's services can only be obtained through a series of negotiations concerning prices and rental arrangements. Given the very nature of services, namely, the sale of small-scale party supplies vs. the rental of large-scale entertainment units such as ponies or cotton candy machines, it is obvious that the transactions between the consumers and the suppliers would be vastly different.

Even if the products would appear in close proximity to each other,—"modern consumers would be less likely than their counterparts in previous decades to infer a connection between goods with the same mark, merely from the fact that they appear

9

together in a grocery store." Worthington Foods, Inc. v. Kellogg Co., 14 USPQ2d 1577, 1599 (S.D. Ohio 1990); see also, Interstate Brands Corp., Inc., 198 USPQ at 153.

III. THE ABILITY TO EXCLUDE OTHERS FROM USING THE MARK.

Finally, the cited mark's presence on the Supplemental Register (see Exhibit 4), not the Principal Federal Register, is the single strongest piece of evidence in support of the narrowness of protection enjoyed by the prior mark. FTMEP §205.01(a) provides that an Examiner may cite a mark on the Federal Trademark Register against a Florida trademark application. Given the reasons stated below, the cited mark should not be extended this protection.

As a leading treatise has eloquently summarized, it has been decided that "a Supplemental Registration confers no substantive trademark rights beyond those under common law." 3 McCarthy on Trademarks, §19.36 (J. Thomas McCarthy 2005). Section 25 of the Lanham Act expressly excludes Supplemental Registrations from most of the advantages given to registrations on the Principal Register, including the inability to stop the importation of similarly marked goods from the U.S. and the fact that such a registration may not be used to provide prima facie evidence of the Supplemental Registrant's exclusive right to use of the mark. See id.

The Florida Trademark Act, which sets up a register which functions in a fashion similar to the Federal Principal Registry,

10

does not provide for the existence of a registry similar to the Supplemental Register. While descriptive marks may be eligible for the Supplemental Register, for example (see 4 McCarthy at §19:42), in Florida the "registration of a mark that is 'merely descriptive' of the goods or services is prohibited." FTMEP §204.02.

Given this, it follows that a mark must meet the same standards for registration on the Principal Register in order to be considered eligible for registration on the Florida Register. Not adhering to this principle could very well lead to the following result: A mark is found to be descriptive on the Florida registry and denied state registration. It then applies to be placed upon the Supplemental Registry, which allows descriptive marks. Once it is on the Supplemental Registry, Florida recognizes this mark as a valid mark, even though it is a descriptive mark that has already been rejected from the Florida Registry once and, barring a change to the governing statutes, never would have been allowed on the Florida Register. This disingenuous result should be avoided at all costs by refusing to extend the protections provided to marks on the Federal Principal Registry to marks placed on the Supplemental Registry.

Given that (a) the cited mark's presence on the Supplemental Register provides it with no protection other than those found under the common law, and (b) Florida has avoided creating its own version of the Supplemental Registry, §205.01(a) of the FTMEP

11

should only apply to marks that are on the Principal Registry of the United States, not the Supplemental. As such, the cited mark should not be used against the Applicant's mark.

IV. STATUTORY AUTHORITY LACKING.

Although the Division of Corporations has always taken the position that it may reject a Florida Trademark application based upon a federal registration, there is no such statutory authority whatsoever. Fla. Stat. §495.021. Specifically, §495.021(f) permits, rejection only if there is a conflict with "a mark [previously] registered in this state..." (emphasis added). The statute is perfectly clear that a federal registration can only become relevant in a cancellation action brought by the owner of the federal registration. Fla. Stat. §495.101.

With all due respect, the Examiner's citation is entirely misplaced. Nonetheless, even if it were a proper basis for a rejection under the statute, there is no likelihood of confusion as set forth above.

V. CONCLUSION.

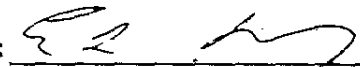
For the above-stated reasons, Applicant submits that there is no possible likelihood of confusion or mistake on the part of prospective purchasers surrounding the use of Applicant's mark.

