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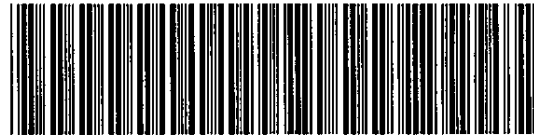
Special Instructions to Filing Officer:

789/740/671

"Miami"

"Orchid Show"

Office Use Only



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FILED
06 MAY 22 PM 2:05
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

02/27/06--01042--010 **37.50

T06-614
W06-67107

-No disclaimer required for
"Miami International"
- See # 1,766,154 as file w/ USPTO.
- Yet

✓

✓

Malloy & Malloy, P.A.

Patent, Trademark & Copyright Law

"Since 1959"
Registered Patent Attorneys
Trial and Appellate Counsel
Internet: malloylaw.com

Miami Office
2800 S.W. Third Avenue
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Ft. Lauderdale Office
2101 West Commercial Blvd.
Reply to: Miami Office
Broward (954) 525-9611
FLORIDA (800) 337-7239

February 22, 2006

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

Re: Florida Trademark Application -
"MIAMI INTERNATIONAL ORCHID SHOW"
Our Ref.: 2.793.06

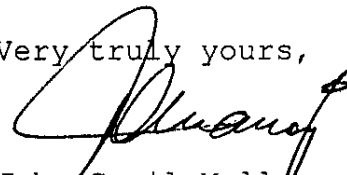
Dear Sir:

Enclosed please find a trademark application, along with two (2) 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



FLORIDA DEPARTMENT OF STATE
Division of Corporations

February 28, 2006

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

SUBJECT: MIAMI INTERNATIONAL ORCHID SHOW
Ref. Number: W06000009868

We have received your document for MIAMI INTERNATIONAL ORCHID SHOW 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. You must disclaim the following term(s) by completing the disclaimer statement found in #2 of Part III of the application: "MIAMI", "ORCHID SHOW"

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: 006A00014122

Malloy & Malloy, P.A.

"Since 1959"
Registered Patent Attorneys
Trial and Appellate Counsel
Internet: malloylaw.com

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Florida (800) 337-7239

April 26, 2006

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

Attn: Nanette Causseaux
Document Specialist Supervisor

Re: Florida Service Mark Application -
"MIAMI INTERNATIONAL ORCHID SHOW"

Your Ref.: W06000009868
Our Ref.: 2.793.06

Dear Ms. Causseaux:

In response to your correspondence dated February 28, 2006, (copy enclosed) applicant hereby submits the amended application and following arguments in connection with the above-referenced service mark.

The Division of Corporations (hereinafter "Division") has refused registration of the applicant's mark based on the requirement of disclaimer. Specifically, the Division has required that the applicant disclaim the terms "MIAMI" and "ORCHID SHOW" apart from the mark as shown, because: 1) "All geographical terms, such as cities, states, countries, and designs of same, must be disclaimed," and 2) "Some commonly used words and corporate suffixes must also be disclaimed."

Applicant has now completed Part III of the Application to disclaim the exclusive right to use the term "ORCHID SHOW" apart from the mark as shown. However, as discussed in detail below, Applicant respectfully traverses the disclaimer requirement for "MIAMI" on the basis of distinctiveness under Section 307.03 of the Florida Manual of Trademark Examining Procedure (hereinafter "FTEP").

April 26, 2006

Page 2

The Division has required disclaimer of the term "MIAMI" on the basis of geographical significance. See FTEP 108.09, FTEP 307.

While the Division allows for disclaimer of an *unregistrable* component of a mark otherwise registrable under FTEP 108.09, Applicant respectfully asserts that the term "MIAMI" in its mark is *registrable* on the basis of distinctiveness under Section 307.03 FTEP, and therefore the term should not be disclaimed.

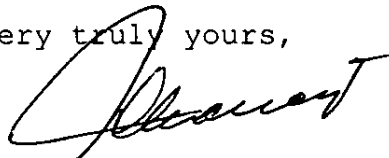
Furthermore, under FTEP 307.03, "the Division may accept proof that the mark has become distinctive as applied to the applicant's goods or services and may thus be registrable. Like the United States Patent and Trademark Office, the Division is entitled to rely upon the applicant's sworn statement that the mark has been in substantially exclusive and continuous use for the five years next preceding the claim of distinctiveness. The applicant is not required to submit additional evidence of five years use."

