

T9500001448

ROBERT M. DOWNEY
REG. PATENT ATTORNEY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR

ANDREA H. HALLIOY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR

ROBERT M. DOWNEY, P. A.
BARNETT TOWER SUITE 1480
701 BRICKELL AVENUE
MIAMI, FLORIDA 33131
(305) 374-7004
FACSIMILE (305) 374-7034

PATENT AND TRADEMARK
MATTERS

August 3, 1995

Secretary of State
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

600001554706
-08/08/95--01044--002
****175.00 ****175.00

Re: Florida Trademark Application -
ACCESS
Our Ref.: ACCETA195

Dear Sirs:

*Need specimens that contain
only word "access"*

Enclosed please find a trademark application, along with the appropriate specimens, to be filed with the State of Florida regarding the above-referenced trademark. Also enclosed is a check in the amount of \$175.00 to cover the appropriate filing fee for two classes of goods and services.

Kindest regards,

W95-16071

T95-1448

Sincerely yours,

ROBERT M. DOWNEY, P. A.

Robert M. Downey

Access 795, 262
1,093, 747 > 16
1,244, 424
1,694, 742-38
RMD/sh
Encls.

95 DEC-6 10 58 23
FILED
TALLAHASSEE, FLORIDA

CERTIFICATE OF MAILING

I HEREBY CERTIFY this correspondence is being deposited in an envelope addressed to Florida Department of State, Division of Corporations, P.O. Box 6327, Tallahassee, Florida 32314, as first class mail with the U.S. Postal Service, this 3rd day of August, 1995.

789/1015/304/672
789/1015/304/672
789/1015/304/672

Robert M. Downey



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State

August 10, 1995

Robert M. Downey, Esquire
Barnett Tower, Suite 1480
701 Brickell Ave.
Miami, FL 33131

SUBJECT: ACCESS
Ref. Number: W95000016071

We have received your document for ACCESS and your check(s) totalling \$175.00. 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)(f) and 495.181, Florida Statutes. There is a federal registration on file with the U.S. Patent and Trademark Office for ACCESS, Registration Number 795,262, 1,093,747, 1,244,424, 1,694,742, for the same or similar name and class(es).

Please note the Florida Department of State will reconsider registration if you are able to provide this office with any official documentation reflecting the federally registered mark and the proposed Florida mark are being used in connection with two separate products or services.

Enclosed is an application for refund.

If you have any questions concerning the filing of your document, please call (904) 487-6918.

Nanette Causseaux
Corporate Specialist Supervisor

Letter Number: 695A00037463

ROBERT M. DOWNEY, P. A.

BARNETT TOWER SUITE 1480

701 BRICKELL AVENUE

MIAMI, FLORIDA 33131

(305) 374-7004

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PATENT AND TRADEMARK
MATTERS

ROBERT M. DOWNEY
REG. PATENT ATTORNEY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR
ANURMA M. MALLOY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR

August 18, 1995

Florida Dept. of State
Division of Corporations
P.O. Box 6327
Tallahassee, Florida 32314

Attn: Nanette Causseaux,
Corporate Specialist Supervisor

Re: Letter Number 695A00037463

Dear Ms. Causseaux:

We are in receipt of your letter of August 10, 1995, copy enclosed, wherein registration in Florida for ACCESS was refused based on several federally registered marks.

We respectfully urge reconsideration of registration, first, based on the enclosed documentation reflecting that the federally registered marks are used in connection with separate goods and services from those of applicant's. Simultaneous use of the mark ACCESS in commerce for the goods and services recited in the application before you is not a competitive use to the use by the registrants' of the trademarks you cited in your letter of August 10, 1995. As a result, no confusion in the market would result because of the use of the mark ACCESS by our client.

Additionally, we note that section 495.021(1)(f), Florida Statutes, is silent with respect to refusing registration in Florida based on federally registered marks. A mark that is registered in the U.S. Patent and Trademark Office does not necessarily mean that it is in use in Florida or, indeed, in actual use at all.

Section 495.181, Florida Statutes, specifies that the intention of the Florida Legislature was to give great weight to the interpretations of the federal courts and the Lanham Act (15 U.S.C. sec. 1051 et seq.) with regards to registration in Florida of trademarks and service marks.

Registration in Florida of applicant's mark does not violate the Lanham Act. The Lanham Act is silent with respect to registration of state trademarks and service marks. There has also been no federal court determination made on the particular facts involved in this matter. Therefore, if there is no prior Florida registration for ACCESS (or a mark that so resembles

August 18, 1995
Page 2

ACCESS such that confusion is likely) the applicant should not be denied registration in Florida.

