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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219179
Party	Plaintiff Spliethoff's Bevrachtungskantoor B.V.
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Date	11/04/2015
Attachments	Opposer's Motion for Leave to Amend Opposer's Notice of Opposition.pdf(62100 bytes) Exhibit A - Proposed Amended Notice of Opposition re Mark United Yacht Transport 4815-8426-8586.pdf(141568 bytes) Exhibit 1 Composite Proposed Amended NOO 4846-8815-2352.pdf(5532566 bytes) Exhibit 2 Proposed Amended NOO 4852-0274-1024.pdf(400237 bytes) Exhibit 3 Proposed Amended NOO 4851-0220-8800.pdf(50826 bytes) Exhibit 4 Proposed Amended NOO 4810-9258-5248.pdf(411246 bytes) EXHIBIT 5 Proposed Amended NOO 4835-2570-6026.pdf(164075 bytes) COMPOSITE EXHIBIT 6 Proposed Amended NOO 4837-4367-8762.pdf(515301 bytes) EXHIBIT 7 Proposed Amended NOO 4814-9546-6282.pdf(235662 bytes) EXHIBIT 8 Proposed Amended NOO 4820-4813-1370.pdf(432341 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition No. 91219179

Serial No. 86031633

SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V.,

Opposer,

v.

UNITED YACHT TRANSPORT LLC.,

Applicant.

**OPPOSER'S MOTION FOR LEAVE TO FILE
AMENDED NOTICE OF OPPOSITION AND
SUPPORTING MEMORANDUM OF LAW**

Opposer SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V. ("Spliethoff"), by and through its undersigned counsel, pursuant to 37 C.F.R. § 2.107 and Rule 15(a) of the Federal Rules of Civil Procedure, hereby moves the Trademark Trial and Appeal Board (the "Board") for entry of an Order granting Spliethoff leave to file an Amended Notice of Opposition to Applicant UNITED YACHT TRANSPORT LLC.'s trademark application. The purpose of the proposed amendment is add the additional ground of fraud to Spliethoff's opposition to Application Serial No. 86031633 for the mark "UNITED YACHT TRANSPORT" and to include additional factual allegations that Applicant acted in bad faith in adopting the mark and prosecuting its application. (the "Application")(the "Mark").

In support of this Motion, Spliethoff respectfully submits the following Memorandum of Law and the separately-filed Declaration of Sandra I. Tart ("Tart Decl.") served and filed herewith.

Concurrently herewith, Opposer also has filed and served a Motion to Suspend and Memorandum of Law in support thereof.

A copy of the Proposed Amended Notice of Opposition is attached hereto as Exhibit "A."

MEMORANDUM OF LAW

I. INTRODUCTION

Spliethoff seeks leave to file an Amended Notice of Opposition, based on facts learned by Spliethoff in discovery, to add the opposition ground that Applicant's Application is invalid and void *ab initio* because Applicant knowingly, with the intent to deceive the United States Patent and Trademark Office ("USPTO"), made the material misrepresentation that it was using the Mark in commerce at the time it filed its Application, when this was untrue.¹ Spliethoff also seeks to include additional factual allegations learned in discovery regarding Applicant's bad faith adoption of the Mark and prosecution of its Application.²

First, Spliethoff learned in discovery that Applicant, a start-up business in August 2013, knowingly falsely claimed to be using the Mark in commerce in connection with International Class 039 services (transport of yachts by boat) in its Application filed on August 7, 2013.³ Secondly,

¹ Fraud is an independent basis upon which to oppose/cancel a trademark application/registration and to recover damages in a civil action. 15 U.S.C. § 1120.

² The proposed Amended Notice of Opposition also includes additional allegations and photographic evidence obtained by Spliethoff since its original Notice of Opposition was filed of priority use of the mark by Spliethoff's predecessor Dockwise by the display of the mark in 2012 and 2013 on Dockwise's yacht transport vessel, the M/V *Super Servant 4*.

³ Applicant admitted in discovery that its first contract with a customer for Applicant to provide the specified services was not entered into until August 22, 2013, that the contract did not provide for the yacht to be transported until September 2013 and that Applicant did not even enter into a Charter Party agreement with the owner of a yacht transport vessel to transport any yachts on behalf of Applicant's customers until October 3, 2013.

Spliethoff learned in discovery that Applicant knowingly misrepresented to the USPTO in Applicant's May 19, 2014 Response to Office Action Letter that the verified specimens it filed in its Response were in use in commerce as of its Application filing date.⁴ Thirdly, documents produced by Applicant in discovery establish that, as least as early as August 20, 2013, Applicant was on notice of Dockwise's priority and continuing use of the Mark by virtue of a cease and desist letter and supporting evidence it received from Dockwise counsel and subsequent communications between Applicant's counsel and Dockwise's counsel which took place before Dockwise sold its yacht transport business to Spliethoff in October 2013. Lastly, documents produced by Applicant in discovery indicate that Applicant was involved, either directly or through an intermediary, in efforts to purchase Dockwise's yacht transport business and the Mark from Dockwise, before Applicant misappropriated the Mark for its new yacht transport business and filed its Application to register the Mark.

Applicant's discovery responses strongly support the conclusion that Applicant, with the intent to deceive the USPTO, knowingly made false filings and representations to the USPTO in connection with the filing and prosecution of its Application and acted in bad faith in adopting and seeking to register the Mark.

Spliethoff should be permitted to amend its Notice of Opposition because Spliethoff learned of the above grounds in the course of discovery and has filed the instant motion in a timely fashion. Under the current Scheduling Order, the Discovery Period closes on January 12, 2016 and Spliethoff has contemporaneously filed a Motion to Suspend and for the re-setting of discovery deadlines to maintain the *status quo* of the approximately six (6) weeks of the discovery period remaining.

⁴ Applicant admitted in its discovery responses that the verified specimens (described as printouts of its website) that it filed in its *Response to office Action* were not online until late March of 2014.

Applicant will not be prejudiced by the granting of the requested amendment to add a basis for opposition (fraud) and allegations demonstrating bad faith conduct by Applicant which are grounded upon facts within the knowledge of Applicant.

II. FACTUAL BACKGROUND

The following are background facts relevant to the instant Motion:

1. On August 7, 2013, Applicant filed its Application to register the Mark under Section 1(a) for services within International Class 039, *i.e.* the transport of yachts by boat. (Tart Decl., Exhibit "A").⁵

2. On August 18, 2013, Opposer's predecessor and assignor, Dockwise Yacht Transport B.V., filed an application under Section 1(a) to register the identical mark, UNITED YACHT TRANSPORT, for the identical class of services, Application Serial No. 86041056. (Exh. "B").

3. In its use-based Application, Applicant represented that it was using the Mark in commerce as of the Application's filing date on or in connection with the services of transport of yachts by boat. (Exh. "A"). Applicant claimed that its first use of the Mark was on July 17, 2013 and that its first use of the Mark in commerce was on August 5, 2013. (Exh. "A"). However, Applicant failed to provide a specimen with its Application which evidenced Applicant's actual use of the Mark in commerce to provide the identified services of transporting yachts by boat prior to the Application filing date.

4. On September 20, 2013, counsel for Dockwise sent Applicant's counsel a "cease and desist letter" and attached evidence of Dockwise's priority and continuous use of the Mark before the filing date of the Application. Dockwise counsel cited Dockwise's display of the Mark on its 700-

⁵ Unless otherwise noted, all subsequent references to "Exhibits" or "Exh." herein are to the lettered attachments accompanying the Tart Declaration.

foot yacht transport vessels which called routinely at Port Everglades in Fort Lauderdale, Florida loaded with yachts being transported and the directory listing in the Port Everglades Guide under "Shipping Lines" of Dockwise/United Yacht Transport. (Exh. "C").

5. Thereafter, in September 2013, counsel for Dockwise and counsel for Applicant had further communications in which Dockwise's priority use of the mark was discussed. In a September 13, 2013 email, Dockwise counsel invited Applicant to come to Port Everglades "for an up close view" of the Mark displayed on the "700 foot (over 2 football fields long)" Dockwise yacht transport vessel when it arrived at the Port the following week. (Composite Exh. "D"). Even in the face of such evidence, Applicant communicated that it would not cease using the Mark. (Composite Exh. "D").

6. On October 15, 2013, Dockwise sold its yacht transport business and its two yacht transport vessels to Opposer and assigned to Opposer all of its rights in the Mark and its pending Application Serial No. 86041056 to register the Mark. (Notice of Opposition, ¶ 9). With this acquisition, Spliethoff obtained all of Dockwise's common law rights in the Mark and also "inherited" Dockwise's unresolved dispute with Applicant over the ownership of the Mark.

7. On November 3, 2013, the examining attorney issued an Office Action letter to Applicant in connection with the pending Application Serial No. 86031633. (Exh. "E").

8. The Office Action letter refused registration to Applicant and, *inter alia*, required that Applicant submit a specimen showing "the applied-for mark in use in commerce for each international class of services identified in the application" in accordance with the requirements of

Section 1(a).⁶ (Exh. "E).

9. Applicant chose to respond to the Office Action letter by submitting verified substitute specimens rather than amending its filing basis to Section 1(b).

10. On May 19, 2014, Applicant filed its *Response to Office Action*. (Exh. "F").

11. Applicant submitted specimens described by Applicant as: "the internet Website of United Yacht Transport LLC showing United Yacht Transport and the Services to which the name relates." The website printouts were undated. (Exh. "F").

12. The specimen website filed by Applicant was an advertisement for yacht transport services, rather than evidence that Applicant itself was providing such services on or prior to the August 7, 2013 filing date of its Application. (Exh. "F").

⁶ The Office Action Letter stated:

2. Substitute Specimen Required

Registration is refused because the specimen is merely a photocopy of the drawing or a picture or rendering of the applied-for mark, and thus fails to show the applied-for mark in use in commerce with the services. 15 U.S.C. §§1051, 1127; 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark in use in commerce for each international class of services identified in the application. 15 U.S.C. §1051(a)(1); 37 C.F.R. §§2.34(a)(1)(iv), 2.56(a); TMEP §§904, 904.07(a).

Accordingly, registration is refused because the applicant has failed to evidence usage of the mark in commerce.

Applicant may respond to this refusal by satisfying one of the following:

(1) Submit a different specimen (a verified "substitute" specimen) that (a) was in actual use in commerce at least as early as the filing date of the application or prior to the filing of an amendment to allege use and (b) shows the mark in actual use in commerce for the goods and/or services identified in the application or amendment to allege use.

