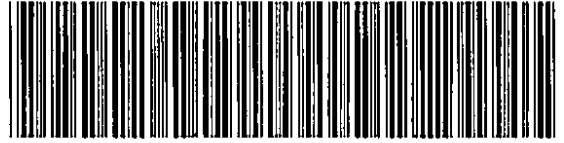


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(Requestor's Name)

(Address)

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(City/State/Zip/Phone #)

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W17-88254

(Business Entity Name)

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SECRETARY OF STATE
DIVISION OF CORPORATIONS

N. CAUSSEUX

NOV 15 2017

COVER LETTER

117-1401

TO: Registration Section
Division of Corporations

SUBJECT: ANNCO MAINTENANCE

(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:

Patricia Smink Rogowski

(Name of Person)

Rogowski Law LLC

(Firm/Company)

501 Silverside Road, Suite 11

(Address)

Wilmington, DE 19899

(City/State and Zip Code)

For further information concerning this matter, please call:

Patricia S. Rogowski

(Name of Person)

at (302) 893-0048

(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 3, 2017

PATRICIA SMINK ROGOWSKI
ROGOWSKI LAW LLC
501 SILVERSIDE ROAD, SUITE 11
WILMINGTON, DE 19899

SUBJECT: ANNCO MAINTENANCE & DESIGN OF A BOX WITH A PALM
TREE WITHIN TO THE LEFT OF "ANNCO"
Ref. Number: W17000088254

We have received your document for ANNCO MAINTENANCE & DESIGN OF A
BOX WITH A PALM TREE WITHIN TO THE LEFT OF "ANNCO" and your
check(s) totaling \$175.00. However, the document has not been filed and is
being retained in this office for the following:

In lieu of returning your document, we have corrected your document to reflect
the appropriate class(es). Your mark falls under class(es) "37 & 44".

If you agree with the corrections needed and would like this office to proceed with
your filing, please notify this office in writing or by fax at 850-245-6030 to the
attention of the undersigned.

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: 617A00022326



Patricia Smink Rogowski
pat@rogowskilaw.com
(302) 853-0048

November 14, 2017

By Facsimile - 850-245-6030

Florida Department of State
Division of Corporations
Attention: Nanette Causseaux
P.O. Box 6327
Tallahassee, FL 32314

**Re: Florida Trademark App Ref. No. W17000088254, filed October 30, 2017
For ANNCO MAINTENANCE and Design (see below) (Classes 37 and 44)
Applicant: Ancco Services, LLC
Our file: 7767-0069**

Dear Sir/Madam:

Thank you for your November 3, 2017 letter. Please revise the application as filed to register in Classes 37 and 44. We agree with your proposed correction. Many thanks for your assistance.

Very truly yours,

Patricia Smink Rogowski



NOV 14 PM 1:27

Why Stationery + INVOICE acceptable specimen for services.

Greenberg Traurig

Manuel R. Valcarcel, Esq.
Tel 305-579-0812
Fax 305-961-5812
mrv@gtlaw.com

February 12, 2009

VIA EXPRESS MAIL

Florida Department of State
Division of Corporations
Post Office Box 6327
Tallahassee, Florida 32314
Attn: Brenda Tadlock, Senior Section Administrator

**Re: Florida Service Mark Registration Application for
ANNCO MAINTENANCE, INC. and logo
Ref. No. W08000056225**

Dear Ms. Tadlock:

Enclosed for your reference is a copy of your letter no. 408A00061075 indicating that the above-referenced application was being retained in your office for payment of an additional filing fee of \$87.50 and because the originally submitted specimens were found to not be acceptable.

Enclosed is a check payable to the Florida Department of State for \$87.50 in payment of the additional filing fee.

With regard to the specimens, the originally submitted specimens (a copy is enclosed) consist of the applicant's invoice form showing the use of the applicant's mark at the upper left and clearly indicating at the upper right the type of services that are provided using the mark: "Landscape contractors, landscape design, installation and maintenance...." The applicant respectfully submits that the originally submitted specimens are acceptable. Section 495.031(6) states that "Every application under this section shall be accompanied by three specimens or facsimiles showing the mark as actually used." The originally submitted specimens meet such requirements.

Additionally, Section 495.181 states that the intent of Chapter 495 of the Florida Registration and Protection of Trademarks Act, "is to provide a system of state trademark registration and protection substantially consistent with the federal system of trademark registration and protection under the Trademark Act of 1946, as amended. To that end, the construction given the federal act should be examined as persuasive authority for interpreting and construing this chapter." Fla.Stat. §495.181 (2008).

The federal trademark registration system is construed to accept business documents such as letterhead and invoices as specimens if they show the mark and refer to the relevant services, as is stated in the United States Patent and Trademark Office Trademark Manual of Examining Procedure at Section 1301.04 and 1301.04(c).

A copy of such sections is enclosed for reference. Section 1301.04(c) specifically states:

Fla. Dept. of State, Division of Corporations
Brenda Tadlock, Senior Section Administrator
February 12, 2009
Page 2


“Letterhead stationary, business cards or invoices bearing the mark may be accepted if they create an association between the mark and the services. To create an association between the mark and the services, the specimen does not have to spell out the specific nature or type of services. A general reference to the industry may be acceptable.” TMEP §1301.04(c).

