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12 MAR - 1 AM 10:34  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

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MAR 1 2012

EXAMINER

November 10, 2011

Matthew M. Jennings

*Via Express Mail*

mjennings@coxsmith.com

210 554 5363

Florida Department of State  
Registration Section  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

Re: Florida Service Mark Application  
Mark: JACKSONVILLE'S HOLIDAY MUSIC STATION  
For: IP Radio; WJGH; Jacksonville Market  
Our Reference No.: 22187.6396

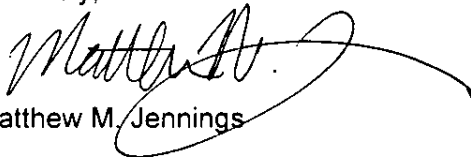
Dear Sirs:

Enclosed please find the following:

1. Cover Letter;
2. Application for Registration of a Trademark or Service Mark;
3. Three Specimen Attachment Sheets consisting of two (2) different website screenshots and a transcription of an audio sample of use;
4. One (1) audio sample of use; and
5. A check in the amount of \$87.50.

Please return the certificate of registration to this office as the authorized representative of the applicant. If a telephone conference would be helpful in answering any questions, please feel free to contact the undersigned.

Sincerely,



Matthew M. Jennings

mp:enclosures

cc: Ellen Lockwood (w/encls.)  
Brenda Key (w/encls.)  
Gloria McDaniel (w/encls.)  
Neal Sharpe (w/encls.)  
ic: Pamela B. Huff (w/o encl.)

**COVER LETTER**

**TO:** Registration Section  
Division of Corporations

**SUBJECT:** JACKSONVILLE'S HOLIDAY MUSIC STATION  
(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:

Matthew M. Jennings, Authorized Representative  
(Name of Person)

Cox Smith Matthews Incorporated  
(Firm/Company)

112 East Pecan Street, Suite 1800  
(Address)

San Antonio, Texas 78205  
(City/State and Zip Code)

For further information concerning this matter, please call:

Matthew M. Jennings at (210) 554-5363  
(Name of Person) (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

November 17, 2011

MATTHEW M. JENNINGS  
COX SMITH MATTHEWS INCORPORATED  
112 EAST PECAN STREET, SUITE 1800  
SAN ANTONIO, TX 78205

SUBJECT: JACKSONVILLE'S HOLIDAY MUSIC STATION  
Ref. Number: W11000058419

We have received your document for JACKSONVILLE'S HOLIDAY MUSIC STATION 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 section 495.021(1), Florida Statutes, because the mark is merely descriptive. The mark must be in use five years prior to registration.

Once the mark has been in use for five years you may resubmit the application with proof of substantially exclusive and continuous use and the Department of State will reconsider 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: 611A00026110

February 3, 2012

*Via Express Mail*

Florida Department of State  
Registration Section  
Division of Corporations  
P.O. Box 6327  
Tallahassee, FL 32314

Matthew M. Jennings  
Registered Patent Attorney  
mjennings@coxsmith.com  
210 554 5363

Re: Florida Service Mark Application  
Mark: JACKSONVILLE'S HOLIDAY MUSIC STATION  
For: IP Radio; WJGH; Jacksonville Market  
Our Reference No.: 22187.6396

Dear Sirs:

Enclosed please find the following:

1. Response to Trademark Objection Letter, with Exhibit A;
2. A courtesy copy of the Trademark Objection Letter dated November 17, 2011; and
3. Resubmission of original Application for Registration of a Trademark or Service Mark.

It is noted that Applicant's original specimens of use and filing fee of \$87.50 were not returned with the November 17, 2011 objection letter.

Please return the certificate of registration to this office as the authorized representative of the applicant. If a telephone conference would be helpful in answering any questions, please feel free to contact the undersigned.

Sincerely,



Matthew M. Jennings

mp:enclosures

cc: Ellen Lockwood (w/encls.)  
Brenda Key (w/encls.)  
Gloria McDaniel (w/encls.)  
Neal Sharpe (w/encls.)  
ic: Pamela B. Huff (w/o encl.)