Having fully responded to the Examiner's action, Applicant

submits that this case is now in condition to be passed to registration and the same is respectfully solicited.

Respectfully submitted,

MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
Telephone (305) 858-8000
Facsimile (305) 858-0008
Email: eacle@malloylaw.com

By: 
Edward L. Acle

Date: April 29, 2005

IN THE DIVISION OF CORPORATIONS FLORIDA DEPARTMENT OF STATE

13

Applicant: A Party 4 Less, Inc.

Serial No.: W05000017270

Mark: A PARTY 4 LESS, INC.

Nanette Causseaux
Document Specialist Supervisor

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129

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

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Florida Department of State, Division of Corporations, P.O. Box 6327, Tallahassee, Florida 32314, this 29 of April, 2005.

Respectfully submitted,

MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
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Telephone (305) 858-8000
Facsimile (305) 858-0008
Email: eacle@malloylaw.com

By: Edward L. Acle
Edward L. Acle

Exhibit 1

15



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Refine Search ("inflatable rides" or "cotton candy machine" Submit

Current Search: ("inflatable rides" or "cotton candy machines" or "popcorn machines" or "snow cone machines" or "pony rides" or clowns or "character shows" or "table rentals" or "chair rentals") [ALL] and (041) [IC] docs: 103 occ: 281

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78401616		CAVE CREEK WILD WEST DAYS	TARR	LIVE
2	78307605		SPARTYS	TARR	LIVE
3	78374165		AMS	TARR	LIVE
4	78374170		AMS ENTERTAINMENT	TARR	LIVE
5	78265201		PALBOX	TARR	LIVE
6	78340593		ENTERTAINMENT RESOURCE CENTER.COM	TARR	LIVE
7	78093886	2910258	PARTY PRONTO	TARR	LIVE
8	78287703		BIG APPLE ENTERTERTAINMENT PRODUCTIONS "YOUR ENTERTAINMENT CHOICE FOR PARTIES, SHOWS & SPECIAL EVENTS"	TARR	LIVE
9	78093889	2886210	JUMP AND RIDE	TARR	LIVE
10	78277442	2869582	AGA-BOOM	TARR	LIVE
11	78195442	2850780	DELL	TARR	LIVE
12	78222144	2819896	REMLINGER FARMS	TARR	LIVE
13	78095656		CASOLA FARMS	TARR	DEAD
14	78095654	2649572	A. CASOLA FARMS	TARR	LIVE
15	78067531		MOON JUMP	TARR	DEAD
16	76536975		SIL E. WILLIE'S	TARR	DEAD
17	76557097		PALATINE STABLES PALATINE PARK DISTRICT	TARR	LIVE
18	76551723		THE HEALING POWER OF HUMOR	TARR	LIVE
19	76551722		BUMPER "T" CARING CLOWNS	TARR	LIVE