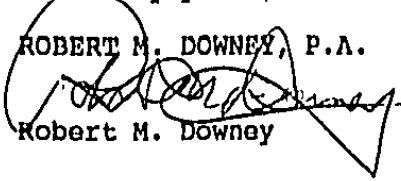
We therefore submit the applicant's mark is entitled to registration in Florida.

If you have any questions or comments, please do not hesitate to give me a call.

Kindest regards,

Sincerely yours,

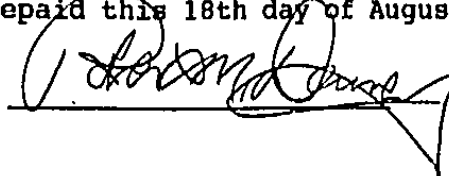
ROBERT M. DOWNEY, P.A.


Robert M. Downey

RMD:ad
Enc.

Certificate of Mailing

I HEREBY CERTIFY this correspondence is being deposited in an envelope addressed to the Florida Dept. of State, Division of Corporations, P.O. Box 6327, Tallahassee, Florida 32314 with first class postage prepaid this 18th day of August, 1995.



FULLTEXT for : R0795262
Mark Retrieved : ACCESS

Design Type : (no design)
Registration No : R0795262 dated 1965/08/31
Serial No : 72210507 dated 1965/01/25
Publication Date : 1965/06/15
First Use Date : 19631113 First Use in State: 19631113
Status : A RENEWED REGISTRATION ON THE PRINCIPAL REGISTER WITH
SECTIONS 8 & 15 AFFIDAVITS
PTO Status : RENEWED
Renewal Date : 1985/09/24

Goods / Services : CARDS ADAPTED TO BE NOTCHED AND USED IN CONJUNCTION
WITH RECORD RETRIEVAL EQUIPMENT

U.S. Class(es) : 037
Intl. Class(es) : 16

Owner Information : (REGISTRATION OWNER)
Owner Information : ACCESS CORPORATION (OH CORPORATION) 3217 WHITFIELD AVE
CINCINNATI, OH

Renewal Owner : ACCESS CORPORATION (OH CORPORATION) CINCINNATI, OH

Trademarks Registered

Serial Number: 73-063505
Filing Date: 1975-09-18
Word Mark: ACCESS
Type of Mark: TRADEMARK
Mark Drawing Code: (1) TYPED DRAWING
Register: PRINCIPAL
Sec. 44 Indicator: SECT 44
Affidavit: SECT 8, SECT 15, COMBINED SECT 8 AND SECT 15.
Registration Date: 1978-06-20
Registration Number: 1093747

Intl. Class	U.S. Class	Goods & Services
016	038	CREDIT CARDS, VOUCHERS FOR RETAIL SALES AND REFUNDS, PRINTED DECALCOMANIAS, SIGNS AND STICKERS DISTRIBUTED TO BANKS, RETAIL ESTABLISHMENTS, AND BANK AND RETAIL CUSTOMERS FOR USE IN CONNECTION WITH CREDIT TRANSACTIONS

Owner Name

Owner Address

(REGISTRANT)

JOINT CREDIT CARD COMPANY LIMITED,
THE

18 OLD BROAD ST. LONDON GREAT BRITAIN
EC2N 2DU LIMITED COMPANY GREAT BRITAIN

Trademarks Registered

Serial Number: 73-343744
 Filing Date: 1981-12-29
 Word Mark: ACCESS
 Type of Mark: TRADEMARK
 Mark Drawing Code: (4) WORDS, LETTERS AND/OR NUMBERS IN BLOCK FORM
 Register: PRINCIPAL
 Published for Oppos: 1983-04-12
 Affidavit: SECT 8, SECT 15, COMBINED SECT 8 AND SECT 15.
 Registration Date: 1983-07-05
 Registration Number: 1244424

Intl. Class	U.S. Class	Goods & Services
016	038	Series of Guidebooks Dealing with a Variety of Topics Such as Geography, Sports and Other Areas; DATE OF FIRST USE: 1980.07.00; DATE OF FIRST USE IN COMMERCE: 1980.12.18

Owner Name	Owner Address
(REGISTRANT) Access Press, Inc.	Suite 32 672 S. Lafayette Park Pl. Los Angeles CALIFORNIA 90057 CORPORATION CALIFORNIA
(LAST LISTED OWNER) WINGED PANDA ASSOCIATED, LTD.	C/O RICHARD SAUL WURMAN 59 WOOSTER STREET, WOOSTER AT BROOME NEW YORK NEW YORK 100124349 LIMITED PARTNERSHIP CALIFORNIA

