

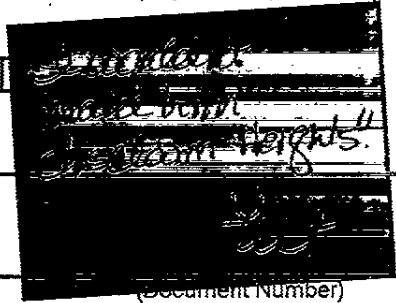
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(Requestor's Name)

(Address)

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(City/State/Zip/Phone #)



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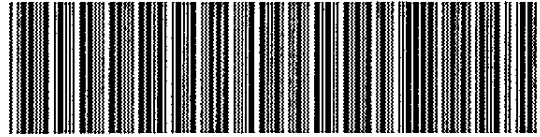
Certified Copies _____ Certificates of Status _____

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Heights Realty

Office Use Only



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Must have disclaimers
Heights Realty

No
common

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

07 JAN 11 PM 1:17

FILED





FLORIDA DEPARTMENT OF STATE
Division of Corporations

December 26, 2006

J. DIRK PETERS
HEIGHTS REALTY
P.O. BOX 271361
TAMPA, FL 33688-1361

SUBJECT: THE HEIGHTS REALTY COMPANY & DESIGN OF CIRCULAR
DESIGN WITH THE WORDS IN OUTER RING & THREE HOUSES IN INNER
AREA & "HEIGHTS REALTY" PRINTED BELOW DESIGN
Ref. Number: W06000055021

We have received your document for THE HEIGHTS REALTY COMPANY &
DESIGN OF CIRCULAR DESIGN WITH THE WORDS IN OUTER RING &
THREE HOUSES IN INNER AREA & "HEIGHTS REALTY" PRINTED BELOW
DESIGN and your check(s) totaling \$87.50. However, the enclosed document
has not been filed and is being returned for the following correction(s):

You must disclaim the term(s) "HEIGHTS REALTY" in addition to the term(s)
already disclaimed. Please amend #2 in Part III accordingly.

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: 706A00072508

**J. DIRK PETERS
HEIGHTS REALTY**

111 EAST SLIGH AVE
PO Box 271361
TAMPA, FLORIDA 33688-1361
813 . 239 . 1100

January 5, 2007

Nanette Causseaux
Document Specialist Supervisor
Florida Department of State
Division of Corporations
P.O. BOX 6327
Tallahassee, Florida 32314

Reference Number: W06000055021

Dear Ms. Causseaux,

This letter is in response to you letter dated December 26, 2006 (attached).

As per our telephone conversation on Wednesday January 3, 2007, please let this letter serve as my objection to the disapproval of my "MARK" as submitted. You informed me that the reason was other people where already using this name "HEIGHTS REALTY". *However, they are not trademarked.*

Recently I had a neighboring real estate agency (First Home Realty) incorporate the following names: 1) The Heights Realty & Mortgage, Inc. 2) Heights Realty Group, Inc. and 3) Heights Realty, Co.

Hence, the reason for my application of Trademark, to protect my name and therefore not create confusion for my customers past, present & future.

The fact that a person has incorporated a name doesn't give them any legal rights to that name (Florida Statue 607.0401 (5) - see page 3 - Item No. 1)

I have attached several additional samples on my "Mark" , some of which date back to 1993. This should help approval of this application as submitted with regard to Florida Statue 495.021 (E) Paragraph no. 2. (see attachments).

Also, Florida Statue 495.021 (F) further states that a registration shall not be denied based on the registration of a corporate name or fictitious name by another party. (see page 3 Florida Statue 495.021 Registrability (F).

(2)

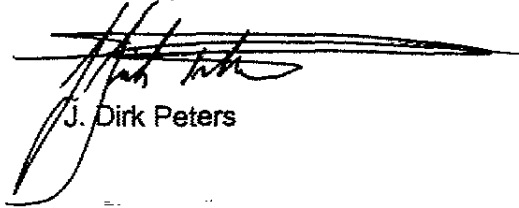
The State of Florida's , Trademark/Service Mark Registration Guidelines
Item No. 1 - **states that marks are checked against other marks registered by the Division and not against corporations, fictitious names or other entities.**

I believe these Statues clearly support my position for Service Marking and furthermore as stated it will protect the public with regards to likelihood of confusion, mistake, or deception as defined in Florida Statue 495.011 DEFINITIONS (6b).