The invoices submitted as specimens show the mark and indicate the services, creating an association between the mark and the services, and therefore should be considered acceptable specimens. Three additional specimens consisting of facsimiles of door tag notices showing use of the mark with the services are enclosed.

The applicant therefore respectfully requests that the originally submitted specimens be accepted and that the above-referenced application be approved. Nevertheless, should you have any remaining issues, objections or requirements, please contact the undersigned to discuss.

Sincerely,

GREENBERG TRAUIG, P.A.


Manuel R. Valcarcel, Esq.

MRV/mam
Enclosures

MIA 180,432,439v1

1301.04 Specimens of Use for Service Marks

A service mark specimen must show the mark as actually used in the sale or advertising of the services recited in the application. 37 C.F.R. §2.56(b)(2). Acceptable specimens may include newspaper and magazine advertisements, brochures, billboards, handbills, direct-mail leaflets, menus (for restaurants), and the like. However, printer's proofs for advertisements, publicity releases to news media, or printed articles resulting from such releases, are not accepted because they do not show use of the mark by the applicant in the sale or advertising of the services. Business documents such as letterhead and invoices may be acceptable service mark specimens if they show the mark and refer to the relevant services. See TMEP §1301.04(b).

See 37 C.F.R. §2.59 and TMEP §904.05 regarding substitute specimens.

1301.04(a) Specimens Must Show Use as a Service Mark

To show service mark usage, the specimen must show use of the mark in a manner that would be perceived by potential purchasers as identifying the applicant's services and indicating their source. *In re Universal Oil Products Co.*, 476 F.2d 653, 177 USPQ 456 (C.C.P.A. 1973) (term that identified only a process held not registrable as service mark, even though applicant was rendering services and the name of the process appeared in the same brochure in which the services were advertised); *In re A La Vieille Russie, Inc.*, 60 USPQ2d 1895 (TTAB 2001) (RUSSIANART perceived as informational matter rather than as service mark for art dealership services, where the term was displayed inconspicuously in the specimen brochure, in the same size and font as other informational matter); *In re Moody's Investors Service Inc.*, 13 USPQ2d 2043 (TTAB 1989) ("Aaa," as used on the specimen, found to identify the applicant's ratings instead of its rating services); *In re McDonald's Corp.*, 229 USPQ 555 (TTAB 1985) (APPLE.PIE TREE did not function as mark for restaurant services, where the specimen showed use of mark only to identify one character in a procession of characters, and the proposed mark was no more prominent than anything else on specimen); *In re Signal Companies, Inc.*, 228 USPQ 956 (TTAB 1986) (journal advertisement submitted as specimen showed use of ONE OF THE SIGNAL COMPANIES merely as an informational slogan, where the words appeared only in small, subdued typeface underneath the address and telephone number of applicant's subsidiary); *In re Republic of Austria Spanische Reitschule*, 197 USPQ 494 (TTAB 1977) (use of mark as one of many pictures in applicant's brochure would not be perceived as an indication of the source of the services); *Intermed Communications, Inc. v. Chaney*, 197 USPQ 501 (TTAB 1977) (business progress reports directed to potential investors do not show service mark use for medical services); *In re Restonic Corp.*, 189 USPQ 248 (TTAB 1975) (phrase used merely to advertise goods manufactured and sold by applicant's franchisees does not identify franchising services); *In re Reichhold Chemicals, Inc.*, 167 USPQ 376 (TTAB 1970)

(technical bulletins and data sheets on which mark was used merely to advertise chemicals do not show use as a service mark for consulting services).

See TMEP §1301.02(a) regarding matter that does not function as a service mark.

1301.04(b) Association Between Mark and Services

Where the mark is used in advertising the services, the specimen must show an association between the mark and the services for which registration is sought. A specimen that shows only the mark, with no reference to the services, does not show service mark usage. *In re Adair*, 45 USPQ2d 1211 (TTAB 1997) (tags affixed to decorated Christmas tree that bear the mark "TREE ARTS CO. and design" and the applicant's location, but make no reference to services, fail to show use for "design services in the nature of designing handcrafted, permanently decorated Christmas and designer trees"); *In re Johnson Controls, Inc.*, 33 USPQ2d 1318 (TTAB 1994) (labels affixed to packaging of valves do not show use of mark for custom manufacture of valves); *In re Duratech Industries Inc.*, 13 USPQ2d 2052 (TTAB 1989) (bumper stickers showing only the mark do not show use to identify "association services, namely promoting the interests of individuals who censor the practice of drinking and driving"); *In re Riddle*, 225 USPQ 630 (TTAB 1985) (cutouts showing mark with no reference to the services held unacceptable for automotive service center); *In re Whataburger Systems, Inc.*, 209 USPQ 429 (TTAB 1980) (iron-on transfer clothing patches in the form and shape of a cartoon animal mark, distributed as free promotional items to restaurant customers at counters, held insufficient to identify restaurant services). See also TMEP §1301.04(c) and cases cited therein.

