

# T97000001346

File per BL & K.B.

Requestor's Name

10/30/97

Address

City/State/Zip

Phone #

FILED

97 OCT 30 AM 9:37

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Office Use Only

**CORPORATION NAME(S) & DOCUMENT NUMBER(S), (if known):**

1. The Coast 97.3 FM 9 to 5 Songs in a Row  
(Corporation Name) (Document #)
2. Cash contest (38)  
(Corporation Name) (Document #)
3. 789/740/671  
(Corporation Name) (Document #)
4. 97.3 FM, 9 to 5 songs in a Row, Cash  
(Corporation Name) (Document #)  
Contest

☐ Walk in

☐ Pick up time

☐ Certified Copy

☐ Mail out

☐ Will wait

☐ Photocopy

☐ Certificate of Status

000002273470--1

08/21/97 01054-001  
\*\*\*\*\*87.50 \*\*\*\*\*87.50

W97-195-98

NEW FILINGS	
<input type="checkbox"/>	Profit
<input type="checkbox"/>	NonProfit
<input type="checkbox"/>	Limited Liability
<input type="checkbox"/>	Domestication
<input type="checkbox"/>	Other

AMENDMENTS	
<input type="checkbox"/>	Amendment
<input type="checkbox"/>	Resignation of R.A./Officer/Director
<input type="checkbox"/>	Change of Registered Agent
<input type="checkbox"/>	Dissolution/Withdrawal
<input type="checkbox"/>	Merger

OTHER FILINGS	
<input type="checkbox"/>	Annual Report
<input type="checkbox"/>	Fictitious Name
<input type="checkbox"/>	Name Reservation

REGISTRATION/ QUALIFICATION	
<input type="checkbox"/>	Foreign
<input type="checkbox"/>	Limited Partnership
<input type="checkbox"/>	Reinstatement
<input type="checkbox"/>	Trademark
<input type="checkbox"/>	Other

Name	
Availability	NJC
Document Examiner	NJC
Updater	NJC
Updater Verifier	NJC
Acknowledgement	NJC
W. P. Verifier	NJC



FLORIDA DEPARTMENT OF STATE  
Sandra B. Mortham  
Secretary of State

August 25, 1997

MITCHELL H. STABBE, ESQUIRE  
DOW, LOHNES & ALBERTSON, PLLC  
1200 NEW HAMPSHIRE AVE. N.W., S-800  
WASHINGTON, DC 20036-6802

SUBJECT: THE COAST 97.3 FM 9 TO 5 SONGS IN A ROW CASH CONTEST  
Ref. Number: W97000019598

We have received your document for THE COAST 97.3 FM 9 TO 5 SONGS IN A ROW CASH CONTEST and your check(s) totaling \$87.50. However, the enclosed document has not been filed and is being returned for the following correction(s):

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: 97.3, FM, 9 TO 5 SONGS IN A ROW, CASH CONTEST

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 (850) 487-6918.

Nanette Causseaux  
Corporate Specialist Supervisor

Letter Number: 197A00042682

DOW, LOHNES & ALBERTSON, PLLC  
ATTORNEYS AT LAW

MITCHELL H. STABBE  
DIRECT DIAL 202-776-2929  
mstabbe@dialaw.com

WASHINGTON, D.C.

1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800 • WASHINGTON, D.C. 20036-6802  
TELEPHONE 202-776-2000 • FACSIMILE 202-776-2222

ONE RAVINIA DRIVE • SUITE 1600  
ATLANTA, GEORGIA 30346-2108  
TELEPHONE 770-901-8800  
FACSIMILE 770-901-8874

October 23, 1997

VIA FEDERAL EXPRESS

Florida Department of State  
Division of Corporations  
409 East Gaines Street  
Tallahassee, Florida 32399

*File per K.B. per BLT  
10/30*

Attention: Nanette Causseaux

Re: Service Mark Application  
Mark: 9 TO 5 SONGS IN A ROW CASH CONTEST  
Ref. No.: W97000019597

---

Dear Ms. Causseaux:

In your letter of August 25, 1997, registration was refused pursuant to Section 495.021(1) of the Florida Statutes, the above-referenced service mark on the ground that the mark is merely descriptive of the Applicant's service. Applicant, through its attorneys, respectfully disagrees.