Also, with the additional samples of "HEIGHTS REALTY" mark usage that date back to 1993- this further provides proof of FIRST IN USE, FIRST IN RIGHT.

I appreciate your further review of my Application for Service Mark for the " HEIGHTS REALTY" . And, look forward to a favorable response.

Sincerely,



J. Dirk Peters

Attachments:

- 1) Invoice from Greater Tampa Realtors Assn. - Dated 6/30/1993
- 2) Advertisement in The Old Seminole Heights Preservation Committee - postmarked Jan. 19, 1994
- 3) Advertising in The Tampa Tribune - dated December 14, 2006
- 4) Florida Statue 495.021 (e & f) Trademark Registrability
- 5) Trademark/Service Mark Registration Guidelines (Page 1)

J. DIRK PETERS HEIGHTS REALTY

111 EAST SLIGH AVENUE
PO Box 271361
TAMPA, FLORIDA 33688-1361
813.239.1100

(3)

Facts in support of the Service Mark of "HEIGHTS REALTY"

1) Florida Statute 607.0401 Corporate Name.

(5) The name of the corporation as filed with the Department of State shall be for public notice only and shall not alone create any presumption of ownership beyond that which is created under common law.

2) Chapter 495 REGISTRATION AND PROTECTION OF TRADEMARKS

Florida Statute 495.021 Registrability

(E) (5) Paragraph No. 2 (Sentence No. 2) - The department may accept as prima facie evidence that the mark has become distinctive, as used on or in connection with the applicants goods or services, proof of substantially exclusive use thereof as a mark by the applicant in this state or elsewhere for the 5 years before the date on which the claim of distinctiveness is made; or

(F) - Consists of or comprises a mark which so resembles a mark registered in this state or a mark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive. Registration shall not be denied solely on the basis of reservation or registration by another of a corporate name or fictitious name is the same or similar to the mark for which registration is sought.

3) The State of Florida:

TRADEMARK/SERVICE MARK REGISTRATION GUIDELINES

In Section No. 1 (General Information) -

Marks are checked against other marks registered or reserved with this division and not against corporations, fictitious names or other entities. Rights to a name or mark are perfected by actual use in ordinary pursuit of the specific endeavor; rights are not perfected by registration only, and the general rule of "FIRST IN USE, FIRST IN RIGHT" IS APPLICABLE.

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:

J. Dirk Peters
PO Box 271361
Tampa, Florida 33688-1361
(813) 239-1100
Daytime Telephone number

PART I

1. (a) Applicant's name: J. Dirk Peters

(b) Applicant's business address: 111 East Sligh Avenue
Tampa, Florida 33604
City/State/Zip

If different, Applicant's mailing address: PO Box 271361
Tampa, Florida 33604
City/State/Zip

(c) Applicant's telephone number: (813) 239-1100

Individual Corporation Joint Venture Other: _____
 General Partnership Limited Partnership Union

If other than an individual,

(1) Florida registration/document number: _____ (2) Domicile State: _____
(3) Federal Employer Identification Number: _____

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.)

Real Estate Agency

(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.)
Business Cards. Letterhead, advertisements, signage, etc.

(Continued)

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

Class 36 Insurance and financial

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: 4/30/1993 (b) Date first used in Florida: 4/30/1993

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.)

Circular design with the words " THE HEIGHTS REALTY COMPANY " in outer ring & three houses in inner area & Heights Realty printed below design

English Translation

2. DISCLAIMER (if applicable)

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM " The, REALTY, Company " APART FROM THE MARK AS SHOWN.

I, J. Dirk Peters, 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

J. Dirk Peters

Typed or printed name of applicant

[Handwritten signature]

Applicant's signature (List name and title)

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

On this 15th day of December, 2006, J. DIRK PETERS personally appeared before me,

[x] who is personally known to me [] whose identity I proved on the basis of

FILED 07 JAN 11 PM 1:18 SECRETARY STATE TALLAHASSEE, FLORIDA

(Seal)

[Handwritten signature] Notary Public Signature WENDY VERINK-TERHUNE

My Commission Expires [] My Commission Expires 12/26/2007 Commission # DD 243931 Bonded By National Notary Assn. FEE: \$87.50 per class