(2) Amend the filing basis to intent to use under Section 1(b), for which no specimen is required. This option will later necessitate additional fee(s) and filing requirements such as providing a specimen at a subsequent date.

13. Applicant in its *Response to Office Action* represented that the specimens that it had submitted "was/were in use in commerce at least as early as the filing date of the application." Applicant included the following representation for its Section 1(a) application in the "Statement Type box" in its *Response to Office Action* filing:

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"*[for an application based on Section 1(a), Use in Commerce]* ...

(Exh. "F").

14. The specimens submitted by Applicant included four (4) photographs, represented to be included on Applicant's website, of yachts being lifted onto yacht transport vessels. However, Applicant's submission did not establish that Applicant itself had provided the yacht transport services depicted on or prior to the Application's filing date or that Applicant was providing any yacht transport services on or prior to the August 7, 2013 filing date of the Application.

15. The examining attorney accepted the verified specimens filed by Applicant and the Mark was published on July 8, 2014. (Exh. "G").

16. On November 4, 2014, Opposer filed its Notice of Opposition. Opposer asserted a claim of "non-use" but Opposer did not assert a fraud claim.

17. On February 25, 2015, Opposer served its First Request for Admissions upon Applicant. (Exh. "H"). On April 6, 2015, Applicant served its Response to Opposer's First Request for Admissions. (Exh. "I").

18. Opposer's Request for Admission 13 to Applicant:

Admit that none of the photographs of the four specimens which UNITED YACHT TRANSPORT LLC filed in its *Response to Office Action* on ay 19, 2014 with the United States Patent and Trademark Office shows yacht transport services performed by UNITED YACHT TRANSPORT LLC. (For

**reference, a copy of UNITED YACHT TRANSPORT LLC'S
Response to Office Action AND Specimens 1 through 4 thereof
are attached hereto as Composite Exhibit "A").**

19. Applicant's response to Request for Admission 13:

[Applicant] Admits that the photographs do not show yacht transport services actually performed by United Yacht Transport LLC but demonstrates the types of services offered and performed by United Yacht Transport LLC. The specimen consists of the internet website with the United Yacht Transport mark, the services to which the name relates, and a means of ordering the services.

20. Opposer's Request for Admission 11 to Applicant stated: "Admit that UNITED YACHT TRANSPORT LLC's first use of the mark UNITED YACHT TRANSPORT in commerce was in the internet website of United Yacht Transport LLC." Applicant responded to Request 11 with a denial. (Exh. "I").

21. On April 17, 2015, Spliethoff served its First Set of Interrogatories to Applicant. (Exh. "J"). Opposer's interrogatories asked Applicant to identify the first activity or event which Applicant claimed constituted its first use of the Mark in commerce and the date of same and asked Applicant to state the first date when the website specimens submitted by Applicant in its *Response to Office Action* were available or posted online. (Exh. "J").

22. Three business days later, on April 22, 2015, Applicant filed a motion for leave to amend its application, seeking to amend the filing basis of the Applicant from Section 1(a) to Section 1(b). In its Motion, Applicant offered only the following vague, conclusory reason for seeking leave to amend almost two years after filing its original Application: "United Yacht Transport LLC has since [the filing of its Application] determined that the application is appropriately presented under

Section 1(b)." (Exh. "K" at 1). Spliethoff opposed Applicant's motion to amend.⁷ (Exh. "K" at 2). By Order entered on June 24, 2015, the Board deferred consideration of the Applicant's opposed motion to amend basis of its Application.

23. On May 29, 2015, Applicant served its Answer to Opposer's First Set of Interrogatories. (Exh. "L").

24. In its verified *Response to Office Action* filed on May 19, 2014 (Exh. "F"), Applicant stated that the specimens of its website were in use in commerce on the filing date of its Application. However, in its answers to Interrogatories 13 and 16 served by Opposer, Applicant stated that the website specimens which Applicant submitted in its *Response to Office Action* were first posted/available online in "Late March of 2014." (Exh. "L" at 5-6).

25. Applicant stated in response to Interrogatories 1, 2, 19 and 20 that its first signed contract for the provision of yacht transport services was not until August 22, 2013 – weeks after the Application's filing date – and that its first Charter Party Agreement with a vessel owner (PACC) to transport yachts for Applicant's customers was not entered into until October 3, 2013 (Exh. "L" at 3 and 7).

III. ARGUMENT

A. Leave to Amend Should Be Freely Granted

Amendment of pleadings in an opposition proceeding before the Board are governed by 37 C.F.R. § 2.107(a) which states: '[p]leadings in an opposition proceeding may be amended in the

⁷ In view of the communications between Dockwise counsel and Applicant's counsel in September 2013 regarding Dockwise's priority use of the Mark (*see* Exhibits "C" and "D" consisting of documents which Applicant produced to Opposer in discovery), it is not surprising that the verification of Applicant's President, Paul Haber, submitted in support of Applicant's motion to amend application failed to contain the required averment that Applicant had a good faith belief that Applicant was entitled to use the Mark. At least as early as August 20, 2013, Applicant was on notice of Dockwise's priority rights in the Mark.

same manner and to the same extent as in a civil action in a United States district court. Fed. R. Civ. P. 15(a) states that "leave to amend 'should be freely given when justice so requires;' this mandate is to be heeded." *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1992)(citation omitted); *see generally Boral Ltd. v. FMC Corp.*, 59 U.S.P.Q.2d 1701 (TTAB 2000). In exercising its discretion to allow amendments, the Board should be guided by the underlying goal of allowing amendments in order to facilitate a complete decision on the merits. *Filmtec Corp. v. Hydranautics*, 67 F.3d 931, 935 (Fed. Cir. 1995), *cert. denied*, 117 S. Ct. 62 (1996).

Consistent with the foregoing policy, decisions of the Board establish that the Board liberally grants leave to amend pleadings at any stage of the proceedings when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party. TBMP § 507.02; *see Boral Ltd.*, 59 U.S.P.Q.2d at 1701; *Am. Optical Corp. v. Am. Olean Tile Co.*, 168 U.S.P.Q. 471, 473 (TTAB 1971). This is the case even when an opposer seeks to amend its Notice of Opposition to plead a claim other than that stated in its original complaint. *See, e.g., Marmack Ltd. v. Nutrexpa S.A.*, 12 U.S.P.Q.2d 1843, 1844 (TTAB 1989); *Fioravanti v. Fioravanti Corrado S.R.L.*, 230 U.S.P.Q. 36, 40 (TTAB 1986).

Under TBMP § 507.02(a), the timing of a motion for leave to amend plays a large role in the Board's determination whether the adverse party would be prejudiced by allowance of the proposed amendment. Where the grounds for amendment are learned in discovery, amendment of the Notice of Opposition should be allowed. *See e.g. Karsten Manufacturing Corp. v. Editoy AG*, 79 U.S.P.Q.2d 1783, 1786 (TTAB 2006)(motion for leave to amend pleading granted because grounds for new claim was learned during discovery).

B. The Proposed Amended Notice of Opposition Should Be Allowed

Opposer's instant Motion for Leave to Amend is timely and falls well within the parameters of 37 C.F.R. § 2.107(a) and Rule 15(a). Therefore, the Board should allow Spliethoff's proposed amendment. Applicant's answers to Opposer's discovery, and documents produced in discovery by Applicant, directly contradict Applicant's representations to the USPTO in Applicant's August 7, 2013 Application and Applicant's May 19, 2014 *Response to Office Action* that Applicant was using the Mark in commerce in the provision of Class 039 services prior to or on the Application's filing date.

It was impossible for Opposer to know at the time it filed its Notice of Opposition that Applicant deliberately would make blatant misrepresentations (i.e. that Applicant had used the Mark in commerce in the provision of the specified services) to the USPTO, first in filing its Application and subsequently in filing its Response to Office Action. Spliethoff also learned of the communications between Dockwise counsel and Applicant's counsel in August and September 2013, which evidence Applicant's knowledge of priority use by Dockwise and bad faith by Applicant, through the documents produced by Applicant in discovery. Spliethoff should be allowed to amend its Notice of Opposition based upon evidence learned in discovery.

Although Applicant belatedly on April 22, 2015 filed a motion to seek leave to amend its the filing basis of its application from Section 1(a) to Section 1(b), a motion which Spliethoff opposes, the proposed amendment, even if permitted by the Board, will not protect Applicant from a claim of fraud on the ground that the Mark was not used in commerce in connection with Applicant's Application or that Applicant committed fraud in the prosecution of its application. *Sinclair Oil Corp. v. Sumatra Kendrick*, 2007 TTAB Lexis 65 (TTAB 2007); *Grand Canyon West Ranch LLC v.*

Hualapai Tribe, 78 U.S.P.Q.2d 1696 (TTAB 2006). Therefore, there can be no argument that amendment by Spliethoff to add a fraud basis for opposition would be futile.

In order for Spliethoff to state a claim of fraud against Applicant, Spliethoff must plead with particularity that Applicant knowingly made false, material representations of fact in connection with the Application with the intent to deceive the USPTO.⁸ Spliethoff now has facts that it did not have at the time it filed its Notice of Opposition upon which to make the requisite pleading "with particularity" that Applicant intentionally committed fraud on the USPTO in connection with its Application and Applicant's subsequent filing of its *Response to Office Action* and prosecution of its Application.

The evidence obtained by Spliethoff to date in the discovery process strongly supports the following conclusions: (1) the Application did not meet the requirements of Section 1(a) under which it was filed; (2) the Applicant intentionally made material misrepresentations to the USPTO in the Application, in its *Response to Office Action* and in seeking to amend the basis of its Application with intent to deceive the USPTO; and (3) Applicant knew of Dockwise's priority use and goodwill in the Mark and patently acted in bad faith in nonetheless adopting the Mark, filing to obtain a trademark registration for the Mark and prosecuting its Application. Since Applicant's discovery responses raise serious questions of misrepresentation by Applicant to the USPTO with intent to deceive and of whether Applicant acted in bad faith, justice requires that Spliethoff be permitted to

⁸ Fed. R. Civ. P. 9(b) requires that "[i]n all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity." *See Intellimedia Sports Inc. v. Intellimedia Corp.*, 43 U.S.P.Q.2d 1203, 1205 (TTAB 1997); *see generally* 37 C.F.R. 2.116(a).

file an Amended Notice of Opposition to include a fraud claim and additional allegations regarding Applicant's knowledge of Dockwise's rights in the Mark and lack of good faith.

