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TO 8-313

03/03/08--01031--013 **87.50

608-11324

FILED
08 MAR 14 PM 3:42
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

N. CAUSSEAU

MAR 17 2008

EXAMINER

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: BENEDETTO'S

(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:

H. WILLIAM LARSON, ESQ.

(Name of Person)

LARSON & LARSON, P.A.

(Firm/Company)

11199 69TH STREET NORTH

(Address)

LARGO, FL 33773

(City/State and Zip Code)

For further information concerning this matter, please call:

H. WILLIAM LARSON, ESQ.

(Name of Person)

at (727) 546-0660

(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

(NOTE: The information contained in this cover letter will be included in the permanent record and will be available to the general public.)

LARSON & LARSON, P.A.

ATTORNEYS AT LAW
Practicing Domestic & International
Patent Trademark & Copyright Law
Trial and Appellate Litigation

H. WILLIAM LARSON
HERBERT W. LARSON

ALSO ADMITTED IN DELAWARE AND THE DISTRICT
OF COLUMBIA AND REGISTERED TO PRACTICE
BEFORE THE U.S. PATENT AND TRADEMARK
OFFICE (REG. NO. 21008)

FRANK LIEBENOW
Patent Agent
Registration # 48688

11199-69th Street N.
Largo, FL 33773-5504
PH. 727-546-0660
FAX 727-545-1595

February 27, 2006

Division of Corporations
Trademark Section
P.O. Box 6327
Tallahassee, FL 32314

RE: Trademark Application for "**Benedetto's**"
My file 2516.0

Dear Sir or Madam:

Enclosed is an application for registration of a Florida trademark. The following is enclosed:

- (1) Original and one copy of the application.
- (2) Check No. 29164 for \$87.50.
- (3) Three specimens.

Kindly direct all questions concerning this application to the undersigned who represents the applicant in this matter.

Very truly yours,

LARSON & LARSON, P.A.


H. William Larson

HWL/ml
Enclosures



FLORIDA DEPARTMENT OF STATE
Division of Corporations

March 4, 2008

H. WILLIAM LARSON, ESQUIRE
LARSON & LARSON, P.A.
11199-69TH STREET N.
LARGO, FL 33773-5504

SUBJECT: BENEDETTO'S
Ref. Number: W08000011324

FILED
08 MAR 14 PM 3:42
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

We have received your document for BENEDETTO'S and your check(s) totaling \$87.50. However, the document has not been filed and is being retained in this office for the following:

Please note there is a pending registration for the same or a similar mark with the U.S. Patent and Trademark Office. Chapter 495, Florida Statutes, does not allow this office to deny a Florida mark due to a pending federal registration. Therefore, we will register the mark in the state of Florida if you wish to proceed with its registration. However, we strongly suggest that you reconsider your registration. The registration of mark with the Florida Department of State is a ministerial act intended solely for the purpose of providing public notice of the registrant's ownership rights. The right of ownership of any mark is based on the use of a mark in the ordinary course of trade and is not based on a grant by the Florida Department of State. Therefore, it will be the owner's responsibility, not that of the Florida Department of State, to defend it should a case of infringement arise as a result of the mark's Florida registration.

Please advise in writing if you want to continue with this registration.

Pursuant to s. 495.035(5), F.S., this application will be considered abandoned if the applicant fails to reply or resubmit the corrected/amended application within three months from date of this letter.

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

Nanette Causseaux
Document Specialist Supervisor

Letter Number: 108A00013436

LARSON & LARSON, P.A.

Patent, Trademark & Copyright Law

11199 69th Street North

Largo, FL 33773

727-546-0660 telephone

727-545-1595 facsimile

larsonb@tampabay.rr.com

March 11, 2008

Nanette Causseaux
Documents Supervisor
Div. Corps.
PO Box 6327
Tallahassee, FL 32314

Re: Ref No. W08000011324
Benedetto's TM
My File No. 2516

Dear Ms. Causseaux:

I received your correspondence date March 4, 2008 in connection with the above referenced matter.

Please proceed with registration and return the certificate to me.