16

20	76026085	2499906	KABOOM!	TARR	LIVE
21	76540179	2888631	SPHERE ENTERTAINMENT	TARR	LIVE
22	76492646		LAUGHTER UNLIMITED "IMPROVING THE QUALITY OF LIFE"	TARR	DEAD
23	76498233	2864402	BARBECUE BATTLE	TARR	LIVE
24	76241606	2670562	CHILDREN'S DAY AT THE TWIN TOWERS	TARR	LIVE
25	76390502		PARTY DOG	TARR	DEAD
26	76371519		MONCHAT	TARR	DEAD
27	76492687	2812582	CHARMINGFARE FARM	TARR	LIVE
28	76270722		DUEL MONSTERS	TARR	DEAD
29	76436773	2783884	FUNNY BONZ	TARR	LIVE
30	76335008	2690252	TOMMY THE CLOWN	TARR	LIVE
31	76335007	2703939	HIP HOP CLOWNS	TARR	LIVE
32	76241695	2642036		TARR	LIVE
33	76241691	2638703	THE FUN FACTOR	TARR	LIVE
34	76237127	2685499	ENCORE ENTERTAINMENT	TARR	LIVE
35	76182620	2504310	SEND IN THE CLOWNS	TARR	LIVE
36	76177101	2605718	WLIW21'S READING FUNDAY	TARR	LIVE
37	76057820	2608661	PROJECT SUNSHINE	TARR	LIVE
38	76030061		THE MEGA PARTY	TARR	DEAD
39	76013293	2570767	COMPASS KIDS' CLUB	TARR	LIVE
40	75794258		RODEO CLOWNS	TARR	DEAD
41	75940724		THE FUN FACTORY WE MANUFACTURE FUN	TARR	DEAD
42	75921782		AUDITIONLINE	TARR	DEAD
43	75884848	2417459	A-PLUS ENTERTAINMENT	TARR	LIVE
44	75850758	2391702		TARR	LIVE
45	75824181		STAR CITY	TARR	DEAD
46	75693035	2345259	DAY OUT WITH THOMAS	TARR	LIVE
47	75667217	2374756	PONY PALS KIDS CLUB	TARR	LIVE
48	75542208	2278113	RODEO CLOWNS	TARR	LIVE
49	75518720	2270726	CHILQUILINAS	TARR	LIVE
50	75509591	2279198	CUSTOM COMEDY CAPERS	TARR	LIVE
51	75479744		PARTYCAT	TARR	DEAD
52	75479743	2605086	CAKEBREAKER	TARR	LIVE
53	75479725	2337310	PARTY FUN EATZERIA	TARR	LIVE
54	75458847	2313156	KEEP A KID...SMILIN'	TARR	LIVE
55	75442204	2394594	THE REALMS OF FAR AND BEYOND	TARR	LIVE
56	75440010	2422503	THE LAND OF FAR BEYOND	TARR	LIVE
57	75409875	2443645	JUNIOR JOCKEY CLUB	TARR	LIVE
58	75359262	2269706	HAPPY TRAILS PONIES AND AMUSEMENTS, INC.	TARR	LIVE
59	75354001	2222444	CHURCHILL CHARLIE	TARR	LIVE
60	75354000	2231670		TARR	LIVE
61	75218471		CHILDREN'S DAY AT THE WORLD TRADE CENTER	TARR	DEAD
62	75209515	2119769	DOWNERS GROVE HERITAGE FESTIVAL SINCE 1982	TARR	LIVE