**IN THE OFFICE OF THE DEPARTMENT OF STATE**

Applicant: Clear Channel Broadcasting, Inc.	§	Supervisor: Nanette Causseaux
	§	
Mark: JACKSONVILLE'S HOLIDAY	§	Ref. Number: W11000058419
MUSIC STATION	§	
	§	Letter Number: 611A00026110
Filed: November 10, 2011	§	

**RESPONSE TO TRADEMARK OBJECTION LETTER**

Dear Supervisor Causseaux:

Applicant timely responds to the Trademark Objection letter dated November 17, 2011 as follows:

**REMARKS**

**MARK IS NOT MERELY DESCRIPTIVE:**

The Supervisor concludes that the mark is merely descriptive under Title XXXIII of the Florida Statutes, Chapter 495.021(1)(e)(1). In response, Applicant respectfully submits that JACKSONVILLE'S HOLIDAY MUSIC STATION is not descriptive, but instead is suggestive, of Applicant's services.

Applicant uses of the mark JACKSONVILLE'S HOLIDAY MUSIC STATION in connection with "[r]adio broadcasting services" in Class 38. This mark is not merely descriptive of Applicant's services under the criteria frequently used by the Trademark Trial and Appeal Board. See *No Nonsense Fashions, Inc. v. Consolidated Foods Corp.*, 226 U.S.P.Q. 502, 507 & nn.12-14 (T.T.A.B. 1985) (citing 1 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 11:21A-C (2d ed. 1984)); 2 J. Thomas McCarthy, *MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION* § 12:1 (4<sup>th</sup> ed. 1999).

First, under the "imagination test," the mark JACKSONVILLE'S HOLIDAY MUSIC STATION does not "merely" describe the services recited in the application because a multi-stage reasoning process is necessary to determine the attributes of the services. See *In re Tennis in the Round, Inc.*, 199 U.S.P.Q. 496 (T.T.A.B. 1978). This test is used to determine how much imagination a consumer must use to "cull a direct message from the mark about the quality, ingredients, or characteristics of the product or service." *Worthington Foods, Inc. v. Kellogg Co.*, 14 U.S.P.Q.2d 1577 (S.D. Ohio 1990), quoting J. McCarthy, *McCarthy on Trademarks and Unfair Competition* at 497 (2d. ed 1984). A merely descriptive mark directly conveys "a real and unequivocal idea of some characteristic, function, quality or ingredient of the product or service to a potential buyer who is not completely familiar with all aspects of the product." *Id.* The determination of whether a mark is merely descriptive is considered in relation to the identified services. See *In re Polo International, Inc.*, 51 USPQ2d 1061 (TTAB 1999); *In re Digital Research, Inc.*, 4 USPQ2d 1242 (TTAB 1987).

As noted above, the proposed mark JACKSONVILLE'S HOLIDAY MUSIC STATION is used in connection with radio broadcasting. Applicant urges that of the myriad definitions

offered for the term STATION by the *Random House Dictionary*, only one relates in any way to radio broadcasts. For example, the term STATION may refer to any of the following:

1. A place or position in which a person or thing is normally located.
2. A stopping place for trains or other land conveyances, for the transfer of freight or passengers.
3. The building or buildings at such stopping place.
4. The district or municipal headquarters of certain public services.
5. A place equipped for some particular kind of work, service, research, or the like.
6. The position, as of persons or things, in a scale of estimation, rank, or dignity; standing.
7. A position, office, rank, calling or the like.
8. A studio or building from which broadcasts originate; a person or organization originating and broadcasting messages or programs a specific frequency or band of frequencies assigned to a regular or special broadcaster; the complete equipment used in transmitting and receiving broadcasts.
9. A military place of duty; a semipermanent army post.
10. A place or region to which a ship or fleet is assigned for duty.
11. The area in which British officials of a district or the officers of a garrison resided.
12. A particular area or type of region where a given animal or plant is found.
13. A ranch with its buildings, land, *etc.*, especially for raising sheep.
14. A point where an observation is taken; a precisely located reference point; a length of 100 feet along a survey line.
15. A section or area assigned to a waiter, soldier, *etc.*
16. Stations of the cross.
17. The fact or condition of standing still.