IV. CONCLUSION

For the reasons and authorities set forth herein, Opposer Spliethoff Bevrachtingskantoor B.V, prays that the Board grant the instant Motion and permit Spliethoff leave to file the attached proposed Amended Notice of Opposition.

Dated: November 4, 2015

Respectfully submitted,

/s/ J. Michael Pennekamp

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Counsel for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Motion for Leave to File Amended Notice of Opposition has been e-filed via ESTTA and served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, by email to bhull@bushross.com, this 4th day of November, 2015.

/s/ Sandra I. Tart
Sandra I. Tart

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V.,)
Opposer,)
v.) U.S. Appl. Serial No. 86031633
UNITED YACHT TRANSPORT LLC.,)
Applicant.)

[PROPOSED] AMENDED NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 86031633 covering the mark "UNITED YACHT TRANSPORT" filed on August 7, 2013, under Section 1(a) by United Yacht Transport LLC, a limited liability company organized under the laws of the State of Delaware ("Applicant"), having its principal place of business at 2830 State Road 84, Suite 118, Dania Beach, Florida 33312, published in the *Trademark Official Gazette* on July 8, 2014, time being extended, Opposer, Spliethoff's Bevrachtingskantoor B.V., a private limited liability company, incorporated under the laws of The Netherlands, having its principal place of business at Radarweg 36, 1042 AA Amsterdam, The Netherlands, believes that it would be damaged by the registration of Application Serial No. 86031633, and hereby opposes the registration of the mark "UNITED YACHT TRANSPORT."

Pursuant to Sections 1(a) and 2(d), the grounds for opposition are as follows:

1. Opposer and Applicant are both engaged in offering and selling in commerce services for the transport of yachts by boat.

EXHIBIT A

2. Upon information and belief, the principal office of Applicant is in Dania Beach, Broward County, Florida.

3. The principal office of Opposer's subsidiary which is engaged in the yacht transport business is located in Broward County, Florida at the following address: 1535 S.E. 17th Street, Suite 200, Fort Lauderdale, Florida 33316.

4. On August 7, 2013, Applicant filed an application under Section 1(a) for registration of the mark "UNITED YACHT TRANSPORT" for "Transport of Yachts by Boat" in International Class 039, and U.S. Classes 100 and 105, U.S. Application Serial No. 86031633.

5. Prior to July 16, 2013, Applicant's alleged date of first use, Opposer's predecessor Dockwise Yacht Transport LLC used the "UNITED YACHT TRANSPORT" mark and name in commerce to offer, sell and provide yacht transport services.

6. Opposer acquired all rights, including all common law rights, in the mark "UNITED YACHT TRANSPORT" through an asset purchase agreement entered into on October 15, 2013 among Opposer, Dockwise Yacht Transport LLC and other sellers (the "Agreement").

7. Pursuant to the Agreement, Opposer acquired all of the assets of Dockwise Yacht Transport LLC and of other sellers, and obtained the rights to continue engaging in the yacht transport business activities conducted by or on behalf of Dockwise Yacht Transport LLC and the other sellers as of the closing date of the Agreement.

8. Pursuant to the Agreement, Opposer acquired two dedicated semi-submersible yacht carriers, including the largest of its kind, the M/V *Yacht Express*, a unique and distinctive yacht carrier vessel launched by Opposer's predecessors in 2007. The assigned International Maritime Organization number of the M/V *Yacht Express* is IMO 9346029.

9. Opposer also acquired all rights, including all common law rights, in the mark "UNITED YACHT TRANSPORT" by means of an assignment from Dockwise Yacht Transport LLC to Opposer, effective October 15, 2013.

10. In addition, Opposer owns the pending application under Section 1(a) to register the mark "UNITED YACHT TRANSPORT" for "Transportation by boat; cross-ocean transportation of yachts by semi-submersible ocean going vessels," International Class 039 and U.S. Classes 100 and 105, U.S. Application Serial No. 86041056, which was filed by Dockwise Shipping B.V. on August 18, 2013. Dockwise Shipping B.V. assigned this application and all of its rights in the mark to Opposer, effective on July 1, 2014.

Chronology of Prior Use by Opposer's Predecessors

11. Opposer's predecessors used the mark "UNITED YACHT TRANSPORT" in commerce for the transport of yachts by boat for two decades before Applicant's alleged date of first use of July 16, 2013, and such predecessors continually used the mark in commerce, until the mark and the yacht transport business of Dockwise Yacht Transport LLC were sold and assigned to Opposer in October 2013.

12. Opposer's predecessors include the following entities: United Yacht Transport (USA) Inc.; Dockwise Yacht Transport (USA) Inc.; and Dockwise Yacht Transport LLC.

13. From 1992 until 2000, United Yacht Transport (USA) Inc., a Delaware corporation incorporated on December 31, 1992, used the mark in commerce for the transport of yachts by boat.

14. On December 7, 1998, Dockwise N.V., a related entity of Opposer's predecessors, filed an application under Section 1(a) to register the service mark "UNITED YACHT TRANSPORT" for "Transport by boat; cross-ocean transportation of yachts by semi-submersible

ocean going vessels," Application Serial No. 75600286. The mark was registered on November 21, 2000, U.S. Registration No. 2405244. The registration was cancelled on August 25, 2007.

15. Public filings made with the State of Delaware's Division of Corporations establish that in June 2000 United Yacht Transport (USA) Inc. changed its corporate name to Dockwise Yacht Transport (USA) Inc. and in September 2006 Dockwise Yacht Transport (USA) Inc. began doing business as Dockwise Yacht Transport LLC.

16. United Yacht Transport (USA) Inc. was authorized since December 31, 1992 to do business in Florida. Public filings with the State of Florida's Division of Corporations reflect the corporate history of United Yacht Transport (USA) Inc. and the registrations of the Dockwise entities to do business in Florida

17. After the corporate changes by which United Yacht Transport (USA) Inc. evolved into Dockwise Yacht Transport (USA) Inc. and to Dockwise Yacht Transport LLC (collectively "Dockwise Yacht Transport"), Dockwise Yacht Transport continued to advertise and use the mark "UNITED YACHT TRANSPORT" in commerce in connection with providing the service of transport of yachts by boat.

18. Since 2000, Dockwise Yacht Transport (USA) Inc., and Dockwise Yacht Transport LLC have advertised their yacht transport services as either "United Yacht Transport, Inc." or "Dockwise/United Yacht Transport, Inc.," with the same Fort Lauderdale address alleged in paragraph 3 hereof, in the annual Port Everglades Guide & Directory, an official Broward County publication, available in print and online. A copy of the relevant pages of the print version of this publication for the following years are attached hereto as Composite Exhibit "1": 1998, 1999, 2001, 2003, 2005, 2006, 2007-2008, 2008-2009, 2010, 2011-2012, 2012 – 2013 and 2014.

19. Prior to Applicant's July 16, 2013 alleged date of first use, and specifically in 2012 and 2013, Dockwise Yacht Transport, LLC displayed the mark "UNITED YACHT TRANSPORT" on its distinctive "float-on, float-off" semi-submersible yacht carrier, the M/V *Yacht Express*, while the vessel was transporting yachts between Port Everglades, in Fort Lauderdale, Florida and foreign ports. Four photographs of the M/V *Yacht Express* displaying the mark which are posted online at www.marinetraffic.com, all of which indicate "dates taken" in 2012 and in 2013 prior to Applicant's alleged date of first use, are attached hereto as Exhibit "2." A photograph of the M/V *Yacht Express* displaying the mark which is posted online at www.yachtforums.com and indicates that it was taken in 2012 by the Fort Lauderdale "webcam" at Port Everglades is attached hereto as Exhibit "3." Two photographs of the *Yacht Express* displaying the mark which are posted online at www.shipspotting.com, both of which indicate dates taken of March 9, 2012, at "St. Thomas Charlotte Amalie, Virgin Islands (U.S.)" are attached hereto as Composite Exhibit "4."

20. Prior to Applicant's alleged date of first use, and specifically in 2012 and 2013, Dockwise Yacht Transport, LLC displayed the mark "UNITED YACHT TRANSPORT" on its distinctive "float-on, float-off" semi-submersible yacht carrier, the M/V *Super Servant 4*, while the vessel was transporting yachts in commerce. Two photographs of the M/V *Super Servant 4* displaying the mark while engaged in the service of transport of yachts by boat in commerce, which were taken in Newport, Rhode Island by commercial photographer, Onne Van der Wal, on November 14, 2012, are attached hereto as Composite Exhibit "5."

21. Since October 2013, Opposer has continued operating the yacht transport business of its predecessor entities under the names "DYT" and "DYT Yacht Transport" and has continued using the dedicated yacht transport carriers acquired in the Agreement, including the M/V *Yacht Express*, to transport yachts by boat in commerce.

22. The names "DYT" and "DYT Transportation" are registered as fictitious names of Opposer's subsidiary Sevenstar Transport USA Agencies LLC.

23. Since October 2013, Opposer has used and currently is using the "UNITED YACHT TRANSPORT" mark in commerce to advertise and sell the services of transport of yachts by boat and has plans to expand its use of the mark and name in commerce.

**Applicant's Deliberate Adoption of Mark in Bad Faith to Trade on Prior Use and
Goodwill of the Mark**

24. Applicant adopted the mark "UNITED YACHT TRANSPORT" in bad faith with knowledge of the prior and continuous use of said mark by Opposer's predecessors, with the intent to gain a benefit and trade off of the reputation and goodwill associated with the mark "UNITED YACHT TRANSPORT" which had been established by decades of prior use and advertising by Opposer's predecessors.

25. On information and belief, prior to adopting the mark UNITED YACHT TRANSPORT for its business, Applicant had knowledge that Dockwise had priority use of the mark in commerce and was continuing to use the mark in commerce. On information and belief, Applicant obtained this knowledge from its involvement or participation, either directly or through an intermediary, with efforts to acquire the yacht transport business and the mark UNITED YACHT TRANSPORT from Opposer's predecessor, Dockwise.

