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(Requestor's Name)

(Address)

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W15-37860✓

(City/State/Zip/Phone #)

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STATE
CLERK OF COURT

N. CAUSSEAU

NOV 28 2016

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: Southern Nights Name and Logo
(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:

RICHARD J KOWALCZYK,
(Name of Person)

RKBarr, LLC
(Firm/Company)

375 South Bumby Ave
(Address)

Orlando, FL 32803
(City/State and Zip Code)

For further information concerning this matter, please call:

RICHARD J KOWALCZYK, at 407 618-3453
(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

May 28, 2015

RICHARD J. KOWALCZYK
RKBARR, LLC
375 SOUTH BUMBY AVENUE
ORLANDO, FL 32803

SUBJECT: SOUTHERN NIGHTS & DESIGN OF "SOUTHERN" IN
HORIZONTAL GENERIC TEXT IN BANNER, WITH TRIANGLE ABOVE,
CIRCLE DESIGN CONTAINING "NIGHTS" IN DISTINCT STYLIZED FONT, "N"
RED, "I" ORANGE "G" YELLOW
Ref. Number: W15000037860

We have received your document for SOUTHERN NIGHTS & DESIGN OF "SOUTHERN" IN HORIZONTAL GENERIC TEXT IN BANNER, WITH TRIANGLE ABOVE, CIRCLE DESIGN CONTAINING "NIGHTS" IN DISTINCT STYLIZED FONT, "N" RED, "I" ORANGE "G" YELLOW and your check(s) totaling \$262.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

Because of space limitations, our computer system will not allow our office to list the detailed description you have provided in part III. Please amend part III to reflect a more basic description of 25 words or less. Note: If the detailed description is not revised, this office will update our computer system with a more basic description of the mark. The detailed description you provided will remain listed in part III of the application and will be available to the public via our website www.sunbiz.org.

The description of the trademark or service mark, which is listed in Part III, cannot include such terms as and/or, with or without, sometimes includes, may be blue or white in color, etc. If your mark varies in color or individual components, then you must submit a separate application for each version of the mark. Please revise Part III of the enclosed application accordingly.

The specimens provided this office are not acceptable; we need three permanent specimens, **which may be the same or different**. We do not accept camera ready copies. We do not accept specimens which have been altered or defaced in any manner. In order to register your service mark, we need specimens from which we can determine the services being rendered. We will accept brochures, newspaper, or magazine advertisements, or business cards. If business cards are used, we must be able to determine from the business card the services

offered. The mere mark, address, city, etc., on the business card, brochure, or advertisement is not acceptable -- we must be able to look at the specimens provided and be able to determine the services being rendered. We need specimens for each class of registration. We DO NOT accept letterhead, stationery, envelopes, invoices or mailing labels.

Please attach your specimens to a copy of this letter or to your corrected application, if it was returned to you for correction(s), and return it/them to this office for processing.

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: 215A00011268



FLORIDA DEPARTMENT OF STATE
Division of Corporations

May 28, 2015

RICHARD J. KOWALCZYK
RKBARR, LLC
375 SOUTH BUMBY AVENUE
ORLANDO, FL 32803

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Ref. Number: W15000037860

RECEIVED
2016 NOV 21 PM 4:59
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

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Nanette Causseaux
Regulatory Specialist II Supervisor

Letter Number: 215A00011268

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: RKBarr, LLC

(b) Owner's/Applicant's business address: 375 South Bumby Ave
Orlando, FL 32803

City/State/Zip

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

City/State/Zip

(c) Owner's/Applicant's telephone number: 407, 618-3453

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: L14000014225 ✓

(2) Domicile State or Country: FL

(3) Federal Employer Identification Number: 46-4568312

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.)

"Southern Nights" name and logo used in advertising, marketing materials, website for identification of nightclub/bar serving food and drinks

nightclub/Bar serving food & drinks

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:

Name and logo being used on advertising, materials, business cards, flyers, brochures, websites, social media, labels, menus, print and digital media, signs to identify the nightclub namesake.

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:

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 35- advertising and business management

class 43- services providing food and drinks, class 41- entertainment

~~Class 3 and 5- certification for goods and services~~

New

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: 02/01/2014

(b) Date first used in Florida: 02/01/2014

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.)

"Southern Nights" name and logo design as whole. 'SOUTHERN' horizontal generic text in banner.

Circle design containing "Nights" in Rainbow color font.

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) "Southern" and "Nights" used separately.

"APART FROM THE MARK AS SHOWN.

New

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, Richard J Kowalczyk III, 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.

Richard J Kowalczyk III

Typed or printed name of applicant

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

STATE OF FL

COUNTY OF ORANGE

Sworn to and subscribed before me on this 15 day of November 2016 Richard J Kowalczyk III
(Name of Individual Signing)

☒ who is personally known to me ☐ whose identity I proved on the basis of FL DL # K422-750-30-041-0

(Seal)

[Signature]
Notary Public Signature

Notary's Printed Name

My Commission Expires: _____

FILING FEE: \$87.50 per class



FRANCISCO JAVIER MAYO
MY COMMISSION # FF 131376
EXPIRES: June 30, 2018
Bonded Thru Budget Notary Services

OFFICIAL SPECIMEN

SOUTHERN NIGHTS



RICK KOWALCZYK
OWNER

OFFICE: (407) 412-5038

CELL: (407) 618-3453

RICK@SOUTHERNNIGHTSORL.COM

375 S. BUMBY AVE
ORLANDO, FL 32803

WWW.SOUTHERNNIGHTSORL.COM

35

OFFICIAL SPECIMEN

3RD ANNUAL BLACK NOVEMBER 25 FRIDAY

**NO
COVER**
BEFORE 11PM 21+
18+ WELCOME

**COME EARLY
SAVE BIG!**

With our doorbuster
cocktail savings!

OFF
9-10PM

OFF
10-11PM

OFF
11PM-12AM

at 11pm & 12:30am featuring



**HOURLY
GIVEAWAYS**
Flat screen TVs
& more!



**\$100 VIP
BOTTLES**

43