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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

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COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: JOE GARRISON and Design
(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:

David R. Ellis
(Name of Person)

David R. Ellis, Attorney
(Firm/Company)

3233 East Bay Drive, Suite 101
(Address)

Largo, Florida 33771
(City/State and Zip Code)

For further information concerning this matter, please call:

David R. Ellis at 727 531-1111
(Name of Person) (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

December 14, 2005

DAVID R. ELLIS, ESQUIRE
3233 EAST BAY DRIVE, SUITE 101
LARGO, FL 33771

SUBJECT: JOE GARRISON AND DESIGN OF HIS SIGNATURE "JOE GARRISON"
Ref. Number: W05000055056

We have received your document for JOE GARRISON AND DESIGN OF HIS SIGNATURE "JOE GARRISON" 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)(e)(3), Florida Statutes, because the mark is primarily merely a surname. 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: 905A00071932

**DAVID R. ELLIS
ATTORNEY AT LAW**

3233 EAST BAY DRIVE
SUITE 101
LARGO, FLORIDA 33771
TEL (727) 531-1111
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REGISTERED PATENT ATTORNEY

December 20, 2005

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

Attn: Nanette Causseaux, Trademarks

Re: JOE GARRISON and Design - Ref. No. W05000055056

Dear Nanette:

This is in response to your letter of December 14, 2005 refusing to register the above-captioned mark. We respectfully disagree with your determination and note that the mark would be registrable by the U.S. Patent and Trademark Office and therefore should be registered by your office in the state of Florida.

First, the mark is not primarily merely a surname. GARRISON, may be primarily a surname, but our application is for JOE GARRISON, which is a complete name and not itself a surname.

Second, the mark is in a distinctive stylized form with a design element, namely the applicant's signature. Such a mark is registrable. See TMPEP 1211.01(b)(ii), stating that when a mark that might otherwise be considered a surname is coupled with a distinctive stylization or design element, it is not primarily merely a surname:

1211.01(b)(ii) Stylization or Design Elements

A mark comprised of a word that, standing by itself, would be considered primarily merely a surname, but which is coupled with a distinctive stylization or design element, is not considered primarily merely a surname. In re Benthin Management GmbH, 37 USPQ2d 1332 (TTAB 1995) (stylized display of term BENTHIN found to be a factor weighing against a finding that the term would be perceived as primarily merely a surname).

For examples of federal registrations of signatures of individuals that consist of their entire name, see e.g. TONY LITTLE'S and Design of his signature, U.S. Registration 1,836,623 (1994); GUY HARVEY and Design of his signature, U.S. Registration 2,434,163 (2001) (copies enclosed). We note also that your office has in the past registered the name GUY HARVEY, Reg. No. T12478 (now expired) and GUY HARVEY ORIGINAL and Design, Reg. No. T12431 (registered and renewed).

Accordingly, please withdraw your denial of registration and send the certificate of registration to this office. If you or your supervisor wishes to discuss this with me, or you need additional information, please call me.

Very truly yours,



David R. Ellis

DRE:nrt

Enclosures

Fax: (850) 245-6030



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Word Mark **TONY LITTLE'S**
Goods and Services IC 009. US 021 036. G & S: prerecorded video and audio cassette tapes featuring exercise instruction and fitness training. FIRST USE: 19870000. FIRST USE IN COMMERCE: 19870000

IC 028. US 022. G & S: exercise equipment; namely, dual action treadmills, air resistance and recumbent stationary bicycles, steppers, mini-steppers and skiers. FIRST USE: 19870000. FIRST USE IN COMMERCE: 19870000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 01.01.03 - Comets; Stars with five points