26. In addition, in August and September 2013, Applicant received a cease and desist letter from Dockwise counsel and Applicant's counsel received email communications from Dockwise counsel which provided clear and unequivocal evidence of Dockwise's then-ongoing use of the mark in commerce as follows: display on the mark UNITED YACHT TRANSPORT on Dockwise's mammoth (700+ foot) yacht transport vessels and listing of "Dockwise/United Yacht

Transport" as one of the Shipping Lines in the Port Everglades Guide & Directory. (A copy of the August 20, 2013 cease and desist letter and September 13, 2013 email from Dockwise counsel are attached hereto as Composite Exhibit "6").

27. Even after being apprised of Dockwise's rights in the mark and receiving evidence of same from Dockwise counsel, Applicant continued prosecuting its Application to register the mark, through the filing of a Response to Office Action on May 19, 2014 and April 22, 2015 Motion seeking leave to amend the filing basis for its Application from Section 1(a) to Section 1(b).

28. Based on Applicant's actual knowledge of Dockwise's priority and continuous use of the mark and legal rights in the mark arising therefrom, Applicant filed and has prosecuted its Application in bad faith.

29. In addition to adopting the mark "UNITED YACHT TRANSPORT," Applicant deliberately has sought to create marketplace confusion and the false impression that there is a relationship between Applicant and Opposer and/or Opposer's predecessors, by using the mark "UNITED YACHT TRANSPORT" with a logo and online advertising which feature the identical and distinctive color combination of orange and royal blue, used by Opposer's predecessors to establish the mark, origin of services of yacht transport and associated goodwill in commerce, and currently used by Opposer.

30. Applicant's mark "UNITED YACHT TRANSPORT" is identical to the mark "UNITED YACHT TRANSPORT" used by Opposer's predecessors for many years prior to July 16, 2013, Applicant's alleged date of first use.

31. On information and belief, the services of Applicant, namely the transport of yachts by boat, are the same or substantially the same as the services of transportation of yachts by boat

which were offered and provided by Opposer's predecessors and currently are offered and provided by Opposer.

32. The services of yacht transport by boat which are offered and sold by Opposer under the "UNITED YACHT TRANSPORT" mark and name are likely to be purchased and used by the same class of purchasers, i.e. yacht owners, who are likely to purchase Applicant's services.

33. Opposer and Applicant compete "head to head" providing the identical services to the same target market. The yacht transport services of Opposer and Applicant are and will be marketed through the same and related channels of trade to reach the same target market of yacht owners needing the services of yacht transportation by boat.

34. This target market is comprised of yacht owners who desire to transport their yachts by boat between U.S. ports, including Port Everglades, Florida, and foreign ports, including ports in the Caribbean, the Mediterranean, and the South Pacific. Attached hereto as Exhibits "7" and "8" are the yacht transport destinations serviced by Opposer and Applicant, respectively.

35. The public, and particularly yacht owners purchasing yacht transport services, have long associated the mark "UNITED YACHT TRANSPORT" with Opposer's predecessors, Dockwise Yacht Transport, LLC, Dockwise Yacht Transport (USA), Inc., and United Yacht Transport (USA), Inc.

36. As a result, if the identical mark "UNITED YACHT TRANSPORT" is applied to the services of Applicant, it will cause confusion or deceive purchasers into having the mistaken belief that the services of Applicant originate from, or are disseminated with Opposer's approval, sponsorship or control, all to the great damage of Opposer.

37. Opposer has standing to oppose registration of the mark because it would be damaged by the registration of the mark "UNITED YACHT TRANSPORT" in the principal register.

38. On information and belief, Applicant's first use of the mark "UNITED YACHT TRANSPORT" in US commerce was in 2013, which is over two decades after the date of first use by Opposer's predecessor, United Yacht Transport (USA), Inc., of the "UNITED YACHT TRANSPORT" mark and name.

39. In view of the identity between Applicant's mark "UNITED YACHT TRANSPORT" and Opposer's mark "UNITED YACHT TRANSPORT" in terms of commercial impression and meaning, and in view of the substantially identical nature of the yacht transport services offered and sold in commerce by both Applicant and Opposer, Opposer alleges that Applicant's mark consists of and comprises matters which may disparage and falsely suggest a trade connection between Opposer and Applicant.

40. Opposer is not nor will it be connected or associated with the services of yacht transport by boat which Applicant is providing under the mark "UNITED YACHT TRANSPORT."

41. If the Applicant is able to register the mark "UNITED YACHT TRANSPORT" for the services set forth in its application, confusion of the trade and public is likely to result, and such confusion will result in damage and injury to Opposer.

42. If Applicant is granted a registration for the mark "UNITED YACHT TRANSPORT," it will obtain at least a *prima facie* exclusive right to use the mark.

43. Such registration would be a source of damage and injury to Opposer.

44. In addition, pursuant to Section 1(a), on information and belief, Opposer contests the date of first use and date of first use in commerce alleged in Applicant's application.

45. There was no *bona fide* use by Applicant of the mark "UNITED YACHT TRANSPORT" in commerce prior to Applicant's filing of a use-based application for registration under Section 1(a) of the Act.

46. Applicant's application is void *ab initio* and invalid because Applicant, with the intent to deceive the USPTO, knowingly made false representations to the USPTO. Specifically, with the intent to deceive the USPTO, Applicant knowingly made false representations in its use-based Application filed on August 7, 2013 and in its May 19, 2014 Response to Office Action.

47. In Application Serial No. 86031633 filed on August 7, 2013, Applicant represented to the USPTO that Applicant first used the mark UNITED YACHT TRANSPORT in commerce on August 5, 2013 which was false. Applicant, by its own admission, did not use the mark in commerce until after the filing date of its Application.

48. On May 19, 2014, Applicant filed a Response to Office Action and filed specimens of photographs of a website showing the mark UNITED YACHT TRANSPORT which Applicant falsely represented to be its website that was in use in commerce as of the filing date of its Application. Applicant has subsequently disclosed that the website depicted by the photographic specimens it submitted filed in its Response to Office Action were not posted online until late March 2014.

Opposer hereby appoints J. Michael Pennekamp, Esquire and Sandra I. Tart, Esquire, both members of the Florida Bar and the firm of Fowler White Burnett, P.A., Espirito Santo Plaza, 1395 Brickell Avenue, 14th Floor, Miami, Florida 33131, to act as its attorneys in the matter of the opposition identified above, to prosecute said opposition, to transact all business in the Patent and Trademark Office, and in the United States courts connected with the opposition, to sign its name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Opposer, by and through its counsel, prays that the Trademark Trial and Appeal Board decide that U.S. Application Serial No. 86031633 is invalid and void *ab initio*, refuse

registration of the mark sought to be registered by Applicant in U.S. Application Serial No. 86031633, sustain this Opposition, lift the stay and permit Opposer to register the mark in U.S. Application Serial No. 86041056 in the United States Patent and Trademark Office, and grant such other and further relief as is just and proper.

Date: _____, 2015

Respectfully submitted,

/s/ J. Michael Pennekamp

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Counsel for Opposer

Port Everglades Guide

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EXHIBIT
1
COMPOSITE

Port Everglades Guide

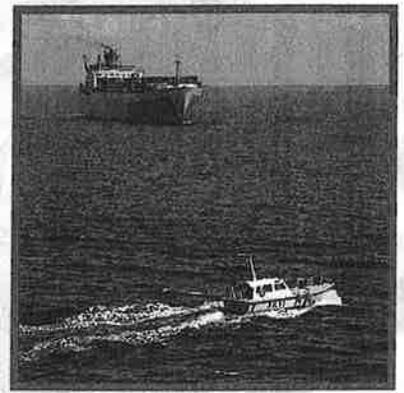
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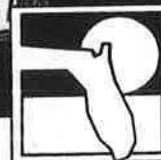
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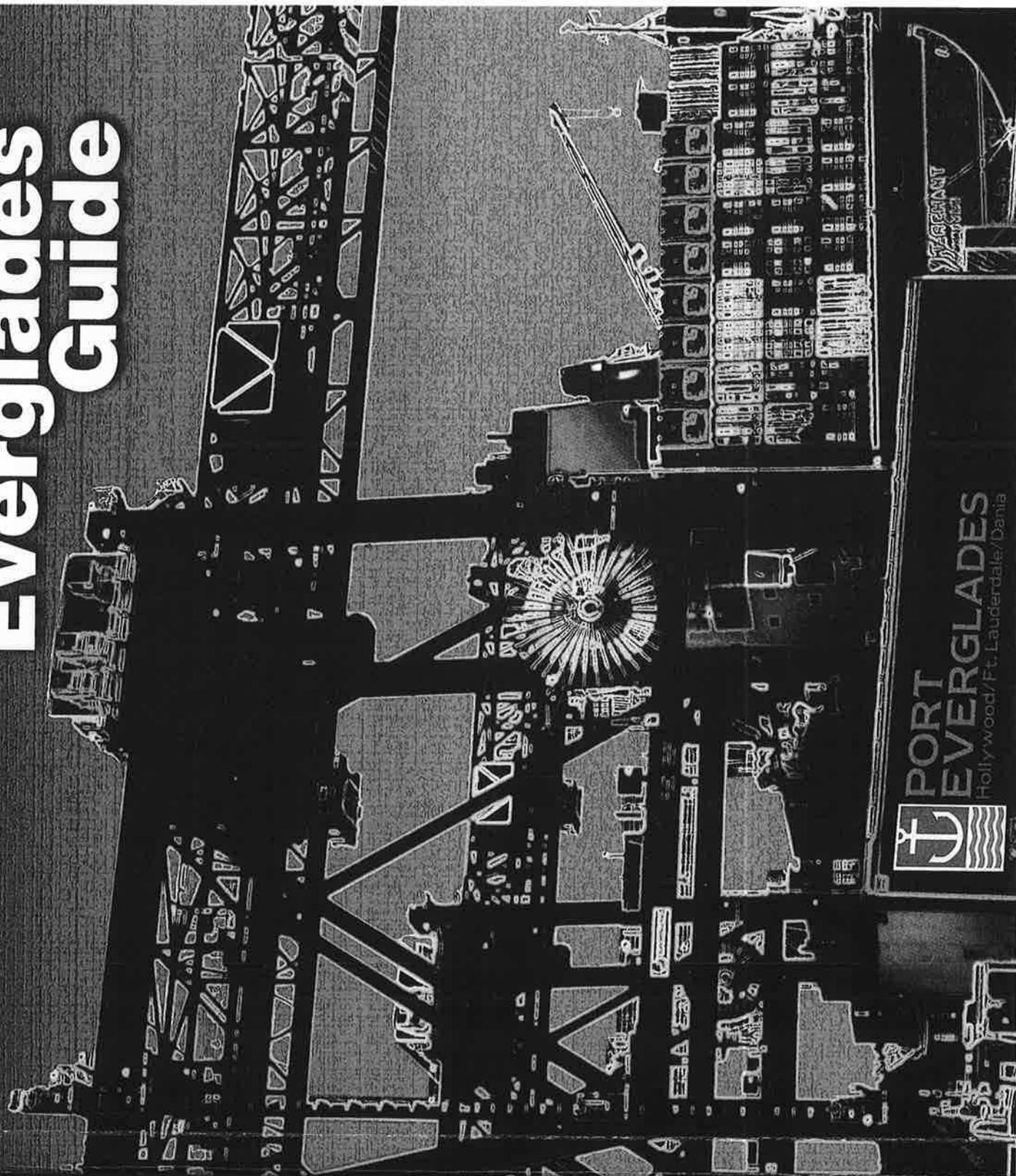
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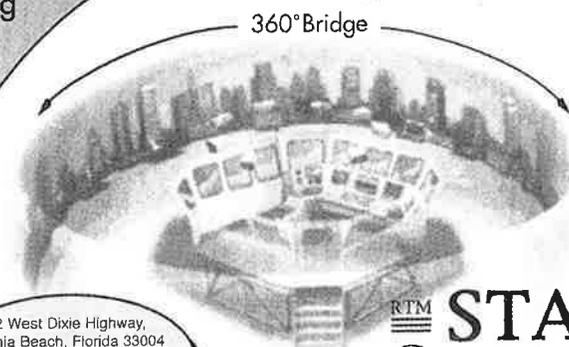
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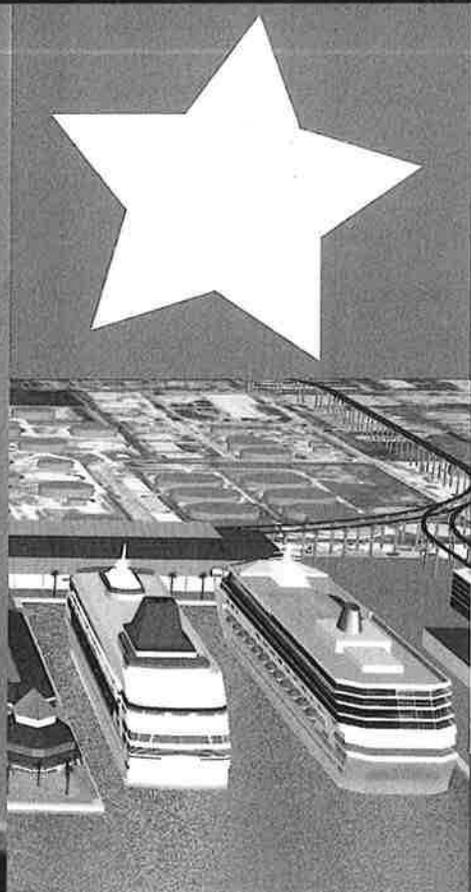


