

T1300000894

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP WAIT MAIL

W13-46007

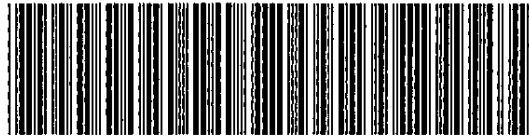
(Business Entity Name)

(Document Number)

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T13-894

08/16/13--01017--004 **87.50

FILED
13 SEP 10 PM 12:30
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

p/c

SEP. 11 2013
N. CAUSSEAU

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: Service Mark

(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:

J. A. Jurgens

(Name of Person)

Florida Group of Attorneys, LLC

(Firm/Company)

740 Florida Central Parkway, Suite 1012

(Address)

Longwood, FL 32750

(City/State and Zip Code)

For further information concerning this matter, please call:

J. A. Jurgens

(Name of Person)

at (407) 790-4914

(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 19, 2013

J.A. JRGENS
FLORIDA GROUP OF ATTORNEYS, LLC
740 FLORIDA CENTRAL PARKWAY, SUITE 1012
LONGWOOD, FL 32750

SUBJECT: SOUTH BEACH TANNING COMPANY & DESIGN OF THE WORDS
IN RED, YELLOW AND PURPLE ART DECO DESIGN
Ref. Number: W13000046007

We have received your document for SOUTH BEACH TANNING COMPANY & DESIGN OF THE WORDS IN RED, YELLOW AND PURPLE ART DECO DESIGN and your check(s) totaling \$87.50. However, the enclosed document, has not been filed and is being returned for the following correction(s):

The applicant must be the same owner as the registrations with the USPTO.

Class(es) "44" would appear applicable to your specific mark. Please delete the class(es) you have on line 2 (d) and insert the pertinent class(es) "44".

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: "TANNING COMPANY"

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) 245-6051.

Nanette Causseaux
Regulatory Specialist II Supervisor

Letter Number: 413A00019706

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

FILED
13 SEP 10 PM 12:30
SECRETARY 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: South Beach Tanning Factory, Inc. d/b/a South Beach Tanning Company

(b) Owner's/Applicant's business address: 4300 Lake Mary Boulevard, Suite 100
Lake Mary, FL 32746

City/State/Zip

If different, Owner's/Applicant's mailing address: N/A

City/State/Zip

(c) Owner's/Applicant's telephone number: (407) 310-3599

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: P05000134933

(2) Domicile State or Country: Florida

(3) Federal Employer Identification Number: 522388346

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.)

Tanning salon services including sales of products related to the tanning salon business

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.)

N/A

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:

The service mark requested under this application is for a sign located in the front of each tanning salon which is a uniform design

for each location. The sign is also depicted in the advertising literature of the company to maintain a consistent business concept as the business expands throughout Florida and the United States and recognizing the existing federal service marks.

TRADEMARKS: If the name, logo, design and/or slogan are/is being used to identify a product manufactured by or fore 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:

N/A

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 44

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: 12/10/2009

(b) Date first used in Florida: 06/29/2007

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.)

A sign with the words "South Beach Tanning Company" in a red, yellow and purple art deco design

Provide the English translation of any and all terms listed #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(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) "South Beach" and "tanning company" "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, Brian Hibbard, 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.

Brian Hibbard
Typed or printed name of applicant

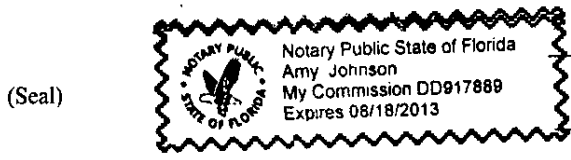
[Signature] President
Applicant's signature
(List name and title)

STATE OF Florida

COUNTY OF Seminole

Sworn to and subscribed before me on this 8th day of August 2013 Brian Hibbard
(Name of Individual Signing)

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



[Signature]
Notary Public Signature
Amy Johnson
Notary's Printed Name

My Commission Expires: DD 917889

FILING FEE: \$87.50 per class

FILED
13 SEP 10 PM 12:30
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

SOUTH FLORIDA EXPANSION

South Beach Tanning Company has announced major expansion plans into the South Florida market with both Corporate and Franchise locations.

The following highly desired markets have been made available for a limited time for qualified candidates.

Hurry, these markets will not last long!

SOUTH BEACH
TANNING COMPANY



80% - 90%

Equipment Financing
Available

Branded and Proven
Marketing Strategies

Proprietary Training

Turn-Key Solutions

In House Construction
Management Team

West Palm Beach

Boca Raton

Stuart

Jupiter

Lakewood

Port St. Lucie

Pompano Beach

Ft. Lauderdale

Wilton Manors

Cocoa Creek

South Beach

Coral Gables

Kendall

Weston

Delray Beach

Wellington

Miami (multiple locations)

Boyton Beach

Royal Palm Beach

Palm Beach Gardens

Deerfield Beach

North Miami Beach

Ready to be part of
Something Bigger?

Contact our director of franchise sales,
John Armatas at 855-844-8377

For additional information please visit our websites:

SouthBeachTanningCompany.com

SouthBeachTanningFranchise.com