Thank you.

Very truly yours,

Larson & Larson, P.A.

s/ H. William Larson
H. William Larson, Esq.

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

PART I

1. OWNER/APPLICANT: Enter the name and address of the individual or the business entity to be listed as the owner of the Trademark and/or Service Mark on the records of the Florida Department of State.

(a) Owner's/Applicant's name: BENEDETTO'S ITALIA, INC.

(b) Owner's/Applicant's business address: 21529 VILLAGE LAKES PLAZA

LAND O'LAKES, FL 34639

City/State/Zip

If different, Owner's/Applicant's mailing address: _____

City/State/Zip

(c) Owner's/Applicant's telephone number: (813) 629-1799

Check the appropriate box to indicate the Owner/Applicant is a(n):

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Individual | <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> Joint Venture | <input type="checkbox"/> Limited Liability Company |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Union | <input type="checkbox"/> Other: _____ |

If the Owner/Applicant is a business entity, the business entity must have an active filing or registration on file with the Florida Department of State. If the Owner/Applicant is not an individual, enter the business entity's Florida registration/document number in #1, the state or country under the laws of which the business entity is currently formed, organized or incorporated under in #2, and the entity's federal employer identification number (EIN) in #3.

(1) Florida registration/document number: P01000050757

(2) Domicile State or Country: FLORIDA - PASCO COUNTY

(3) Federal Employer Identification Number: 651114545

2. (a) **SERVICE MARK:** If the owner/applicant is using the name, logo, design and/or slogan being registered in connection with a type of service, the mark is a service mark. If the mark is a service mark, the applicant/owner must list the specific service(s) the mark is being used in connection with. For example: furniture moving services, diaper services, house painting services, wholesale and retail sales of tractor equipment, etc. If the owner/applicant is using the mark to identify services available in the market place, enter the specific service(s) being rendered here:

(Note: List only those services currently being rendered by the owner/applicant. Do not include future services.)

RESTAURANT SERVICES

2. (b) TRADEMARK: If the owner/applicant is using the name, logo, design and/or slogan being registered in connection with an actual product manufactured by the owner/applicant or on the owner/applicant's behalf, the mark is a trademark. If the mark is a trademark, the applicant/owner must list the specific product(s) the name, logo, design and/or slogan is being used to identify. For example: ladies sportswear, cat food, barbecue grills, shoe laces, etc. If the owner/applicant is using the name, logo, design and/or slogan to identify goods available in the market place, enter the specific product(s) the name, logo, design and/or slogan is being used to identify:

(Note: List only those product(s) currently available. Do not include future products.)

2. (c) HOW IS THE NAME, LOGO, DESIGN AND/OR SLOGAN CURRENTLY USED:

SERVICE MARKS: If the name, logo, design and/or slogan are/is being used in connection with a type of service, you must specify the form(s)/mean(s) of advertisement the applicant/owner is using to advertise the services to the general public. For example: newspaper advertisements, business cards, brochures, flyers, pamphlets, menus, etc. If the mark is being used in connection with a type of service, state how the name, logo, design and/or slogan are/is being used in advertising here:

SIGN, MENUS AND ADVERTISING

TRADEMARKS: If the name, logo, design and/or slogan are/is being used to identify a product manufactured by or for the applicant/owner, you must specify how the mark is applied or affixed to the actual product or its packaging. For example: a tag, label, imprinted or engraved on the actual product, etc. If the mark is being used in connection with a specific product, state how the name, logo, design and/or slogan is applied or affixed to the actual product(s) or the packaging:

2. (d) FEE(S) AND CLASS(ES): There are a total of 45 classes or categories in which all products or services must be categorized. The fee to register a mark is \$87.50 per class. Make check payable to Florida Department of State.

List the class(es) which apply to the product(s) and/or service(s) listed in 2(a) and/or 2(b) above:

043

PART II

1. You must state the date the name, logo, design and/or slogan was first used in the state of Florida, and, if it was used in another state or country, the date you first used the name, logo, design and/or slogan in the other state or country. Enter the month, day, and year the name, logo, design and/or slogan was first used by the applicant/owner, the predecessor, or a related company in Florida. If the name, logo, design and/or slogan has been used in another state or country, then you must also enter the month, day, and year the name, logo, design and/or slogan was/were used in another state or country, when applicable.