(See <http://dictionary.reference.com/browse/station>). Likewise, the term HOLIDAY may refer to any number of civil and/or religious festivals and observances. For example, the State of Florida observes the following paid holidays by state agencies:

1. New Year's Day
2. Birthday of Dr. Martin Luther King, Jr.
3. Memorial Day
4. Independence Day
5. Labor Day
6. Veterans' Day
7. Thanksgiving Day
8. Friday after Thanksgiving
9. Christmas Day

Applicant urges that the terms STATION and HOLIDAY are therefore so ambiguous that "it requires imagination, thought and perception to reach a conclusion as to the nature of the services." *Blinded Veterans Ass'n v. Blinded Am. Veterans Found.*, 872 F.2d 1035, 1040 (D.C.Cir.1989) (citing *Stix Prods. Inc. v. United Merchants & Mfrs., Inc.*, 295 F.Supp. 479, 488 (S.D.N.Y.1968)). In any event, the mark does not immediately convey to one seeing or hearing it the thought of Applicant's radio broadcasting services. *In re Bed & Breakfast Registry*, 229 U.S.P.Q. 818, 819 (Fed. Cir. 1986). Therefore, under the "imagination test," the mark JACKSONVILLE'S HOLIDAY MUSIC STATION is not merely descriptive.

It should also be noted that the phrase MUSIC STATION has routinely been found non-descriptive. For example, the Florida Department of State has issued separate registrations for the marks MAGIC MUSIC STATION and Z88.3 ORLANDO'S CHRISTIAN HIT MUSIC STATION for use in connection with radio station services in Class 38. (See attached EXHIBIT A). Neither registration was required to enter a disclaimer. To the extent the Department of State has allowed these third party marks to proceed to registration, it is recognized that these marks are suggestive and not merely descriptive. As such, Applicant respectfully submits that its own mark is entitled to similar consideration.

Second, under the "competitors' use test," it should be noted that the Supervisor found no similar registered or pending marks that would bar registration under Title XXXIII of the Florida Statutes, Chapter 495.021(1)(f). Just as the frequent use of a mark by others in connection with similar goods tends to indicate the mark is descriptive of the services, so also the absence of evidence the mark has been used by others with similar services tends to indicate the mark is not merely descriptive. See *Shoe Corp. of Am. v. Juvenile Shoe Corp.*, 266 F.2d 793, 796, 121 U.S.P.Q. 510, 512-13 (C.C.P.A. 1959). The absence of registered or pending registrations for marks similar to JACKSONVILLE'S HOLIDAY MUSIC STATION with similar services indicates that the proposed mark is not merely descriptive under the "competitors' use test."

Third, under the "competitors' need test," Applicant's mark is not descriptive because it would not deprive competitors of words or symbols necessary to identify the stated goods. *Airco, Inc. v. Air Products & Chemicals, Inc.*, 196 U.S.P.Q. 832 (T.T.A.B. 1977). Specifically, the term JACKSONVILLE'S HOLIDAY MUSIC STATION is not necessary to identify radio broadcasting services, as numerous other words in the English language may be used to describe these services, such as "radio programming," "Florida broadcasting," or even "Christmas music." Applicant's mark JACKSONVILLE'S HOLIDAY MUSIC STATION uniquely identifies and distinguishes Applicant's services and there is no competitive need for its use.

Additionally, Applicant urges that the mark JACKSONVILLE'S HOLIDAY MUSIC STATION is a distinguishing slogan. Slogans are capable of registration, without disclaimer, if used in such a way as to identify and distinguish the seller's services from those of others. See e.g., *Roux Laboratories, Inc. v. Clairol Inc.*, 427 F.2d 823, 166 USPQ 34 (C.C.P.A. 1970) (affirming the Board's dismissal of an opposition to the registration of HAIR COLOR SO NATURAL ONLY HER HAIRDRESSER KNOWS FOR SURE for a hair coloring preparation); *In re The Hallicrafters Co.*, 153 USPQ 376 (TTAB 1967) (QUALITY THROUGH CRAFTSMANSHIP found registrable for radio equipment). Applicant submits that JACKSONVILLE'S HOLIDAY MUSIC STATION is capable of registration because it identifies and distinguishes Applicant's services.

