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T09-896

08/12/09--01034--025 \*\*87.50

009-37307

2 separate  
Mark  
ZAP!  
\*ZAP! Gold

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

09 AUG 25 PM 2:02

FILED

N. CAUSSEUX

AUG 26 2009

EXAMINER

**COVER LETTER**

**TO:** Registration Section  
Division of Corporations

**SUBJECT:** ZAP!

(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:

ALBERT J. DE GUTIS

(Name of Person)

(Firm/Company)

2711 FIRST ST. SUITE #102

(Address)

FT. MYERS, FLORIDA 33916

(City/State and Zip Code)

For further information concerning this matter, please call:

ALBERT J. DE GUTIS

(Name of Person)

at ( 239 ) 334-3016

(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.)**



FLORIDA DEPARTMENT OF STATE  
Division of Corporations

August 18, 2009

ALBERT J. DE GUTIS  
2711 FIRST STREET, SUITE #102  
FT. MYERS, FL 33916

SUBJECT: ZAP! AND ZAP! GOLD  
Ref. Number: W09000037307

We have received your document for ZAP! AND ZAP! GOLD 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 submit a separate application for each mark you wish to register. Please amend Part III of the enclosed application to reflect only one mark. If you desire to file more than one mark, we are enclosing another application. You may photocopy this form if more than one form is needed.

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: 209A00028030

**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**

FILED  
09 AUG 25 PM 2:22  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

**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: ALBERT J. DE GUTIS

(b) Owner's/Applicant's business address: 2711 FIRST ST. SUITE#102  
FT. MYERS, FLORIDA 33916  
City/State/Zip

If different, Owner's/Applicant's mailing address: \_\_\_\_\_  
City/State/Zip

(c) Owner's/Applicant's telephone number: ( 239 ) 334-3016

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: \_\_\_\_\_  
(2) Domicile State or Country: \_\_\_\_\_  
(3) Federal Employer Identification Number: \_\_\_\_\_

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.)

FLAVORED AND NON-FLAVORED BEVERAGE CONCENTRATES  
\_\_\_\_\_  
\_\_\_\_\_

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.)

ZAP! FLAVORED, ENERGY CONCENTRATE, ZAP! GOLD, NON-FLAVORED

ENERGY CONCENTRATE

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:

INTERNET, BROCHURES, WHOLESALE AND RETAIL SALES, AND BULK MANUFACTURING  
OF GOODS AND SERVICES.

**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:

LABELS APPLIED OR AFFIXED ON THE ACTUAL PRODUCT AND PACKAGING, RETAIL  
AND WHOLESALE

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:

CLASS 32

**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: FEB. 2, 2009

**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.)

ZAP!

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

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**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)" ENERGY DRINK AND ENERGY CONCENTRATE " 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, ALBERT J. DE GUTIS, 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.

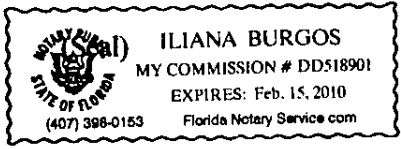
Albert J. DeGutis  
Typed or printed name of applicant  
[Signature]  
Applicant's signature  
(List name and title)

FILED  
09 AUG 25 PM 2:02  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

STATE OF FLORIDA  
COUNTY OF LEE

On this 10 day of August, 2009, Albert J. DeGutis personally appeared before me,

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




[Signature]  
Notary Public Signature  
Iliana Burgos  
Notary's Printed Name

My Commission Expires: Feb. 15, 2010

FILING FEE: \$87.50 per class

# OFFICIAL SPECIMEN

TM/SM REG. # \_\_\_\_\_



**A SUPERIOR ENERGY SUPPLEMENT PROVIDING NATURAL - INSTANT - RESULTS**  
(Please Use Responsibly)

**Makes 50 8 oz. Drinks**  
Add: 10 Pumps (1 mL) to 8oz. Water

**Supplemental Facts:** Calories 0, Total Fat 0g, Total Carbohydrates 41g (12.0g D), Water, Proprietary Micronutrient Blend<sup>®</sup>, Copper<sup>1</sup>, Manganese<sup>2</sup>, Zinc<sup>3</sup>, Calcium<sup>4</sup>, Selenium<sup>5</sup>, Silicon<sup>6</sup>, Iodine<sup>7</sup>, Sodium<sup>8</sup>, Potassium<sup>9</sup>, Chromium<sup>10</sup>, Boron<sup>11</sup>, Daily Values (DV) based on a 2000 calorie diet. \*Contains 4% of DV. DV not established.

**A PURE-NATURAL, CAFFEINATED CONCENTRATE CONTAINING:** Distilled Water, A Blend of Natural Caffeines, 12 Ionic Minerals (to create electrolytes), Ginseng, Vitamins: C, E, B-3, B-6, B-9, and B-12 (for added energy), Lemon & Lime Special Flavor, Citric Acid, Potassium Sorbate and Stevia (dietary supplement).

Manufactured by L. E. C. Labs  
FL Myers, FL 33916  
238-394-3016

Distributed by Atlantic Beverage Group, USA

