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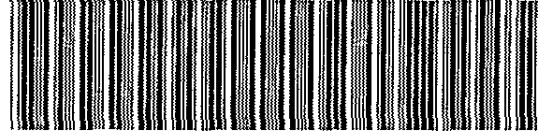
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W06-49247

07 FEB - 8 AM 9:34  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

FILED

No QP

3157057

-specimens

✓

**COVER LETTER**

**TO:** Registration Section  
Division of Corporations

**SUBJECT:** Logo - Stylized "QP"

(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:

Mr. Marc J. Randazza

(Name of Person)

Weston, Garrou, DeWitt, & Walters

(Firm/Company)

781 Douglas Avenue

(Address)

Altamonte Springs, FL 32714

(City/State and Zip Code)

For further information concerning this matter, please call:

Marc J. Randazza

(Name of Person)

at ( 407 ) 975-9150

(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

November 9, 2006

MR. MARC J. RANDAZZA  
WESTON, GARROU, ET AL.  
781 DOUGLAS AVENUE  
ALTAMONTE SPRINGS, FL 32714

SUBJECT: QP  
Ref. Number: W06000049247

We have received your document for QP 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 "QP", Registration Number "3157057", for the same or similar name and class(es).

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

Nanette Causseaux  
Document Specialist Supervisor

Letter Number: 206A00066085

LAW OFFICES  
**WESTON, GARROU, DEWITT & WALTERS**

A PARTNERSHIP OF PROFESSIONAL BUSINESS ENTITIES  
781 DOUGLAS AVENUE  
ALTAMONTE SPRINGS, FLORIDA 32714-2566  
FAX (407) 774-6151  
(407) 975-9150

REPLY TO  
FLORIDA

PRINCIPAL OFFICE  
LOS ANGELES, CALIFORNIA  
WILSHIRE BUNDY PLAZA  
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LOS ANGELES, CA 90025-1176  
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1205 J STREET, SUITE B  
SAN DIEGO, CA 92101-7500  
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(619) 232-3255

JOHN H. WESTON<sup>1,5</sup>  
CLYDE DEWITT<sup>1,4,8,9</sup>  
G. RANDALL GARROU<sup>1,2</sup>  
LAWRENCE G. WALTERS<sup>2,\*</sup>  
MARK P. BINDER<sup>1,2</sup>  
  
MARC J. RANDAZZA<sup>2,5</sup>  
DEREK B. BRETT<sup>2,6</sup>

OF COUNSEL  
CATHY E. CROSSON<sup>1,3</sup>  
A. DALE MANICOM<sup>1</sup>  
JEROME H. MOONEY<sup>1,7</sup>  
JOSEPH P. WOHRLE<sup>1</sup>

<sup>1</sup> ADMITTED IN CALIFORNIA  
<sup>2</sup> ADMITTED IN FLORIDA  
<sup>3</sup> ADMITTED IN INDIANA  
<sup>4</sup> ADMITTED IN TEXAS  
<sup>5</sup> ADMITTED IN MASSACHUSETTS  
<sup>6</sup> ADMITTED IN DISTRICT OF COLUMBIA  
<sup>7</sup> ADMITTED IN UTAH  
<sup>8</sup> ADMITTED IN NEVADA  
<sup>9</sup> A CALIFORNIA PROFESSIONAL CORPORATION  
\* A FLORIDA PROFESSIONAL ASSOCIATION

December 1, 2006

**VIA U.S. MAIL**

Nanette Causseaux  
Document Specialist Supervisor  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

**Re: Reference Number W06000049247**

Dear Ms. Causseaux:

We are in receipt of your correspondence of November 9, 2006, and this letter is sent in order to specially request that you reconsider your decision to deny Florida trademark protection to my client for the stylized QP mark for which protection was sought.

The denial cites Section 495.021(1)(f) and 495.181, Florida Statutes, for the authority to make this denial. I believe that your interpretation of the facts and the law is in error.

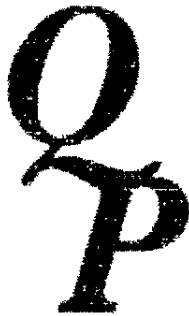
Section 495.021(1)(f) states as follows:

“That registration shall be denied if the mark “consists of or comprises a mark that so resembles a mark registered in this state or a mark for a tradename previously used in this state by another and not abandoned, as to be likely, when deprived of the goods and services of the applicant, to cause confusion, or to 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 that is the same or similar to the mark for which registration is sought.”

Section 495.181 simply states that the Florida Trademark Act shall be interpreted in the same manner as the Federal Trademark Act.

The marks sought to be registered are reproduced below:



Stylized QP Mark



Stylized QG Mark

As you can see, the two stylized marks are impossible to confuse. The mark my client seeks to register is a stylized Q and a P. The mark registered on the principal register at the United States Patent and Trademark Office is a stylized Q and a G, combined in the form of a key.