Accordingly, applicant submits the attached declaration.

This response is submitted within sixty (60) days of the date of your action. Accordingly, applicant requests that its mark be accepted for registration.

Kindest regards,

Very truly yours,



John Cyril Malloy, III
For the Firm

JCM3/ma

Enclosure

f:\m\docs\2-tm\m 2006\app\2793-06 south florida orchid society, inc\fl amendment j1-v2.doc

FLORIDA DEPARTMENT OF STATE
Division of Corporations

Applicant: South Florida Orchid Show Society, Inc.

Reference No.: W06000009868

Mark: MIAMI INTERNATIONAL ORCHID SHOW

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

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

Dear Sir:

D E C L A R A T I O N

I, Richard Brandon, declare as follows:

1) That I am the Vice-President of South Florida Orchid Show Society, Inc., having an address of: 10801 S.W. 124 Street, Miami, Florida 33176.

2) That for more than ten (10) years the Applicant has been using the services such as "orchid exhibitions and orchid sales; exhibition and sales of orchid theme merchandise" under the mark "MIAMI INTERNATIONAL ORCHID SHOW" in the state of Florida.

3) That the mark has become distinctive of the services through the Applicant's substantially exclusive and continuous use

in commerce of the mark for at least the five (5) years immediately before the date of this statement.

4) That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

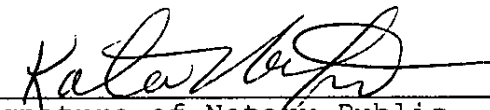
South Florida Orchid Show Society,
Inc.

By: 
Richard Brandon,
Vice-President

Dated: April 25, 2006

STATE OF FLORIDA
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 26th
day of April, 2006 by Richard Brandon.


Signature of Notary Public

Katia Rodriguez
Name of Notary Typed, Printed

Personally Known ✓ OR Produced Identification _____
Type of Identification Produced _____



KATIA RODRIGUEZ
MY COMMISSION # DD 225537
EXPIRES: July 22, 2007
Bonded Thru Budget Notary Services

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, P.A.

2800 S.W. 3rd Avenue

Miami, Florida 33129

(305) 858-8000

Daytime Telephone number

PART I

1. (a) Applicant's name: South Florida Orchid Society, Inc.

(b) Applicant's business address: 10801 S.W. 124 Street

Miami, Florida 33176

City/State/Zip

If different, Applicant's mailing address: _____

City/State/Zip

(c) Applicant's telephone number: (305) 852-0800

☐ Individual

☒ Corporation

☐ Joint Venture

☐ Other: _____

☐ General Partnership

☐ Limited Partnership

☐ Union

If other than an individual,

(1) Florida registration/document number: 700443 (2) Domicile State: Florida

(3) Federal Employer Identification Number: 590597590

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.)

orchid exhibitions and orchid sales; exhibition and sales of orchid theme merchandise

(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 advertisements, brochures, flyers, etc.

(Continued)

23

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

42

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: March 1, 1982 (b) Date first used in Florida: March 1, 1982

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.)

MIAMI INTERNATIONAL ORCHID SHOW

English Translation _____

2. DISCLAIMER (if applicable)

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

I, Richard Brandon, 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

RICHARD BRANDON

Typed or printed name of applicant

[Signature]

Applicant's signature
(List name and title)

VICE-PRESIDENT
2006 MIAMI SHOW CHAIRMAN

STATE OF Florida

COUNTY OF Miami-Dade

On this 15th day of February, 2006, Richard Brandon personally appeared before me,

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

(Seal)



KATIA RODRIGUEZ
MY COMMISSION # DD 225537
EXPIRES: July 22, 2007
Bonded Thru Budget Notary Services

[Signature]