Serial Number 74380093

Filing Date April 19, 1993

Published for Opposition January 11, 2000
Registration Number 2434163
Registration Date March 6, 2001
Owner (REGISTRANT) Guy Harvey, Inc. CORPORATION FLORIDA P.O. Box 030008 Fort Lauderdale FLORIDA 33303
Attorney of Record Ava K. Doppelt
Prior Registrations 1616722;1621350;2254247;2257791
Type of Mark TRADEMARK
Register PRINCIPAL
Other Data Guy Harvey is a living individual whose consent is of record.
Live/Dead Indicator LIVE

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GUY HARVEY

Word Mark	GUY HARVEY
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Eyewear, namely, sunglasses. FIRST USE: 19990401. FIRST USE IN COMMERCE: 19990401
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Design Search Code	
Serial Number	75702591
Filing Date	May 11, 1999
Current Filing Basis	1A
Original Filing Basis	1B

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:

David R. Ellis, Attorney
3233 East Bay Drive, Suite 101
Largo, Florida 33771
(727) 531-1111
Daytime Telephone number

PART I

1. (a) Applicant's name: JOSEPH E. GARRISON, C.P.A., P.A.

(b) Applicant's business address: 416 DOUGLAS AVENUE
DUNEDIN, FLORIDA 34698

City/State/Zip

If different, Applicant's mailing address: _____

City/State/Zip

(c) Applicant's telephone number: (727) 535-2257

☐ Individual

☒ Corporation

☐ Joint Venture

☐ Other: _____

☐ General Partnership

☐ Limited Partnership

☐ Union

If other than an individual,

(1) Florida registration/document number: P00000000121

(2) Domicile State: Florida

(3) Federal Employer Identification Number: 59-3616514

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.)

Accounting 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.)

Used and displayed in the sale and advertising of services and in connection with services rendered.

(Continued)

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

36

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: April 1, 2005 (b) Date first used in Florida: April 1, 2005

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.)

JOE GARRISON and Design. The design is the signature "Joe Garrison"

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, Joseph E. Garrison

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.

JOSEPH E. GARRISON, C.P.A., P.A.

Typed or printed name of applicant

Joseph E. Garrison President

Applicant's signature
(List name and title)

STATE OF Florida

COUNTY OF Pinellas

On this 30 day of Nov, 2005, Joseph E. Garrison

personally

appeared before me,

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

(Seal)

Deborah S. Humphrey

Notary Public Signature

Notary's Printed Name

My Commission Expires: _____



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SECRETARY OF STATE
TALLAHASSEE, FLORIDA



Trademark

GUY HARVEY

Document Number	Date Filed	Expiration Date
T12478	02/20/1990	02/20/2000
Last Event	Event Date Filed	Event Effective Date
EXPIRATION	03/01/2000	NONE
First Used in Florida	First Used Anywhere	Status
NONE	NONE	INACTIVE

Mark Used In Connection With

Owners

Name & Address
GUY HARVEY, INC., A FLA. CORP., 508 N. ANDREWS AVE., FT. LAUDERDALE, FL.

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No Name History Information

Type/Class

TM-0016	000000000000	000000000000	000000000000	000000000000
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000000000000	000000000000	000000000000	000000000000	000000000000
000000000000	000000000000	000000000000	000000000000	000000000000

No Cross Reference

Division of Corporations



Trademark

GUY HARVEY ORIGINAL

Document Number	Date Filed	Expiration Date
T12431	02/08/1990	02/08/2010
Last Event	Event Date Filed	Event Effective Date
RENEWAL	02/08/2000	NONE
First Used in Florida	First Used Anywhere	Status
NONE	NONE	ACTIVE

Mark Used In Connection With

Owners

Name & Address
GUY HARVEY, INC., A FLA. CORP., 508 N. ANDREWS AVE., FT. LAUDERDALE, FL. 33301

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No Name History Information

Type/Class

TM-0025	000000000000	000000000000	000000000000	000000000000
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No Cross Reference

1992
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Joe Garrison

727-535-2257

CERTIFIED PUBLIC ACCOUNTANT



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1657 Main Street
Dunedin, FL 34698
727-736-8232



Caleb Hayes
727-946-3433

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