A specimen that shows the mark as used in the course of performing the services is generally acceptable. Where the record shows that the mark is used in performing (as opposed to advertising) the services, a reference to the services on the specimen itself may not be necessary. *In re Metriplex Inc.*, 23 USPQ2d 1315 (TTAB 1992) (computer printouts showing mark GLOBAL GATEWAY found acceptable to show use of mark to identify data transmission services accessed via computer, because they show use of mark as it appears on computer terminal in the course of rendering the services); *In re Eagle Fence Rentals, Inc.*, 231 USPQ 228 (TTAB 1986) (photograph of rented fence held acceptable for rental of chain link fences, since it shows use of distinctive color scheme in the rendering services); *In re Red Robin Enterprises, Inc.*, 222 USPQ 911 (TTAB 1984) (photograph of costume worn by performer during performance of entertainment services held to be an acceptable specimen). In *Johnson Controls*, 33 USPQ2d at 1320, the Board distinguished *Metriplex* and *Eagle Fence*, noting that the labels were not used in the rendering of the services, as the custom manufacturing services were complete before purchasers ever see the mark.

In determining whether a specimen is acceptable evidence of service mark use, the examining attorney may consider applicant's explanations as to how the specimen is used, along with any other available evidence in the record that shows how the mark is actually used. See *In re International Environmental Corp.*, 230 USPQ 688 (TTAB 1986), in which a survey distributed to potential customers of applicant's heating and air conditioning distributorship services was held to be an acceptable specimen even though it did not specifically refer to the services, where the applicant stated that the sale of its services involved ascertaining the needs of customers serviced, and the record showed that the surveys were directed to potential customers and were the means by which applicant offered its distributorship services to the public.

1301.04(c) Letterhead

Letterhead stationery, business cards or invoices bearing the mark may be accepted if they create an association between the mark and the services. To create an association between the mark and the services, the specimen does not have to spell out the specific nature or type of services. A general reference to the industry may be acceptable. *In re Ralph Mantia Inc.*, 54 USPQ2d 1284 (TTAB 2000) (letterhead and business cards showing the word "Design" are acceptable evidence of use of mark for commercial art design services); *In re Southwest Petro-Chem, Inc.*, 183 USPQ 371 (TTAB 1974) (use of mark on letterhead next to the name SOUTHWEST PETRO-CHEM, INC. found to be sufficient to show use of the mark for "consulting and advisory services relating to the making and using of lubricating oils and greases," when used for letters in correspondence with customers).

Letterhead or business cards that bear only the mark and a company name and address are not adequate specimens (unless the mark itself has a descriptive portion that refers to the service), because they do not show that the mark is used in the sale or advertising of the particular services recited in the application. *In re Monograms America, Inc.*, 51 USPQ2d 1317 (TTAB 1999) (letterhead specimen showing the mark MONOGRAMS AMERICA and the wording "A Nationwide Network of Embroidery Stores" held insufficient to support registration for consulting services for embroidery stores).

If the letterhead itself does not include a reference to the services, a copy of an actual letter on letterhead stationery bearing the mark is an acceptable specimen of use if the content of the letter indicates the field or service area in which the mark is used. In *Monograms America*, the Board indicated that the letterhead specimen might have been accepted if the applicant had submitted a copy of a letter to a store owner describing the services. 51 USPQ2d at 1319.

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: Ancco Maintenance, LLC

(b) Owner's/Applicant's business address: 7300 Havenhill Road N.
West Palm Beach, FL 33407
City/State/Zip

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

(c) Owner's/Applicant's telephone number: (561) 881-8038

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: L17000074989 ✓
(2) Domicile State or Country: Florida
(3) Federal Employer Identification Number: 65-0115001

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.)

landscaping services; landscape design, installation and maintenance services;
irrigation and real property maintenance services

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DIVISION OF CORPORATIONS
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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:

Business cards, brochures, website advertising

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:

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:

37 and 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: December 23, 1997

(b) Date first used in Florida: December 23, 1997

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.)

The words ANNCO MAINTENANCE,
and a logo consisting of a box with a palm tree within to the left of "ANNCO"

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) Maintenance

"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, Patricia Smink Rogowski, 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.

Ancco Maintenance, LLC
Typed or printed name of applicant

Patricia Smink Rogowski
Applicant's signature (List name and title) *Attorney for Ancco Maintenance, LLC*

STATE OF Delaware

COUNTY OF New Castle

Sworn to and subscribed before me on this 17 day of October, 2017, Patricia Rogowski
(Name of Individual Signing)

- who is personally known to me
- whose identity I proved on the basis of Driver's License and Delaware Bar License

(Seal)

Ashley Rigano
Notary Public Signature
Ashley Rigano
Notary's Printed Name

My Commission Expires: April 6, 2018

FILING FEE: \$87.50 per class

ASHLEY RIGANO
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires April 6, 2018

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3892 152nd Place South
Delray Beach, Florida 33446