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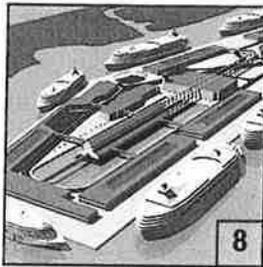
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SeaFreight Agencies, Inc.
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roland@seafreightagencies.com
PE Association; See our Ad on pg. 26

Tel: 305-592-6060
Fax: 305-471-9555
www.seafreightagencies.com

Ship Supply of Florida, Inc. - See d/b/a Shipgate and d/b/a Ship Services

Shipgate, c/o Ship Supply of Florida, Inc.
15065 NW 7th Ave., Miami, FL 33168
info@shipsup.com
Steamship Agents Franchise

Tel: 305-681-7447
Fax: 305-769-3502
www.shipsup.com

St. Johns Shipping Co., Inc.
PO Box 13105, Ft. Laud., FL 33316
3505 SE 19th Ave., Ft. Laud., FL 33316
Steamship Agents Franchise; Stevedores/Cargo Handlers Franchise; Port Tenant

Tel: 954-527-0034
Fax: 954-522-4828/522-8911
www.st-johns.cc

Sun Terminals, Inc.
PO Box 165208, Ft. Laud., FL 33316
3100 Eisenhower Blvd., Ft. Laud., FL 33316
kopedraz@bellsouth.net
Steamship Agents Franchise; Stevedores/Cargo Handlers Franchise

Tel: 954-524-8600
Fax: 954-524-1258
www.kingocean.com

State Street Shipping Agency - See d/b/a Strachan Shipping Company

Strachan Shipping Company
c/o State Street Shipping Agency, Inc.
PO Box 13131, Ft. Laud., FL 33316
2250 SE 17th Street, Ft. Laud., FL 33316
Steamship Agents Franchise

Tel: 954-525-6164/520-1814
Fax: 954-525-5772

Sunshine Shipping, Inc.
PO Box 13025, Ft. Lauderdale, FL 33316
Steamship Agents Franchise

Tel: 954-764-8434
Fax: 954-763-8093

Triton Cruise Services, Inc.
1007 N. America Way, Ste. 407, Miami, FL 33132
triton@cruise catering.com
See our Ad on pg. 40

Tel: 305-358-7860
Fax: 305-374-3931
www.cruise catering.com

Turks Island Shipping Line (OMS)
PO Box 21852, Ft. Laud., FL 33335
1580 SE 26th St., Ft. Laud., FL 33316

Tel: 954-767-9990
Fax: 954-767-9991
turksis1@aol.com

USA Maritime Enterprises, Inc.
PO Box 22723, Ft. Lauderdale, FL 33335
usa009@aol.com
Steamship Agents Franchise

Tel: 954-764-8360/764-8370
Fax: 954-761-7672

V. Ships Agency Inc.
1015 North America Way, Ste. 121, Miami, FL 33132
Steamship Agents Franchise

Tel: 305-579-9236
Fax: 305-579-9238

Worldwide Shore Service
PO Box 13135, Ft. Laud., FL 33316
Steamship Agents Franchise; Port Tenant

Tel: 954-462-7060
Fax: 954-462-7768

SHIP CHANDLERY/SHIP STORES

Proveedores de Buques

Ship Services, c/o Ship Supply of Florida, Inc.
15065 NW 7th Ave., Miami, FL 33168
info@shipsup.com
Steamship Agents Franchise

Tel: 305-681-7447
Fax: 305-769-3502
www.shipsup.com

Shipgate, c/o Ship Supply of Florida, Inc.
15065 NW 7th Ave., Miami, FL 33168
info@shipsup.com
Steamship Agents Franchise

Tel: 305-681-7447
Fax: 305-769-3502
www.shipsup.com

Triton Cruise Services, Inc.
1007 N. America Way, Ste. 407, Miami, FL 33132
triton@cruise catering.com
See our Ad on pg. 40

Tel: 305-358-7860
Fax: 305-374-3931
www.cruise catering.com

SHIP MANAGEMENT SERVICES

Servicio de Gerencia de Barcos

Meridian Ship Managers
PO Box 22745, Ft. Laud., FL 33335-2745
3301 SE 14th Ave., 2nd Fl., Ft. Laud., FL 33316
jkafouros@meridianship.com
See our Ad on pg. 19

Tel: 954-767-8686
Fax: 954-767-9979
www.meridianship.com

Triton Cruise Services, Inc.
1007 N. America Way, Ste. 407, Miami, FL 33132
triton@cruise catering.com
See our Ad on pg. 40

Tel: 305-358-7860
Fax: 305-374-3931
www.cruise catering.com

SHIP REPAIR & SHIPYARDS

Patios y Reparación de Buques

Derecktor of Florida
775 Taylor Ln., Dania Beach, FL 33004
millert@derecktor-florida.com

Tel: 954-920-5756
Fax: 954-924-1146
www.derecktor-florida.com

Goltens Service Co.
2323 NE Miami Ct., Miami, FL 33137
miami@goltens.com

Tel: 305-573-4410
Fax: 305-573-3827
www.goltens.com

Miami Diver, Inc.
2994 N. Miami Ave., Miami, FL 33127
office@miamidiver.com
See our Ad on Inside Back Cover

Tel: 305-571-9700
Fax: 305-571-5005
www.miamidiver.com

SHIPPING LINES (CARGO)

Líneas Navieras de Carga

Auto Marine, c/o Argonaut Shipping
7270 NW 12th St., Ste. 600, Miami, FL 33126

Tel: 305-471-4430

Caicos Cargo Ltd.
Agent: Turks Island Shipping Line (OMS)
PO Box 21852, Ft. Laud., FL 33335
1580 SE 26th St., Ft. Laud., FL 33316

Tel: 954-767-9990
Fax: 954-767-9991
turksis1@aol.com

CMA CGM (Caribbean Inc.)
Agent: CMA CGM (Caribbean Inc.)
3625 NW 82nd Ave., Ste. 204, Miami, FL 33166
hojmartins@cma-cgm.com

Tel: 305-477-0216
Fax: 305-477-4918
www.cma-cgm.com

Columbia Coastal Transport
Agent: Columbia Coastal Transport
8321 NW 12th St., Miami, FL 33126

Tel: 305-591-1088
Fax: 305-591-2515
www.columbia-coastal.com

Crowley Liner Services, Inc.
PO Box 359004, Ft. Laud., FL 33335
4300 McIntosh Rd., Ft. Laud., FL 33316
michael.hopkins@crowley.com
Stevedores/Cargo Handlers Franchise; Port Tenant; PE Association

Tel: 954-760-7900
Fax: 954-470-4005/470-4064
www.crowley.com

Dockwise/United Yacht Transport, Inc.
1535 SE 17th St., Ste. 200, Ft. Laud., FL 33316
dwt.usa@dockwise.com

Tel: 954-525-8707
Fax: 954-525-8711
www.yacht-transport.com

Dole Ocean Liner Express
Agent: Norton Lilly International
PO Box 5132, Westlake Village CA 91362
3505 SE 20th St., Ft. Laud., FL 33316