Trademarks Registered

Serial Number: 73-032156
 Filing Date: 1989-10-18
 Word Mark: ACCESS
 Type of Mark: SERVICE MARK
 Mark Drawing Code: (1) TYPED DRAWING
 Register: PRINCIPAL
 Published for Oppos: 1990-10-16
 Registration Date: 1992-06-16
 Registration Number: 1694742

Intl. Class	U.S. Class	Goods & Services
038	104	PURCHASING TELECOMMUNICATION EQUIPMENT AND LONG-DISTANCE SERVICES FOR OTHERS; DATE OF FIRST USE: 1988.09.12; DATE OF FIRST USE IN COMMERCE: 1988.09.12
035	101	GROUP OFFICE EQUIPMENT PURCHASING SERVICES; DATE OF FIRST USE: 1988.09.12; DATE OF FIRST USE IN COMMERCE: 1988.09.12

Owner Name	Owner Address
(REGISTRANT) CORPORATION FOR AMERICAN BANKING	1120 CONNECTICUT AVENUE, N.W. WASHINGTON D.C. 20036 CORPORATION D.C.



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State

August 22, 1995

Robert M. Downey, Esquire
Barnett Tower, Suite 1480
701 Brickell Ave.
Miami, FL 33131

SUBJECT: ACCESS
Ref. Number: W95000016071

We have received your document for ACCESS and your check(s) totaling \$175.00. However, the enclosed document has not been filed and is being returned for the following correction(s):

We must deny registration pursuant to sections 495.021(1)(f) and 495.181, Florida Statutes. There is a federal registration on file with the U.S. Patent and Trademark Office for ACCESS, Registration Number 1,694,742, for the same or similar name and class(es).

The mark "ACCESS" registered federally is rendering similar services, therefore registration is denied.

Enclosed is an application for refund.

If you have any questions concerning the filing of your document, please call (904) 487-6918.

Nanette Causseaux
Corporate Specialist Supervisor

Letter Number: 195A00039242

ROBERT M. DOWNEY, P. A.

BARNETT TOWER-SUITE 1400
701 BRICHELL AVENUE
MIAMI, FLORIDA 33131
(305) 374-7004
FACSIMILE (305) 374-7034

ROBERT M. DOWNEY
REG. PATENT ATTORNEY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR

ANGELA M. MALLOY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR

OF COUNSEL
JOHN CYRIL MALLOY
REG. PATENT ATTORNEY
FLORIDA BAR

PATENT AND TRADEMARK
MATTERS

NOCA NATION OFFICE
4400 N. FEDERAL HIGHWAY
SUITE 210
NOCA NATION, FLORIDA 33431
830-7004
FACSIMILE 830-7034

(800) 874-7004

September 14, 1995

Florida Dept. of State
Division of Corporations
P.O. Box 6327
Tallahassee, Florida 32314

Attn: Nanette Causseaux,
Corporate Specialist Supervisor

Re: Ref.Number: W95000016071
SUBJECT: ACCESS

Dear Ms. Causseaux:

This letter follows your telephone discussion yesterday with Angela Malloy of this office regarding the above-referenced matter.

As discussed, we received your letter of August 22, 1995 (copy enclosed) and note that registration of ACCESS in Florida was refused based on a U.S. registration for ACCESS, no. 71,694,742, (a listing of which is also enclosed).

Class
38

The U.S. registration for ACCESS was granted for use in connection with services in international classes 35 and 38 only. The Florida application we submitted for filing was not only for services in international class 38, but also for goods in international class 16. Therefore, trademark registration in Florida should not have been refused in international class 16 based on a U.S. service mark registration in international classes 35 and 38.

In accordance with your recommendation and Section 495.181, Florida Statutes, we hereby request reconsideration and respectfully urge registration of ACCESS in Florida, at least in international class 16. (It is the practice of the U.S. Patent and Trademark Office to allow goods and services to be deleted from pending applications that would otherwise conflict with existing U.S. registrations.)

September 14, 1995
Page 2

Enclosed are the original application documents. If you require anything further, please do not hesitate to contact me.

Sincerely yours,

ROBERT M. DOWNEY, P.A.


Robert M. Downey

RMD:ad
Enc.