A term is descriptive if it "merely identifies a characteristic or quality of a service." Coach House Restaurant, 934 F.2d 1551, 1560 (11th Cir. 1991). Applicant believes these terms are not descriptive of radio broadcasting services. The phrase 9 TO 5 SONGS IN A ROW CASH CONTEST does not immediately tell the consumer that this is a mark used to promote the broadcast services of a radio station. Imagination, thought and perception are required to reach a conclusion as to the nature of the services.

For these reasons, Applicant respectfully requests reconsideration of your refusal to register its mark. Should any questions arise regarding this request, kindly contact me.

Sincerely,



Mitchell H. Stabbe

MHS/chs  
Enclosures: Application  
Letter of August 25, 1997



Florida Department of State, Sandra B. Mortham, 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 & address to whom acknowledgement should be sent:**

Mitchell H. Stabbe, Esq.

Dow, Lohnes & Albertson, P.L.L.C.  
1200 New Hampshire Avenue, N.W.  
Suite 800

Washington, D.C. 20036-6802  
( 202 ) 776-2929

**Daytime Telephone number**

**PART I**

1. (a) Applicant's name: Cox Radio, Inc.

(b) Applicant's business address: 1400 Lake Hearn Drive, N.E.

Atlanta, Georgia 30319  
City/State/Zip

(c) Applicant's telephone number: ( 404 ) 843-5564

☐ Individual ☒ Delaware Corporation ☐ Joint Venture ☐ Other: \_\_\_\_\_  
☐ General Partnership ☐ Limited Partnership ☐ Union

If other than an individual,

(1) Florida registration number: P07800 (2) Domicile State: Delaware

(3) Federal Employer Identification Number: \_\_\_\_\_

2.(a) If the mark to be registered is a service mark, the services in connection with which the mark is used:  
(i.e., furniture moving services, diaper services, house painting services, etc.)

Radio broadcasting services - variety broadcasting

(b) If the mark to be registered is a trademark, the goods in connection with which the mark is used:  
(i.e., ladies sportswear, cat food, barbecue grills, shoe laces, etc.)

(c) The mode or manner in which the mark is used:(i.e., labels, decals, newspaper advertisements, brochures, etc.)

Used on radio broadcasts and in advertising and for promotional purposes.

(Continued)

(d) The class(e) in which goods or services fall: 38 (Communications Services)

**PART II**

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

(a) Date first used anywhere: January 24, 1997 (b) Date first used in Florida: January 24, 1997

**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 COAST 97.3 FM 9 TO 5 SONGS IN A ROW CASH CONTEST

2. DISCLAIMER (if applicable)

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM " 97.3, FM

" APART FROM THE MARK AS SHOWN.

I, Andrew A. Merdek, 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.

Cox Radio, Inc.

Typed or printed name of applicant

[Signature]  
Applicant's signature or authorized person's signature  
(List name and title)

STATE OF GEORGIA

COUNTY OF DEKALB

On this 15th day of AUGUST, 19 97, ANDREW A. MERDER personally appeared before me,

☒ who is personally known to me  
☐ whose identity I proved on the basis of \_\_\_\_\_

Georgina N. Lynch  
Notary Public Signature

GEORGINA N. LYNCH  
Notary's Printed Name

Notary Public, Cobb County, Georgia  
My Commission Expires Jan. 22, 2000

My Commission Expires: \_\_\_\_\_

Seal

FEE: \$87.50 per class



# WIN \$25,000 this week!

COAST 9-to-5 "Songs In A Row"  
Cash Contest

## Here's how YOU can WIN \$25,000 this week!

- ✓ Listen to COAST 97.3 FM Monday thru Friday from 9am to 5pm.
- ✓ Call 1-888-97-COAST (1-888-972-6278) when these three songs are played, in their entirety, all in a row.
- ✓ 97th caller **WINS \$25,000!**

- ① *"Reason To Believe"* by Rod Stewart
- ② *"Colors Of The Wind"* by Vanessa Williams
- ③ *"Who Can It Be Now?"* by Men At Work

KEEP THIS AS A REMINDER TO LISTEN THE WEEK OF 3/3/97.