Tel: 954-522-3573
Fax: 954-522-3180
www.doleoceanliner.com

Evergreen America Corp.
4770 Biscayne Blvd, Ste. 900, Miami, FL 33137

Tel: 305-572-2300
Fax: 305-573-8377
www.evergreen-america.com

Frontier Liner Services
8600 NW 53rd Terr., Ste. 204, Miami, FL 33166

Tel: 305-471-7800
Fax: 305-471-0672
www.fls.com

Hual Autoliners, c/o Auto Terminal.com
4401 McIntosh Rd., Port Everglades, FL 33318
atops@autoterminal.com

Tel: 561-935-1600/954-331-1444
Fax: 954-331-1447
www.hualna.com

Hybur, Ltd., Agent: Hyde Shipping Corp.
10025 NW 116th Way, Ste. 1, Medley, FL 33178
2000 Eller Dr., Port Everglades, FL 33316

Tel: 305-913-4933
Fax: 305-913-4930
www.hydeshipping.com

PORT EVERGLADES

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BM 2210

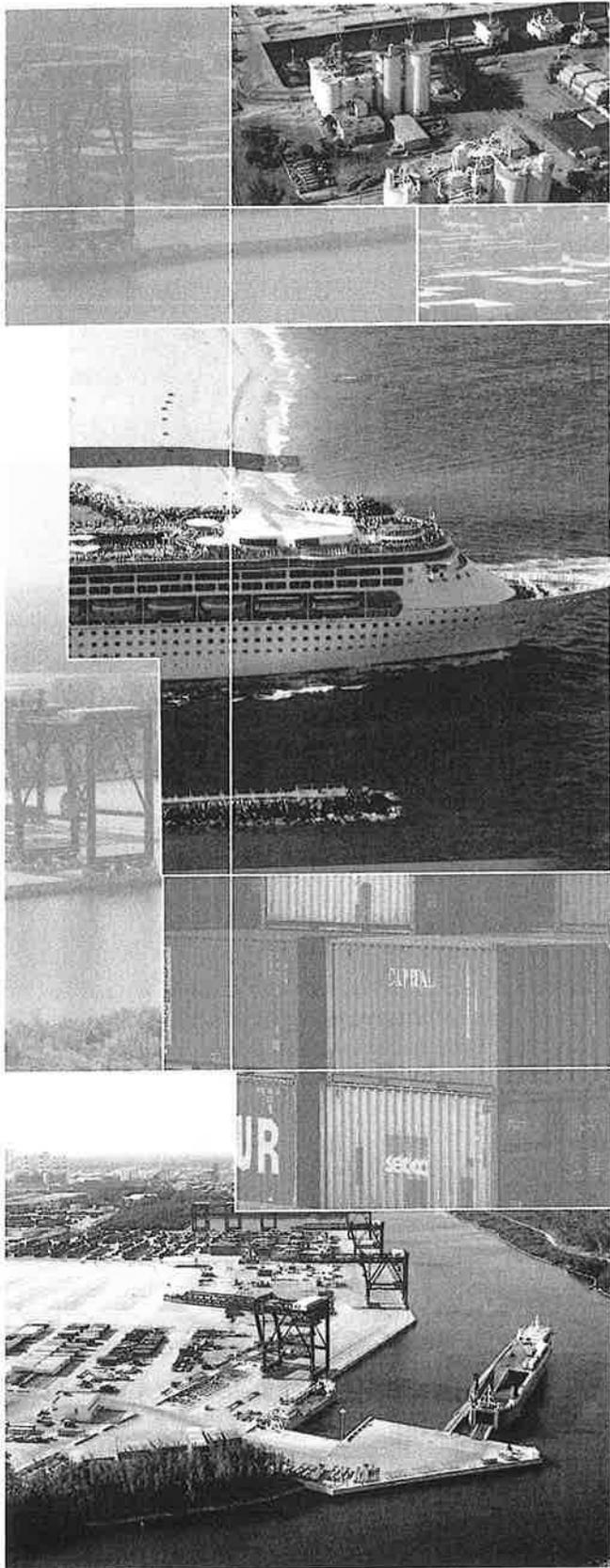
MGW	30 480 KG
	67 200 LBS
WE	22 400 KG
	49 400 LBS
PAYLOAD	26 180 KG
	57 720 LBS

48 51 40 5

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Derecktor of Florida
775 Taylor Ln., Dania Beach FL 33004
Tel: 954-920-5756 Fax: 954-925-1146
www.derecktor-florida.com

Port Everglades Machine Works Corp.
PO Box 22156, Ft. Lauderdale FL 33335
Tel: 954-524-8551 Fax: 954-524-8553

SHIPPING LINES (CARGO)

Antillean Marine Shipping Corp
3038 N W Tofilo Babun Drive, Miami, FL 33142-6338
Tel: 305-633-6361

APL Limited
7300 Corporate Center Dr., Ste. 200, Miami, FL 33126
Tel: 305-468-3100

APM Terminals
P. O. Box 13041, 4000 McIntosh Road
Port Everglades, FL 33316
Tel: 954-410-2933

Arawak Shipping Line
Agent: Greencove Maritime Inc.
PO Box 22255, Ft. Lauderdale, FL 33335
Tel: 954-467-2355

ATG American Transportation Group
8525 NW 53 Terr., Ste. 115, Miami, FL 33166
Tel: 305-591-7356

B & R Agencies, Inc.
8095 NW 12th St., Ste. 100, Miami, FL 33126
Tel: 305-702-4343

Bernuth Agencies, Inc
3201 N W 24 Street Road, Miami, FL 33142
Tel: 305-633-7711

Caicos Cargo Ltd.
Agent: Turks Island Shipping Line (OMS)
PO Box 21852, Ft. Lauderdale, FL 33335
Tel: 954-767-9990

Cari Freight Shipping Co., Ltd.
3625 NW 82nd Ave., Ste. 204, Miami, FL 33166
Tel: 305-477-3791

Caribbean Sea Carriers, Inc.
9300 NW 58th St., Ste. 209, Miami, FL 33178
Tel: 305-477-4476

CCNI
c/o AGUNSA Miami In
8401 N W 53 Terrace, Miami, FL 33166
Tel: 786-845-9212

Chiquita Fresh NORTH America, Inc.
PO Box 22817, Fort Lauderdale, FL 33316
Tel: 954-712-1014 Fax: 954-712-1279
www.chiquita.com

Port Tenant; PE Association

CMA CGM
3625 NW 82nd Ave, Ste. 204, Miami, FL 33166
Tel: 305-477-0216

Columbia Coastal Transport
8321 NW 12 St., Miami, FL 33136
Tel: 305-591-1088

Continental Florida Materials, Inc.
P. O. Box 13128, Ft. Lauderdale, FL 33316
Tel: 954-351-1800

Cosco North America Inc
100 Lighting Way, 4th Floor, Secaucus, NJ 07094-5611
Tel: 201-422-8874

CP Ships
1001 North American Way, Ste. 215, Miami, FL 33132
Tel: 786-425-9633

CROWLEY LINER SERVICES, INC.
PO Box 359004, Ft. Lauderdale FL 33335
Tel: 954-760-7900 Fax: 954-470-4005/470-4064
www.crowley.com

Port Tenant; Stevedores/Cargo Handlers Franchise;
PE Association. See our Ad on pg. 13

CSAV
8525 N W 53 Terrace, Ste. 115, Miami, FL 33166
Tel: 305-591-0402

Delmas Line
c/o Harrington & Co., Inc.
PO Box 13028, Ft. Lauderdale, FL 33316
Tel: 954-525-4204

Dole Ocean Cargo Express
9485 Regency Square Blvd. #425
Jacksonville, FL 32225
Tel: 601-867-2940

Ecuadorian Line
6161 Blue Lagoon Drive, Ste. 250, Miami, FL 33126
Tel: 305-779-4241

Evergreen America Corp.
4770 Biscayne Blvd, Ste. 900, Miami FL 33137
Tel: 305-572-2300 Fax: 305-573-8377
www.evergreen-america.com

F.T.S.
P.O.Box 22696, Ft. Lauderdale, FL 33335-2696
Tel: 954-764-8988

Fillette Green & Co., Inc.
3333 West Kennedy Blvd., Ste. 207, Tampa, FL 33609
Tel: (813) 348-1481

Frontier Liner Services
8600 NW 53 Terr, Ste. 204, Miami, FL 33166
Tel: 305-471-7800

G & G Shipping
760 NE 7th Ave., Dania, FL 33431
Tel: 954-920-9292

Galmar Shipping
Ft. Lauderdale, FL 33316
Tel: 954-764-1171

Great White Fleet
3030 N.E. 2nd Ave., Miami, FL 33137
Tel: 305-903-6125

Hamburg Sud
Columbus Line USA
Palm Coast II Building, Miami, FL 33178
Tel: 305-470-2769

Hanjin Shipping
5255 NW 87th Ave., Ste. 304, Miami, FL 33178
Tel: 305-594-0220

Hapag Lloyd
8420 NW 52nd Terrace, Ste. 405, Miami, FL 33166
Tel: 305-591-8410

Hual Autoliners
4401 McIntosh Rd., Port Everglades FL 33318
Tel: 561-935-1600/954-331-1444 Fax: 954-331-1447
www.hualna.com

Hybur, Ltd.
10025 NW 116th Way, Ste. 1, Medley FL 33178
Tel: 305-913-4933 Fax: 305-913-4980
www.hydeshipping.com

HYDE SHIPPING CORP
10025 NW 116th Way, Ste. 2, Medley FL 33178
Tel: 305-913-HYDE/305-913-4933 Fax: 305-913-4900
www.hydeshipping.com

Steamship Agents Franchise; Stevedores/Cargo Handlers
Franchise; PE Assn. See our Ad on pg. 21

Interocean
703 NW 52nd Ave. Ste. 650, Miami, FL 33126-4676
Tel: 305-375-8004

Interport Services
8390 NW 53 Street, Ste. 220, Miami, FL 33166
Tel: 305-418-4070

Kerr Norton Marine
8390 NW 53rd St., Ste. 102, Miami, FL 33166
Tel: 305-591-7500

King Ocean Service
7570 NW 14th St., Miami FL 33126
Tel: 305-591-7595 Fax: 305-593-9769
www.kingocean.com
Port Tenant

Lloyd Triestino America Corp
4770 Biscayne Blvd, Ste. 900, Miami, FL 33137
Tel: 305-572-2315

Lykes Lines Limited
401 East Jackson Street, Ste. 3300, Tampa, FL 33602
Tel: 813-209-3855