17

63	75190141		RODEO CLOWNS	TARR	DEAD
64	74476849	1875632	CORNERSTONE PRODUCTIONS	TARR	LIVE
65	74402839	1896143		TARR	LIVE
66	74043976	1700871	PURPLE PICKLE PARTY PEOPLE THE ALL NEW	TARR	DEAD
67	74402838	1856727	LAMBS FARM	TARR	LIVE
68	74238075	1788521	STAR SPANGLED SPECTACULAR	TARR	DEAD
69	74211416	1783126	LAS PAYASITAS NI FU NI FA	TARR	DEAD
70	74372488	1824669	SCOTTVILLE CLOWN BAND	TARR	LIVE
71	74052830	1640830	"JOJO" & "JOHNNY"	TARR	LIVE
72	74652131	1958803	AUDIO ECSTASY	TARR	LIVE
73	74612705	1959982		TARR	DEAD
74	74606162	1958614	CLOWNS FOR PROGRESS	TARR	DEAD
75	74554462	1915556	PONY EXPRESS ADVENTURES	TARR	DEAD
76	74504878		KIDS JAMBOREE	TARR	DEAD
77	74486988	1895386	TOWN CLOWNS	TARR	DEAD
78	74479275		RODEO EXPRESS	TARR	DEAD
79	74476819		CIRCUS DE COLORES	TARR	DEAD
80	74458214	1908882	THE NATIONAL CAPITAL BARBECUE BATTLE	TARR	LIVE
81	74450658	1855856	ILUVABALLOON	TARR	DEAD
82	74335253	1793009	TUTU, TOOTSIE AND FRIENDS A CLOWN CO.	TARR	DEAD
83	74304954		DISCOVERY FARM	TARR	DEAD
84	74271096		KIDS FUN FAIR	TARR	DEAD
85	74227952	1723729	TWIN CITIES MAGIC & COSTUME CO.	TARR	LIVE
86	74211424	1713267	LAS PAYASITAS	TARR	DEAD
87	74210852	1782874	STREET CHARACTERS	TARR	LIVE
88	74030589	1664451	CLOWNS OF AMERICA INTERNATIONAL	TARR	LIVE
89	73395701	1284660	KING OF CLOWNS	TARR	DEAD
90	73638075		SHIRELAND	TARR	DEAD
91	73585512	1440855	SCOTTVILLE CLOWN BAND	TARR	DEAD
92	73544541	1440046	ILUVABALLOON	TARR	DEAD
93	73527333	1490548	SAFARI CLUB	TARR	DEAD
94	73516701	1350022	FESTIVAL OF LEAVES	TARR	DEAD
95	73450639	1319940	CARROUSEL OF CLOWNS WE BRING LOVE TO LIFE	TARR	DEAD
96	73442827	1297023	JERKO THE CLOWN	TARR	DEAD
97	73398927	1302082	A CLOWN FOR ALL REASONS	TARR	DEAD
98	73393007	1278368	THE BELGIAN HITCH	TARR	DEAD
99	73345231		THE ALCHEMISTS' GUILD	TARR	DEAD
100	73297064	1225438		TARR	DEAD

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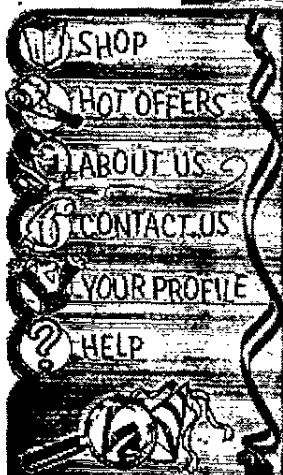
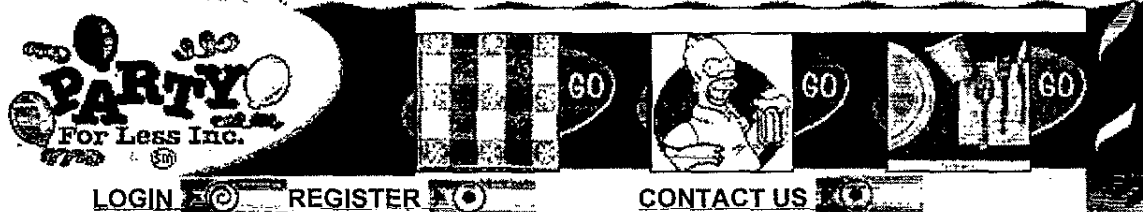
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HELP

Exhibit 2

SpongebobBob The Builder
YOUR ONLINE PARTY HEADQUARTERS!



FEATURES

Birthday

Kids Themes - Spongebob, Adults - Mile Stone - 30th, 40th, 50th, 60th, Young Adult, Baby 1st, Birthday Candles, Crepe Streamers, Balloons, GIFTS

Wedding

Cake Tops, Toasting Glasses, Unity Candles, Knife & Server Sets, Tableware, Package, Accessories

Baby, Baby Shower

Noah's Ark, Pitter Patter, Snuggle Bugs, Bundle Of Joy, Adorable Noah's Ark

Cool Stuff

Party Books, Jewelry: Rings & Necklaces, Jokes & Gags, Talking Bottle Cap Openers

SHOPPING CART

Remember - Orders over \$150 have free shipping!