Note: The Florida Statutes require a mark to be in use prior to registration.

(a) Date first used in other state or country, if applicable: _____

(b) Date first used in Florida: 11/07/2000

PART III

ENTER NAME, LOGO, DESIGN AND/OR SLOGAN BEING REGISTERED:

1. Enter the name, a brief description of the logo or design, and/or the slogan you are registering. The description of the logo and/or design must be 25 words or less. List the exact name, slogan, and/or description of the logo/design here: (NOTE: The name, logo, design and/or slogan listed in this section must match the exact name, logo, design and/or slogan listed on your specimens or examples.)

BENEDETTO'S

Provide the English translation of any and all terms listed #1 above, when applicable: BLESSED

2. DISCLAIMER STATEMENT (if applicable):

Your mark may include a word or design that is commonly used by others. Commonly used terms or designs must be disclaimed. When you disclaim a specific term or design, you are acknowledging this term is commonly used by others and that you do not claim the exclusive right to use the disclaimed term or design. All geographical terms and representations of cities, states or countries must be disclaimed (i.e., Miami, Orlando, Florida, the design of the state of Florida, the design of the United States of America, etc.). Corporate suffixes and terms readily associated with the specific product(s) and/or(s) service being provided must also be disclaimed.

Enter all terms listed in #1 above which require a disclaimer in the space provided below:

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM(S)" _____
" APART FROM THE MARK AS SHOWN.

3. ATTACH OR INCLUDE THREE SPECIMENS OR EXAMPLES OF THE TRADEMARK OR SERVICE MARK BEING REGISTERED

Chapter 495, F.S., requires you to submit three specimens (samples or examples) of the mark in use. You must submit three specimens FOR EACH CLASS listed in Part I #2(d). The name, logo, design and/or slogan on the specimens must be identical to the name, logo, design and/or slogan being registered. You may provide three identical specimens or three different specimens. For each service mark class (classes 35-45), you may provide three newspaper advertisements, business cards, brochures, flyers, or any combination thereof. For each trademark class (classes 1-34), you may provide three tags, labels, boxes, etc. or any combination thereof. Photographs of bulky specimens are acceptable if the mark being registered and the good(s) or product(s) are clearly legible.

SIGNATURE OF APPLICANT/OWNER AND NOTARIZATION:

I, Bennet J. Pumo Jr., 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 to the best of my knowledge no other person except a related company has registered this mark in this state or has the right to use such mark in Florida either in the identical form thereof or in such near resemblance as to be likely, when applied to the goods or services of such other person to cause confusion, to cause mistake or to deceive. I make this affidavit and verification on my/the applicant's behalf. I further acknowledge that I have read the application and ~~the~~ the contents thereof and that the facts stated herein are true and correct.

Bennet J. Pumo Jr.
Typed or printed name of applicant

[Signature] / President
Applicant's signature
(List name and title)

STATE OF 1

COUNTY OF Pasco

Florida
Pasco

FILED
08 MAR 14 PM 3:42
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

On this 26th day of Feb, 2008, Bennet J. Pumo personally appeared before me,

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

[Signature]
Notary Public Signature

TRACIE Marshall
Notary's Printed Name



My Commission Expires: 5-28-09

FILING FEE: \$87.50 per class



Benedetto's

Italiano Ristorante

Fine Italian Cuisine

Dinner Menu

Tuesday - Thursday
4 pm - 10 pm

Friday - Saturday
4 pm - 11 pm

Sunday
4 pm - 9 pm

CLOSED MONDAY

*All of our entrees are prepared to order.
Your patience will be greatly appreciated.
Chef Bennet Pumo*

CATERING AND TAKE-OUT AVAILABLE

21529 Village Lakes Shopping Center
Land O' Lakes, Florida 34639

(813) 909-9694

"The best kept Italian secret in Town"