Trademarks Registered

Serial Number: 73-832156
 Filing Date: 1989-10-18
 Word Mark: ACCESS
 Type of Mark: SERVICE MARK
 Mark Drawing Code: (1) TYPED DRAWING
 Registrar: PRINCIPAL
 Published for Oppos: 1990-10-16
 Registration Date: 1992-06-16
 Registration Number: 1694742

Intl. Class	U.S. Class	Goods & Services
038	104	PURCHASING TELECOMMUNICATION EQUIPMENT AND LONG-DISTANCE SERVICES FOR OTHERS; DATE OF FIRST USE: 1988.09.12; DATE OF FIRST USE IN COMMERCE: 1988.09.12
035	101	GROUP OFFICE EQUIPMENT PURCHASING SERVICES; DATE OF FIRST USE: 1988.09.12; DATE OF FIRST USE IN COMMERCE: 1988.09.12

Owner Name

Owner Address

(REGISTRANT)

CORPORATION FOR AMERICAN BANKING

1120 CONNECTICUT AVENUE, N.W.
 WASHINGTON D.C. 20036 CORPORATION D.C.



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State

September 29, 1995

Robert M. Downey, Esquire
Barnett Tower, Suite 1480
701 Brickell Ave.
Miami, FL 33131

SUBJECT: ACCESS
Ref. Number: W95000016071

We have received your document for ACCESS and your check(s) totaling \$175.00. However, the enclosed document has not been filed and is being returned for the following correction(s):

We will grant registration in class 16 only, please delete everything from Part 1 2.(a). Part III and your specimens must be exactly the same, we need specimens which contain only the word "ACCESS".

Class(es) (16) would appear applicable to your specific mark. Please delete the class(es) you have on line 2 (d) and insert the pertinent class(es) (16).

The specimens provided this office are not acceptable; we need three permanent specimens. We do not accept photocopies or camera ready copies. We do not accept specimens that have been altered or defaced in any manner. We will accept labels, decals or tags that are affixed to the actual goods or products. We will accept three LEGIBLE photographs of the goods or products with the specimens affixed. If this is some kind of publication, newspaper, magazine, or column, we need three of the actual publications. We need specimens for each class of registration.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (904) 487-6918.

Nanette Causseaux
Corporate Specialist Supervisor

Letter Number: 195A00044510

ROBERT M. DOWNEY, P. A.

ROBERT M. DOWNEY
REG. PATENT ATTORNEY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR
ANGELA M. MALLOY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR

BARNETT TOWER SUITE 1400
701 BRICKELL AVENUE
MIAMI, FLORIDA 33131
(305) 374-7004
FACSIMILE (305) 374-7034

PATENT AND TRADEMARK
MATTERS

November 28, 1995

Secretary of State
Division of Corporations
P.O. Box 6327
Tallahassee, Florida 32314

Attn: Nanette Causseaux,
Corporate Specialist Supervisor

Re: Florida Trademark Application -
ACCESS

Dear Ms. Causseaux:

Enclosed please find the trademark application to be filed with the State of Florida for the above-referenced mark along with appropriate specimens. Also enclosed is a copy of your letter of September 29, 1995.

Sincerely yours,

ROBERT M. DOWNEY, P.A.

Angela M. Malloy
Angela M. Malloy

AM:ad
Enc.

Certificate of Mailing

I HEREBY CERTIFY this correspondence is being deposited with the U.S. Postal Service as First Class Mail, in an envelope addressed to: Secretary of State, Division of Corporations, P.O. Box 6327, Tallahassee, FL 32314, this 28th day of November, 1995.

11/28/95

Angela M. Malloy
Angela M. Malloy

Florida Department of State, Jim Smith, Secretary of State

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

Name and address to whom acknowledgement
should be sent:

Robert M. Downey, P.A.
701 Brickell Avenue #1480
Miami, FL 33131
(305) 374-7004
Applicant's phone number

PART I

1. (a) Applicant's name: Access World Communications, Inc.
(b) Applicant's business address: 4300 N. University Drive,
Ft. Lauderdale, FL 33351

() individual (X) corporation of the State of Florida PA3-50884
() general partnership () limited partnership of the State of _____

2. (a) If the mark to be registered is a service mark, the services in connection with which the mark is used:

subsequent transmission of voice messages by telephone, conf. calling,

- (b) If the mark to be registered is a trademark, the goods in connection with which the mark is used:

telephone debit cards.

- (c) The mode or manner in which the mark is used:

labels, phone cards, packaging and advertising and business
cards,

- (d) The class(es) in which goods or services fall:

16

PART II

1. Date first used by the applicant, predecessor, or a related company (must include month and year):

(a) Date first used anywhere: 8/1/93

(b) Date first used in Florida: 8/1/93

PART III

1. The mark to be registered is: (If logo/design is included, please give brief written description which must be 25 words or less.)