1. Party Lei - Multi-Colored
2. Natural Raffia Table Skirt
3. Crepe Streamers
4. Paper Parasol Picks
5. SpongeBob Pull Pinata

COMMENTS

"Party For Less always has the greatest selection! And with the ease of ordering online, I never have to go to the store again."
- Jacob in Bellevue, WA

THEME PARTIES

Star Wars, Fiesta, Hawaiian, Luau, Hula, Bachelor & Bachelorette, Summer Fun, Graduation, Decorating Kits, Office Party & Cubical Kits, Sports, Flamingo

PARTY SUPPLIES

Party Favors, Special Effects, Make-up and Tattoos, Glow in the Dark, Catering Supplies and Tableware, Balloons, Ticket Rolls

HOLIDAY PARTIES

New Years, Halloween, Christmas, Thanksgiving/Fall, Super Bowl, Hanukkah, Mardi Gras, Valentines Day, St. Patrick's Day, Easter, 4th of July

1-877-50-PARTY
TOLL FREE

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8:00AM - 5:00PM
(PACIFIC STANDARD TIME)

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21

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22



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Refine Search ("inflatable rides" or "cotton candy machine" Submit

Current Search: ("inflatable rides" or "cotton candy machines" or "popcorn machines" or "snow cone machines" or "pony rides" or clowns or "character shows" or "table rentals" or "chair rentals") [GS] and (035) [IC] docs: 13 occ: 31

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78093886	2910258	PARTY PRONTO	TARR	LIVE
2	78464371		THEMED ROOMS TO FIT YOUR SPECIAL EVENTS NEEDS DREAM SCAP	TARR	LIVE
3	78226926	2817377	GREAT WESTERN PRODUCTS COMPANY	TARR	LIVE
4	78226919	2813133	GREAT WESTERN PRODUCTS COMPANY	TARR	LIVE
5	78091145	2772616	MULTITALENTED.COM	TARR	LIVE
6	76537353	2927344	STARLIGHT ENTERTAINMENT & LIMOUSINE	TARR	LIVE
7	76140630		AT YOUR DOOR PARTY STORE	TARR	DEAD
8	76270722		DUEL MONSTERS	TARR	DEAD
9	75881335	2562904	FRESH POP	TARR	LIVE
10	75877885	2747668	FP FRESH POP	TARR	LIVE
11	75840834	2528985	WILCO ENTERTAINMENT, INC.	TARR	LIVE
12	74210852	1782874	STREET CHARACTERS	TARR	LIVE
13	74066977		PROFESSIONAL ENTERTAINMENT PROMOTIONS	TARR	DEAD

PTO HOME TRADEMARK TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT PREV LIST NEXT LIST TOP

HELP

23

Exhibit 4

24



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Record 1 out of 1

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	PARTY FOR LESS
Goods and Services	IC 035. US 100 101 102. G & S: Retail store and online ordering services featuring party supplies. FIRST USE: 19900808. FIRST USE IN COMMERCE: 19940120
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76307852
Filing Date	September 4, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	October 23, 2003
Registration Number	2833379
Registration Date	April 13, 2004
Owner	(REGISTRANT) Party For Less Inc. CORPORATION WASHINGTON 15036 NE 95th St., Ste. A Redmond WASHINGTON 98052
Attorney of Record	Timothy B. McCormack
Type of Mark	SERVICE MARK
Register	SUPPLEMENTAL
Live/Dead Indicator	LIVE

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25

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:

Malloy & Malloy, PA./ John C. Malloy

2800 S.W. 3rd Avenue

Miami, Florida 33129

(305) 858-8000

Daytime Telephone number

PART I

1. (a) Applicant's name: A Party 4 Less, Inc.

(b) Applicant's business address: 3260 S.W. 67 Avenue

Miami, Florida 33155

City/State/Zip

(c) Applicant's telephone number: (305) 668-8549

☐ Individual

☒ Corporation

☐ Joint Venture

☐ Other: _____

☐ General Partnership

☐ Limited Partnership

☐ Union

If other than an individual,

(1) Florida registration number: P04000034607 ✓

(2) Domicile State: Florida

(3) Federal Employer Identification Number: 710961950

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.)