Furthermore, Applicant's mark is not merely descriptive when viewed as a composite mark. The commercial impression of a composite mark may be arbitrary or suggestive even



though its separate parts are themselves descriptive. See *In re Wells Fargo & Co.*, 231 U.S.P.Q. 116 (T.T.A.B. 1986); See also *Concurrent Technologies, Inc. v. Concurrent Technologies Corp.*, 12 U.S.P.Q.2d 1054 (T.T.A.B. 1989). The whole, in trademark law, is often greater than the sum of its parts, and merely descriptive words in which no one may acquire a trademark may, when used in combination, form a non-descriptive composite trademark. See *Association of Co-operative Members, Inc. v. Farmland Industries, Inc.*, 684 F.2d 1134, 216 U.S.P.Q. 361 (5<sup>th</sup> Cir. 1982), *cert denied*, 460 U.S. 1038, 103 S.Ct. 1428 (1983). Applicant urges that JACKSONVILLE'S HOLIDAY MUSIC STATION is such a composite mark and is therefore not merely descriptive.

Finally, to the extent that any doubts remain as to whether the mark is suggestive, it is well-settled that any doubts are to be resolved in favor of the Applicant, *i.e.*, in favor of finding suggestiveness and registerability. *In re Conductive Systems, Inc.*, 220 USPQ 84, 86 (TTAB 1983) (doubts about the merely descriptive nature of a mark are resolved in favor of the applicant). Applicant respectfully submits that the Supervisor has failed to establish a *prima facie* case of mere descriptiveness, and that, at a minimum, Applicant has demonstrated that there are doubts as to the descriptive nature of the mark as applied to Applicant's services. Accordingly, Applicant urges that the mark JACKSONVILLE'S HOLIDAY MUSIC STATION is suggestive and entitled to registration.

#### CONCLUSION:

In light of the foregoing arguments, Applicant respectfully submits that the application is now conditioned to be registered in the State of Florida, and such is earnestly requested. If a telephone conference may be of assistance in properly resolving any outstanding issues, the Supervisor is respectfully requested to contact Applicant's undersigned attorney.

# EXHIBIT A

## Full Text Record(s)

Z88.3 ORLANDO'S CHRISTIAN HIT MUSIC STATION U.S. State ST. 430010

Trademark Z88.3 ORLANDO'S CHRISTIAN HIT MUSIC STATION  
Cross References Z 88.3 ORLANDO'S CHRISTIAN HIT MUSIC STATION  
Design Type WORD ONLY  
Database U.S. State  
Registered in FLORIDA  
Registration Number T95000001003  
Status EXPIRED FL  
Registration Date 15-AUG-1995  
Date Expired 15-AUG-2005  
Mark Type SERVICE MARK  
International Class(es) 38 (Communications services)  
41 (Education and entertainment services)  
Goods and Services RADIO STATION SERVICES  
Date First Use State 26-AUG-1988  
Date First Use Anywhere 26-AUG-1988  
Owner CENTRAL FLORIDA EDUCATIONAL FOUNDATION, INC.  
PO BOX 607977  
ORLANDO, FLORIDA 32860-7977

# EXHIBIT A



**Trademark** MAGIC MUSIC STATION  
**Design Type** WORD ONLY  
**Database** U.S. State  
**Registered in** FLORIDA  
**Registration Number** 927041  
**Status** EXPIRED FL  
**Registration Date** 09-JUN-1982  
**Date Expired** 09-JUN-1992  
**Mark Type** SERVICE MARK  
**International Class(es)** 20 (Furniture)  
38 (Communications services)  
42 (Scientific and technological services)  
**Goods and Services** GOODS/SERVICES NOT LISTED  
**Owner** METROPLEX COMMUNICATIONS OF TAMPA BAY, INC.  
CORPORATION  
51 SOUTH MAIN AVE. SUITE 96  
CLEARWATER, FLORIDA 33515

APPLICATION FOR THE REGISTRATION OF A TRADEMARK OR SERVICE MARK  
PURSUANT TO CHAPTER 495, FLORIDA STATUTES

FILED  
12 MAR - 1 AM 10:04  
SECRETARIAT OF STATE  
TALLAHASSEE, FLORIDA

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: Clear Channel Broadcasting, Inc.