It is true that the United States Patent and Trademark Office has listed this as a stylized Q and a P. However, in discussions with the Attorney of Record appearing on this application, it comes to my attention that this Q and P element is a typographical error, and should have been recorded as a Q and a G.

Even if the two marks were both Q's and P's, I fail to identify any possibility that a consumer could be misled into any kind of confusion as to the identity of the two marks.

With the factual error highlighted and the complete absence of any likelihood of confusion, I presume that there no longer any impediments to my client's registration

with the Florida Division of Corporations. Please inform me at your earliest convenience as to when this has been executed.

Very Truly Yours,



Marc J. Randazza  
[mrandazza@firstamendment.com](mailto:mrandazza@firstamendment.com)

cc: Lawrence G. Walters, Esq.  
Julia Gard, Esq. (Attorney for QG mark holder)



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

January 4, 2007

MR. MARC J. RANDAZZA  
WESTON, GARROU, ET AL.  
781 DOUGLAS AVENUE  
ALTAMONTE SPRINGS, FL 32714

SUBJECT: QP  
Ref. Number: W06000049247

We have received your document for QP and your check(s) totaling \$350.00. However, the document has not been filed and is being retained in this office for the following:

After further review we will grant registration with the corrections we are requested in this letter.

The specimens provided this office are not acceptable; we need three permanent specimens, **which may be the same or different**. We do not accept 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 90 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: 507A00000656

LAW OFFICES  
WESTON, GARROU, DeWITT & WALTERS

A PARTNERSHIP OF PROFESSIONAL BUSINESS ENTITIES  
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ALTAMONTE SPRINGS, FLORIDA 32714-2566  
FAX (407) 774-6151  
(407) 975-9150

REPLY TO  
FLORIDA

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7 ADMITTED IN UTAH  
8 ADMITTED IN NEVADA  
† A CALIFORNIA PROFESSIONAL CORPORATION  
\* A FLORIDA PROFESSIONAL ASSOCIATION

February 1, 2007

**VIA U.S. MAIL**

Nanette Causseaux  
Document Specialist Supervisor  
Division of Corporations  
P.O. Bos 6327  
Tallahassee, FL 32314

**Re: Reference Number W06000049247**

Dear Ms. Causseaux:

Thank you for your letter of January 4, 2007 regarding the above-referenced file. As requested, I have enclosed a copy of that letter for your reference and convenience.

My client appreciates your reconsideration of this matter and willingness to grant trademark registration. Per your correspondence, enclosed are four (4) specimens bearing the QP logo for which my client seeks registration.

I believe that these specimens accurately reflect the criteria for registration. Should you have any questions or require anything further, please do not hesitate to contact me at the telephone number above.

Very Truly Yours,



Marc J. Randazza  
[mrandazza@firstamendment.com](mailto:mrandazza@firstamendment.com)

cc: Lawrence G. Walters, Esq.  
Client



**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:

Elaine Gavin-Zoske  
2172 S. Ridgewood Avenue  
South Daytona, FL 32119  
(386) 756-3399  
Daytime Telephone number

**PART I**

1. (a) Applicant's name: Quality Professionals, Inc.

(b) Applicant's business address: 2172 So. Ridgewood Avenue

South Daytona, FL 32119

City/State/Zip

If different, Applicant's mailing address: \_\_\_\_\_

City/State/Zip

(c) Applicant's telephone number: ( 386 ) 756-3399

Individual       Corporation       Joint Venture       Other: \_\_\_\_\_  
 General Partnership       Limited Partnership       Union

If other than an individual,

(1) Florida registration/document number: S16320 ✓      (2) Domicile State: Florida

(3) Federal Employer Identification Number: 593040511

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.)

Staffing services for health care professionals.

(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.)

The mark will serve as a logo on company timeslips, as well as company letterhead,  
advertisements, and other promotional materials.

(Continued)

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

Class 35

**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: 11/30/1990 (b) Date first used in Florida: 11/30/1990

**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.)

The logo features a stylized capital letter Q, followed by a capitalized letter P, which are aligned vertically.

Copies of the design are attached as specimens.

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, Elaine Gavin-Zoske, 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

Elaine Gavin-Zoske

Typed or printed name of applicant

Elaine Gavin-Zoske

Applicant's signature  
(List name and title)

FILED  
07 FEB - 8 AM 9:34  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

STATE OF Florida

COUNTY OF VOLUSIA

On this 2nd day of NOVEMBER, 2006, ELAINE GAVIN-ZOSKE personally appeared before me,

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

Alden Lynn Snyder  
Notary Public Signature

(Seal)

Notary Public Name ALDEN LYNN SNYDER  
Comm# DD0408149  
Expires 4/8/2009  
Bonded thru (800)432-4254  
Florida Notary Assn., Inc.

My Commission Expires: \_\_\_\_\_

FEE: \$87.50 per class



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