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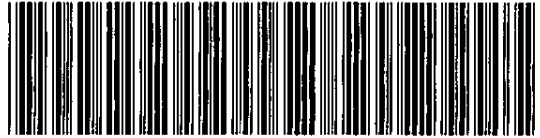
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W08-54115

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

N. CAUSSEAU

DEC 17 2008

EXAMINER



Jeanne L. Seewald

Direct Phone: 239.254.2905
Direct Fax: 239.254.2942
Email: jseewald@hahnlaw.com

December 3, 2008

VIA FEDERAL EXPRESS

Registration Section
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

**Re: Florida State Trademark Application for:
FAIRWAYS STORAGE AND WINE CELLAR**

Dear Sir or Madam:

Enclosed for filing please find an original and one copy of an application for registration of the above trademark. Also enclosed are three (3) specimens of the application and our firm check representing the applicable filing fee.

Please return all correspondence concerning these matters to me at the following address:

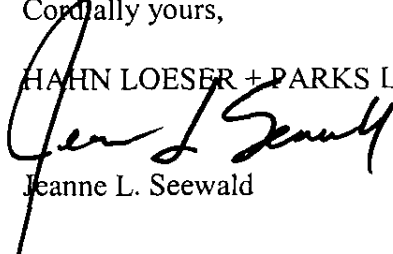
Jeanne L. Seewald, Esq.
Hahn Loeser + Parks LLP
800 Laurel Oak Drive, Suite 600
Naples, FL 34108

If you require further information, please contact me at (239) 254-2905.

Thank you for your attention to this matter.

Cordially yours,

HAHN LOESER + PARKS LLP


Jeanne L. Seewald

JLS:jr

cc: Ms. Denise Grosman (w/o enclosures)

Enclosures: Trademark Applications (original and one copy)
Three (3) specimens
Firm check

CLE - 1103143.1

HAHN LOESER & PARKS LLP

800 Laurel Oak Drive Suite 600 Naples, FL 34108 phone 239.254.2900 fax 239.592.7716 hahnlaw.com



FLORIDA DEPARTMENT OF STATE
Division of Corporations

December 4, 2008

JEANNE L. SEEWALD, ESQUIRE
HAHN LOESER + PARKS LLP
800 LAUREL OAK DRIVE, SUITE 600
NAPLES, FL 34108

SUBJECT: FAIRWAYS STORAGE AND WINE CELLAR
Ref. Number: W08000054115

We have received your document for FAIRWAYS STORAGE AND WINE CELLAR 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: "STORAGE AND WINE CELLAR"

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: 708A00059266

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: **Fairways Trade Village, LLC**
(b) Owner's/Applicant's business address: **6200 Shirley Street, Suite 201
Naples, FL 34109**

If different, Owner's/Applicant's mailing address: **6210 Shirley Street, Suite 107
Naples, FL 34109**

(c) Owner's/Applicant's telephone number: **(239) 254-1971**

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

☐ Individual ☐ Corporation ☐ Joint Venture ☒ Limited Liability Company
☐ General Partnership ☐ Limited Partnership ☐ Union ☐ 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: **L04000013900** ✓
(2) Domicile State or Country: **Florida**
(3) Federal Employer Identification Number: **201347829**

- 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.)

Storage of goods; storage of wine.

- 2.(a) **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:

Newspaper advertisements, business cards, brochures, flyers, pamphlets, magazine advertisements, and other visual media designed to reach the public.

TRADEMARKS: If the name, logo, design, and/or slogan are/is being used to identify a product manufactured by or on behalf of the Owner/Applicant, 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 service 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:

Class 39

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 another state or country, if applicable: **October 1, 2003**
- (b) Date first used in Florida: **October 1, 2003**

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 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 on your specimen or examples.)

FAIRWAYS STORAGE AND WINE CELLAR

Provide the English translation of any and all terms listed in #1 above, when applicable: **N/A**

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 service(s) 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) "STORAGE AND WINE CELLAR" 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.

SEE ATTACHED SPECIMENS.

SIGNATURE OF OWNER/APPLICANT AND NOTARIZATION:

I, Larry R. Andrews, Manager of Fairways Trade Village, LLC, 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 know the contents thereof and that the facts stated herein are true and correct.

Larry R. Andrews
Larry R. Andrews, Manager, Fairways Trade Village, LLC,
A Florida Limited Liability Company

STATE OF FLORIDA

COUNTY OF COLLIER

On this 13th day of November, 2008, Larry R. Andrews personally appeared before me, ☒ who is personally known to me ☐ whose identity I proved on the basis of personally known.



Teresa N. Gershon
Notary Public

Teresa N. Gershon
Printed Name

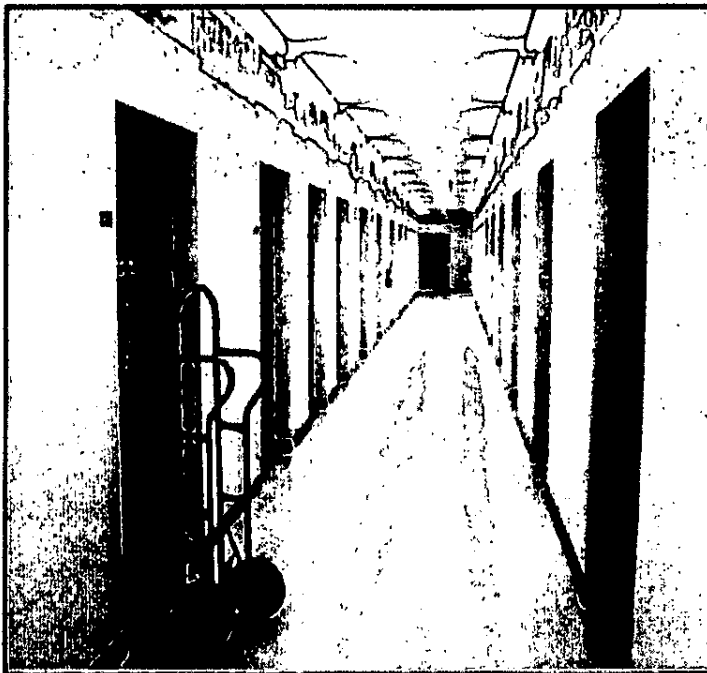
My Commission expires: 3/17/12

FILING FEE: \$87.50 per class

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TALLAHASSEE, FLORIDA

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SELF STORAGE

A/C &
Humidity
Controlled

*Electronic
card access*

*24/7 recorded
video*

Wine Vault Storage

*Card access
system*

*Walk-in
Vaults*

*Back-up
Generator*



All Units
Climate
Controlled

FAIRWAYS **STORAGE** & WINE CELLAR

YOUR PERSONAL & BUSINESS STORAGE SOLUTION

6210 Shirley Street, Suite 107 • Naples, FL 34109
239-254-1971 • Fax: 239-254-7852 www.fairwaysstorage.com