(b) Owner's/Applicant's business address: 200 E. Basse Road  
San Antonio, TX 78209

City/State/Zip

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

City/State/Zip

(c) Owner's/Applicant's telephone number: 210 554-5363 (Matthew M. Jennings)

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: F94000005085

(2) Domicile State or Country: Nevada

(3) Federal Employer Identification Number: 742722883

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.)

Radio broadcasting 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.)

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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:

In advertising, in broadcasting, on the Internet, and in other ways customary  
in the trade.

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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:

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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 38 Telecommunications.

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**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: November 4, 2011

(b) Date first used in Florida: November 4, 2011

**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.)

JACKSONVILLE'S HOLIDAY MUSIC STATION

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

**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) "JACKSONVILLE

"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, Hamlet T. Newsom 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 know the contents thereof and that the facts stated herein are true and correct.*

Clear Channel Broadcasting, Inc.

Typed or printed name of applicant

Hamlet T. Newsom Jr.

Applicant's signature  
(List name and title)

Hamlet T. Newsom Jr.

STATE OF TEXAS

Vice President & Associate General Counsel

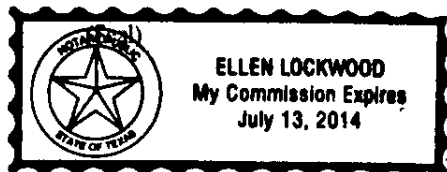
COUNTY OF BEXAR

Sworn to and subscribed before me on this 9<sup>th</sup> day of November, 2011, Hamlet T. Newsom Jr.

(Name of Individual Signing)

☒ who is personally known to me

☐ whose identity I proved on the basis of \_\_\_\_\_



Ellen Lockwood

Notary Public Signature

Ellen Lockwood

Notary's Printed Name

My Commission Expires: 07/13/2014

FILING FEE: \$87.50 per class

FILED  
12 MAR - 1 AM 10:00  
TALLAHASSEE, FLOR

## SPECIMEN ATTACHMENT SHEET

Applicant: Clear Channel Broadcasting, Inc.

Address: 200 E. Basse Road  
San Antonio, TX 78209

First Use:

Anywhere: In Florida:  
at least as early as at least as early as  
November 4, 2011 November 4, 2011

Services: Radio broadcasting services (Class 38)

Class No.: 38

Mark: JACKSONVILLE'S HOLIDAY  
MUSIC STATION

### SAMPLE OF USE – 1 of 3

Website screenshot showing use of  
Applicant's mark in association with the services

The screenshot shows the website for Magic 107.3, Jacksonville's Holiday Music Station. The header includes a 'LISTEN LIVE' button, the station's name, a 'Follow' button, and the iHeartRadio logo. The main content area features a 'WHAT'S HAPPENING!' section with a 'Hottest Gifts' article, a 'FREE! Radio App' download link, and a 'PLAYLIST' section titled 'Do You Hear What I Hear?' featuring songs like 'Santa Baby', 'Eartha Kitt', 'Sleigh Ride', and 'Boston Pops'. A navigation bar includes links for Home, Contests, Blogs, Music, Photos, Events, Info, and More Radio. A large banner advertises a contest: '9 Cars In 9 Weeks! Claim your Key to Start a Toyota!'. Below this, there's a 'PHOTO GALLERY' with 'Weird News Photos', 'Magic Monster Bash 2011', and 'Dogtoberfest 2011'. A 'CONNECT WITH US EVERYWHERE' section lists social media links for iHeartRadio, Facebook, Twitter, iPhone, Android, BlackBerry, and YouTube. A 'JOCK BLOGS' section features posts by JT about Halloween and Tony Mann about the Greater Jax Ag Fair. A 'FIND US ON FACEBOOK' section shows the station's Facebook page with 957 likes and a grid of photos. An 'EVENTS' section is also visible at the bottom.

T120000000185