Notary Public Signature

Katia Rodriguez

Notary's Printed Name

My Commission Expires: _____

FEE: \$87.50 per class

Miami International



Orchid Show

presented by
THE SOUTH FLORIDA ORCHID SOCIETY

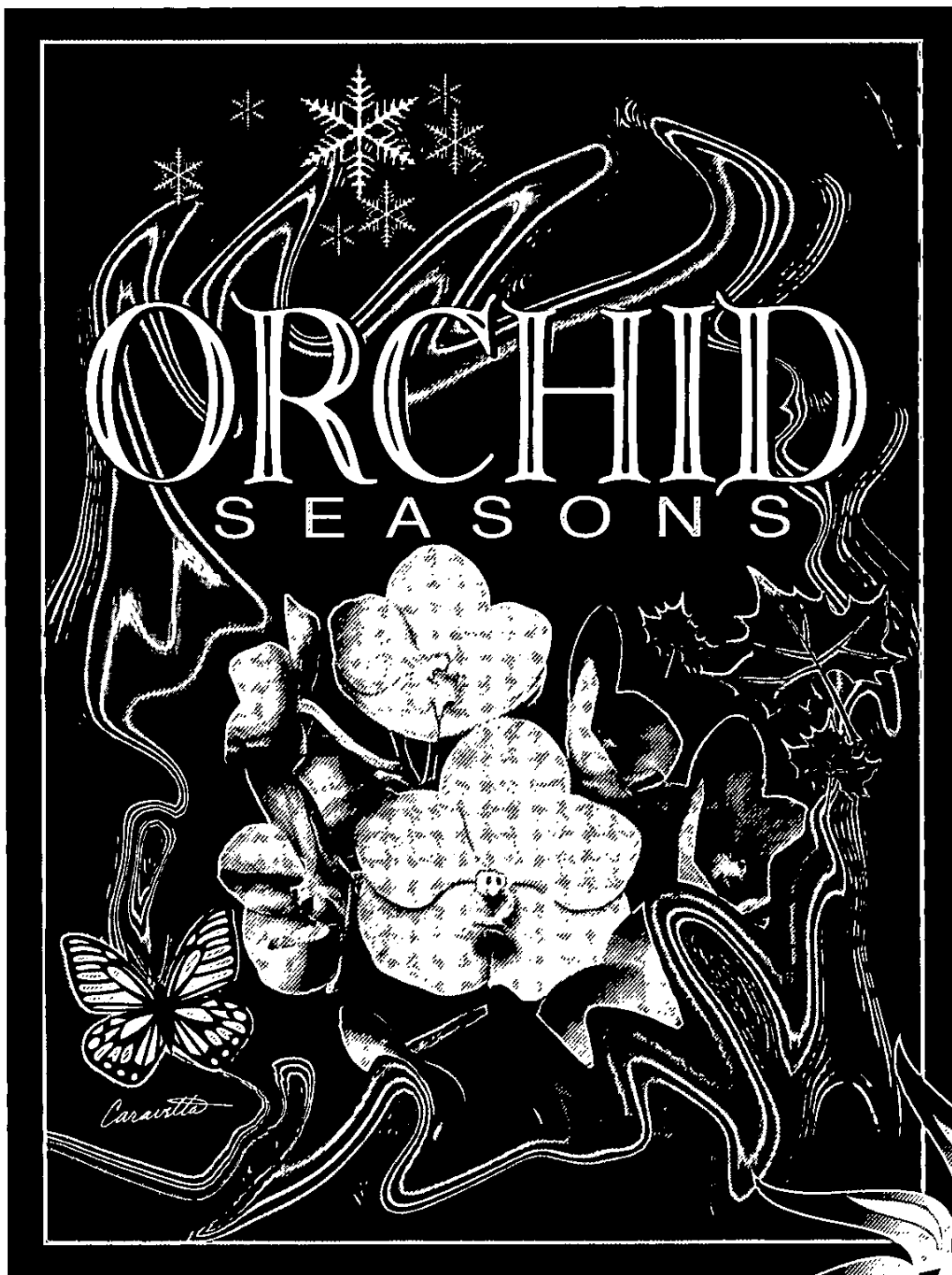
RICHARD BRANDON

Show Chairman,

305-852-0800

orchidland@bellsouth.net

61st Miami International
 Orchid Show
presented by
THE SOUTH FLORIDA ORCHID SOCIETY



Miami Beach Convention Center

March 3, 4 and 5, 2006