(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.)

rental of inflatable rides, rental of cotton, popcorn and snow-cone machines, arrangement for
ponies, clowns and character shows, rental of chairs and tables

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

(Continued)

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

41

26

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: February 19, 2004 (b) Date first used in Florida: February 19, 2004

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 PARTY 4 LESS, INC.

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, Jose Morales, 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

Jose Morales

Typed or printed name of applicant

Jose Morales Pres.
Applicant's signature or authorized person's signature
(List name and title)

STATE OF FLORIDA

COUNTY OF DADE

On this 22 day of March, 2005, JOSE MORALES personally appeared before me,

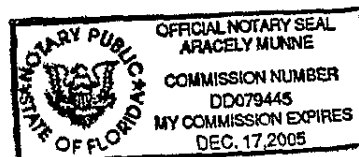
☐ who is personally known to me ☒ whose identity I proved on the basis of driver license

(Seal)

Aracely Munne
Notary Public Signature
Aracely Munne
Notary's Printed Name

My Commission Expires:

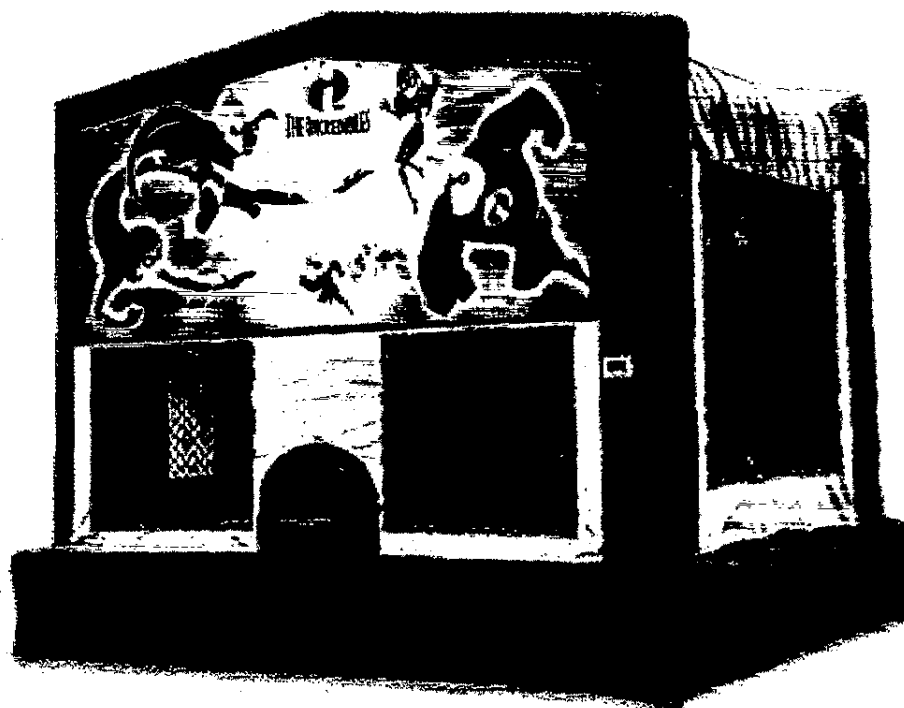
FEE: \$87.50 per class



27

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A PARTY 4 LESS



A Party 4 Less, Inc., provides Inflatable Bounce House (Moonwalk) as well as Table & Chair rentals, Tents, Clowns and Concession Stands. We are a full service Party rental in Miami.

You can rent an inflatable or any of our other services for just a small occasion. We do all types of parties. School Events, Birthdays, Family Picnics, Corporate Events, Baby Showers, Church Events, Grand Openings and Day Care Centers.

Thank You for visiting our website for reservations and prices. contact us or please call 305-668-8549