MAERSK SEALAND
PO Box 13041, Ft. Lauderdale FL 33316
Tel: 954-357-4760 Fax: 954-763-1819
www.maersksealand.com

Port Tenant. See our Ad on Outside Back Cover

Marine Cargo Management, Inc.
P.O. Box 21647, Ft. Lauderdale, FL 33335-1647
Tel: 954-331-2000

MEDITERRANEAN SHIPPING COMPANY
7220 NW 36 St #228, Miami FL 33166
Tel: 305-477-9277 www.msosgva.com
Port Tenant. See our Ad on pg. 17

Mitsui O S K Lines
Harborside Financial Center, Plaza 111
Jersery City, NJ 7311
Tel: 201-200-5360

Mostar Maritime LLC
299 Alhambra Circle, Ste. 501, Coral Gables, FL 33134
Tel: 305-357-0284

NAPSA Administration Corp. (NAPSA Line)
Agent: Norton Lilly International
8390 NW 53rd St., Ste. 102, Miami, FL 33166
Tel: 305-591-7500

Norton Lilly International
8390 NW 53rd St., Ste. 102, Miami, FL 33166
Tel: 305-591-7500

Oceanic Steamship Co.
2100 S. Ocean Dr., Unit 6M, Ft. Lauderdale FL 33316
Tel: (954) 374-6400 Fax: (954) 379-5009

Port Tenant

P & O Nedlloyd, Ltd.
One Meadowlands Plaza, East Rutherford, NJ 7073
Tel: 201-896-8564

R. O. White & Company, Inc.
2550 Eisenhower Blvd., Ste. 308, Ft. Lauderdale, FL 33316
Tel: (305) 358-1118

SCM Lines
7205 Corporate Ctr. Dr., Ste. 404, Miami FL 33126
Tel: 305-471-0059 Fax: 305-471-0261
www.scmiles.com
PE Association

SEA STAR LINE, INC.
2990 Eisenhower Blvd, Ft. Lauderdale FL 33316
Tel: 800-742-2460/954-527-1423 Fax: 954-525-3669
www.seastarline.com
See our Ad on pg. 22

Seaboard Marine Ltd., Inc.
8050 NW 79th Ave., Miami FL 33166-2154
Tel: 305-863-4444/305-863-4360 Fax: 305-863-4733
Steamship Agents Franchise; Stevedores/Cargo Handlers Franchise. **SEAFREIGHT AGENCIES, INC**
2800 NW 105th Ave., Miami FL 33172
Tel: 305-592-6060 Fax: 305-471-9555
www.seafrighthandling.com
PE Association. See our Ad on pg. 23

SEAFREIGHT LINE, LTD.
2800 NW 105th Ave., Miami FL 33172
Tel: 305-592-6060 Fax: 305-471-9555
www.seafrighthandling.com
PE Association. See our Ad on pg. 23

Senator Lines
80 East Route 4, Ste. 490, Paramus, NJ 7652
Tel: 201-291-8300

Solymar
8405 NW 53rd St., Ste. B113, Miami FL 33166
Tel: 305-477-3021/954-785-3205/954-785-3076
Fax: 954-785-3736/954-785-3516

St. Johns Shipping Co., Inc.
P.O. Box 13105, Ft. Lauderdale, FL 33316
Tel: (954) 527-0034

Strachan Shipping Company
PO Box 13131, Ft. Lauderdale, FL 33316
Tel: (954) 525-6164 (954) 520181

Summit Communications for MSC Italian Cruises
28 Sunset Terr., Ste. 7, Mt. Arlington, NJ 7856
Tel: 973-601-1547

THOMPSON LINE
10025 NW 116th Way, Ste. 2, Medley FL 33178
Tel: 305-913-8226 Fax: 305-805-6630
www.tropical.com
Port Tenant. See our Ad on pg. 43

Trinity Shipping Line, S.A.
10305 NW 41 St., Ste. 126, Miami FL 33178
Tel: 305-888-2277 Fax: 305-888-9274
www.worldwideagency.com

TROPICAL SHIPPING
PO Box 10683, Riviera Beach FL 33404
Tel: 305-805-6610/561-881-3900
Fax: 305-805-6632/561-840-2744
www.tropical.com
PE Association. See our Ad on pg. 43

United Yacht Transport, Inc.
1535 SE 17th St., Ste. 200, Ft. Lauderdale, FL 33316
Tel: 954-525-8707

Universal Maritime Service Corp.
2299 Port Blvd., Miami, FL 33132
Tel: (305) 371-5308

V. Ships Agency
1015 North American Way, Ste. 121, Miami, FL 33132
Tel: 305-579-9236

Worldwide Shore Service
P.O. Box 13135, Ft. Lauderdale, FL 33316
Tel: 954-462-7060

Yangming Marine Line
Agent: Solar International Shipping Agency Inc
525 Washington Blvd, Jersey City, NJ 7310
Tel: 201-420-5804

Z I M American Israeli Shipping
5801 Lake Wright Drive, Norfolk, VA 23502
Tel: 757-228-1391

STEVEDORING & CARGO HANDLING

APM TERMINALS
4000 McIntosh Rd., Port Everglades FL 33316
Tel: 954-357-4792 Fax: 954-763-1819
www.apm-terminals.com
Port Tenant; PE Assn. See our Ad on Back Cover

Coleary Transport Company, Inc.
PO Box 267396, Weston FL 33326
Tel: 954-384-7512 Fax: 954-384-7225
Steamship Agents Franchise; Stevedores/Cargo Handlers Franchise

Colmar Storage, LLC
6695 NW 36th Ave., Miami FL 33147-7519
Tel: 305-836-5200 Fax: 305-836-5800
Stevedores/Cargo Handlers Franchise

Continental Florida Materials Inc.
PO Box 13128, Ft. Lauderdale FL 33316
Tel: 954-523-8442 Fax: 954-523-0156
www.lehighcement.com
Port Tenant; Stevedores/Cargo Handlers Franchise

CROWLEY LINER SERVICES, INC.
PO Box 359004, Ft. Lauderdale FL 33335
Tel: 954-760-7900 Fax: 954-470-4005/470-4064
www.crowley.com
Port Tenant; Stevedores/Cargo Handlers Franchise; PE Association. See our Ad on pg. 13

ELLER & COMPANY, INC.
PO Box 13133, Ft. Lauderdale FL 33316
Tel: 954-525-3381 Fax: 954-522-5452
www.ellerandco.com
Port Tenant; Steamship Agents Franchise; Stevedores/Cargo Handlers Franchise; PE Association See our Ad on Inside Front Cover

FLORIDA STEVEDORING INC..
PO Box 011309, Miami FL 33101
Tel: 305-373-4765 Fax: 305-371-6874
www.farovi.com
Stevedores/Cargo Handlers Franchise. Contracting Stevedores, Terminal Operators & Cargo Handlers. See our Ad on pg. 58

Florida Transportation Services, Inc.
PO Box 22696, Ft. Lauderdale FL 33335
Tel: 954-764-8988 Fax: 954-764-3069
www.fltranserv.com
Port Tenant; Steamship Agents Franchise; Stevedores/Cargo Handlers Franchise; PE Association

G & G Marine, Inc.
760 NE 7 Ave., Dania Beach, FL 33004
Tel: 954-920-9292 Fax: 954-922-8316
Stevedores/Cargo Handlers Franchise

Hallmark Stevedoring Co./Hallmark Reporting, Inc.
300 S. Pine Island Rd., Ste. 222, Plantation FL 33324
Tel: 954-472-1927 Fax: 954-472-1927
Stevedores/Cargo Handlers Franchise

Hyde Shipping Corporation
10025 NW 116 Way, Ste 2, Medley, FL 33178
Tel: 305-913-4933 Fax: 305-913-4900
Stevedores/Cargo Handlers Franchise

R.O. White & Company, Inc.
2550 Eisenhower Blvd, Ste. 308, FL 33316
Tel: 954-767-9644 Fax: 954-767-9996
Port Tenant; Stevedores/Cargo Handlers Franchise

Rinker Materials of Florida, Inc.
PO Box 13144, Port Everglades FL 33316
Tel: 954-523-9683 Fax: 954-726-8212
www.rinker.com
Port Tenant; Stevedores/Cargo Handlers Franchise; PE Association

Seaboard Marine Ltd., Inc.
8050 NW 79th Ave., Miami FL 33166-2154
Tel: 305-863-4444/305-863-4360 Fax: 305-863-4733
Steamship Agents Franchise; Stevedores/Cargo Handlers Franchise

St. Johns Shipping Co., Inc.
PO Box 13105, Ft. Lauderdale FL 33316
Tel: 954-527-0034 Fax: 954-522-4828/954-522-8911
www.st-johns.cc
Port Tenant; Steamship Agents Franchise; Stevedores/Cargo Handlers Franchise

Sun Terminals, Inc.
PO Box 165208, Ft. Lauderdale FL 33316
Tel: 954-524-8600 Fax: 954-524-1258
www.kingcocean.com
Steamship Agents Franchise; Stevedores/Cargo Handlers Franchise

Universal Maritime Service Corp.
PO Box 13041, Ft. Lauderdale FL 33316-4201
Tel: 954-357-4778 Fax: 954-763-1819
Port Tenant; Stevedores/Cargo Handlers Franchise

TAXI/LIMO/BUS SERVICE – PERMITS

Juan Limo Van Services, Inc.
2789 SW 47 St., Ft. Lauderdale FL 33312
Tel: 954-444-3508 Fax: 954-961-0148

7871, Inc.
65 NE 27 St., Miami FL 33137
Tel: 305-891-0104 Fax: 305-895-7372
www.7871bus.com

A & B Travel Business Corp.
2929 S.W. 3 Ave., Ste. 230, Miami FL 33129
Tel: 305-860-8337 Fax: 305-860-8386

A Cobblestone Limousine Service, Inc.
2740 Martin Downs Blvd., Palm City FL 34990
Tel: 561-286-2637 Fax: 561-781-4346

A Plus Transportation
450 N.E. 91 St., Miami Shores FL 33138-3151
Tel: 305-759-0044 Fax: 305-751-7742

A Port Shuttle
2430 NW 64 Ter., Sunrise FL 33313
Tel: 954-739-4800 Fax: 954-746-0040

A Quality Limo Service
761 N. Pine Isl. Rd., Ste. #213, Plantation FL 33324
Tel: 954-868-7297 Fax: 954-382-9189