The words "ACCESS"

2. DISCLAIMER (if applicable)

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM

" _____ " APART FROM
THE MARK AS SHOWN.

I, Armand Ventura, 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 no other person except a related company has the right to use such mark in Florida either in the identical form or in such near resemblance as to be likely to deceive or confuse or to be mistaken therefor. 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.

Access World Communications, Inc.

Typed or printed name of applicant

Applicant's signature or authorized person's signature

(List name and title)

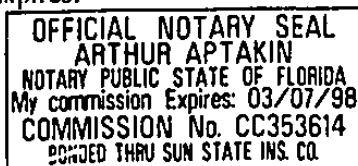
Armand Ventura, President

✓ Subscribed and sworn to before me this 25 day of JULY, 19 95.

(Notary Seal)

Signature of Notary Public

My Commission Expires:



RECEIVED
TALLAHASSEE, FLORIDA

95 DEC -6 AM 9 29

FILED

Access

STATE OF FLORIDA
OFFICE OF THE COMPTROLLER
APPLICATION FOR REFUND
T95000001448

Section 215.26, Florida Statutes, states in part: "Applications for refunds as provided in this section shall be filed with the Comptroller, except as otherwise provided herein, within 3 years after the right to such refund shall have accrued else such right shall be barred." Three years is generally interpreted as meaning three years from the date of payment into the State treasury. The Comptroller has delegated the authority to accept applications for refund to the unit of State government which initially collected the money.

Pursuant to the provisions of Rule 3A-44.020, Florida Administrative Code, and Section 215.26, Florida Statutes, or Section _____, Florida Statutes, I hereby apply for a refund of moneys I paid into the State treasury, which are subject to refund. The following information is submitted to substantiate the claim.

Name: Robert M. Downey, Esquire EIN or SS#: _____

Address: Barnett Tower, Suite 1480
801 Brickell Avenue
Miami, FL. 33131

Amount: \$87.50 Date Paid _____

Reason for claim: OVER PAYMENT OF FILING FEE

Nanette Cunnaneaux/Registration Section

T95000001448 ACCESS

Certified true and correct this 4th day of January, 19 96.

Signature SEE ATTACHED

* Must be completed if authority is other than Section 215.26, Florida Statutes.

For Agency Use Only	
Agency recommends approval of above claim and submits the following information to substantiate the claim. Amount of recommended refund \$ <u>87.50</u>	
The amount requested above was originally deposited into the State Treasury as a part of the funds deposited on State Treasurer's Receipt No. <u>01064 002</u> dated <u>8/8/95</u>	
Name of Account	<u>45202130001453000000000010000</u>
Statutory Authority for Collection	<u>495</u>
It is requested that payment be made from the following account:	
NAME OF ACCOUNT:	<u>452021300014530000000022002000</u>
Certified true and correct this _____ day of _____, 19 _____	
Department of State, Division of Corporations (Agency)	(Authorized Signature and Title)

ROBERT M. DOWNEY, P. A.

BARNETT TOWER-SUITE 1480
701 BRICKELL AVENUE
MIAMI, FLORIDA 33131
(305) 374-7004
FACSIMILE (305) 374-7034

ROBERT M. DOWNEY
REG. PATENT ATTORNEY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR
ANOKLA H. HALLOY
FLORIDA BAR
DISTRICT OF COLUMBIA BAR

PATENT AND TRADEMARK
MATTERS
4400 N. FEDERAL HIGHWAY
SUITE 210
BOCA RATON, FLORIDA 33431
930-7004
FACSIMILE 930-7034

December 13, 1995

Florida Department of State
Division of Corporation
P.O. Box 6327
Tallahassee, Florida 32314

Attn: Refund Section

Re: Florida Trademark Registration No. T95000001448
Granted: December 6, 1995
Mark: ACCESS in International Class 16
Our Ref.: ACCETA195

Dear Sir/Madam:

On August 3, 1995, we filed a Florida trademark application with the State of Florida along with a check in the amount of \$175.00 to cover the appropriate filing fee for two classes of goods and services (Classes 16 and 38). On December 6, 1995, a trademark registration issued in Class 16 only. Therefore, we request a refund in the amount of \$87.50 for Class 38.

This letter serves as our request for refund. If this is not appropriate, please send us the appropriate refund request forms.

Kindest regards,

Sincerely yours,

ROBERT M. DOWNEY P.A.

Robert M. Downey

1197
329
RMD/sk

1995-115
8/8/95 01044 002