A Ride Transportation Service, Inc.
4300 N.W. 32 Ave., Miami FL 33142
Tel: 305-636-3616 Fax: 305-636-3799

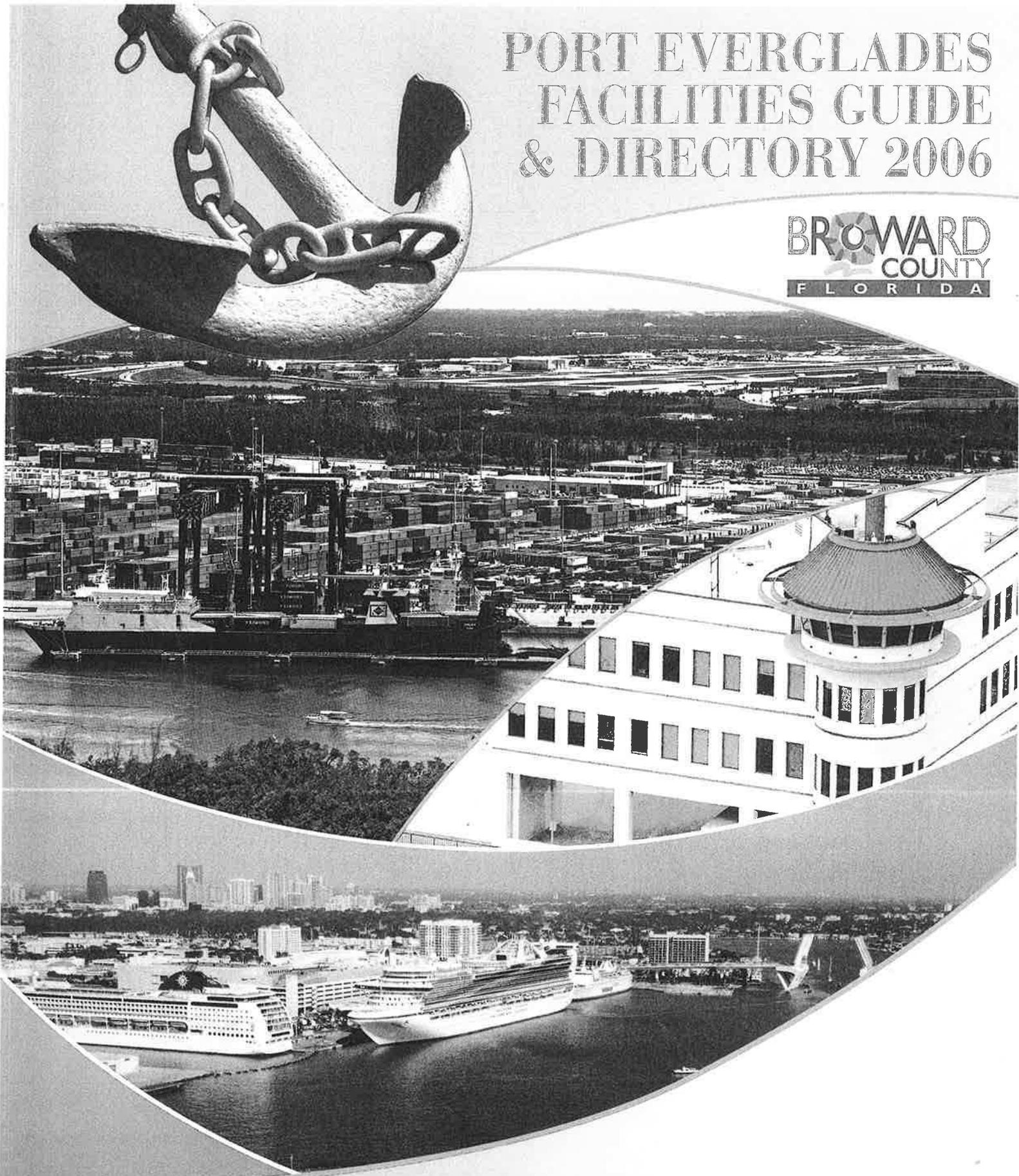
A Rose Limousine
1040 SW 10 Ave., Bay #3, Pompano Beach FL 33069
Tel: 954-786-1111 Fax: 954-946-8635
www.aroselimo.com

A Touch of Class Limousine & Sedan Service, Inc.
1290 White Pine Dr., Wellington FL 33414
Tel: 561-792-2260 Fax: 561-792-2249

A.B.C. Limousine, Inc.
7300 W. McNab Rd., #215, Tamarac FL 33321
Tel: 954-217-8885 Fax: 954-597-9155
www.limoway.com

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BROWARD
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FLORIDA

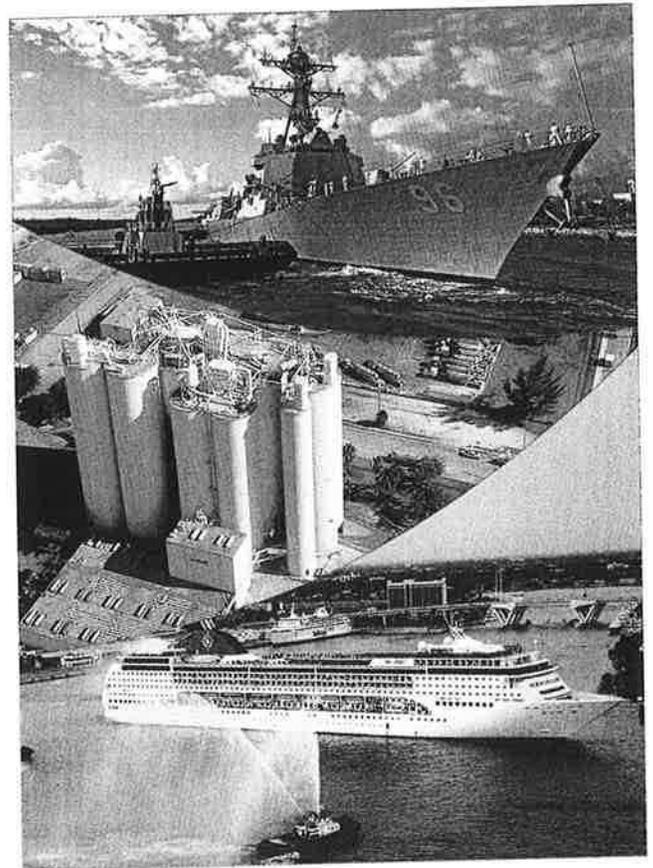


PORT EVERGLADES
BROWARD COUNTY, FLORIDA

Step aboard the future

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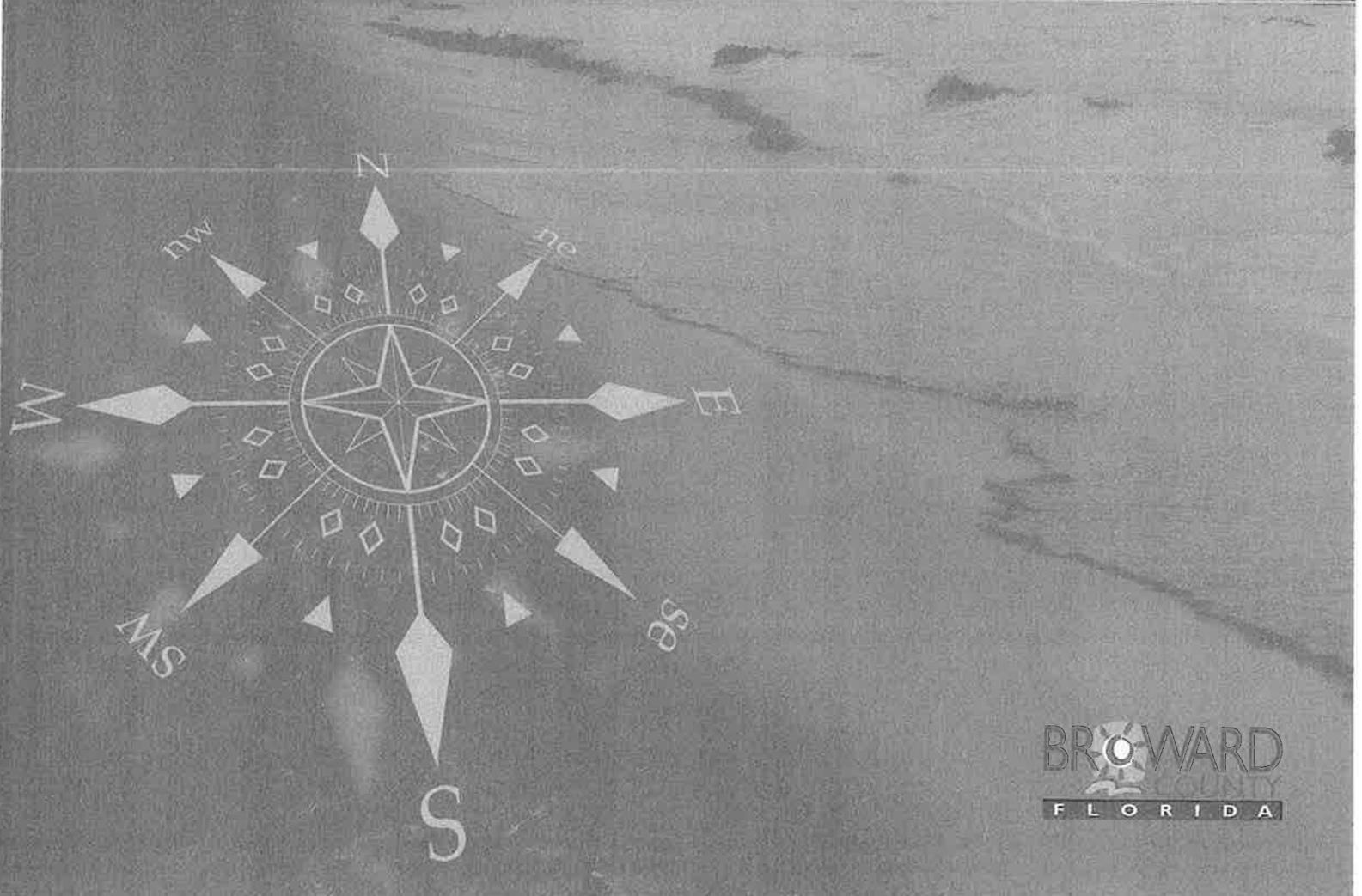


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BROWARD COUNTY, FLORIDA

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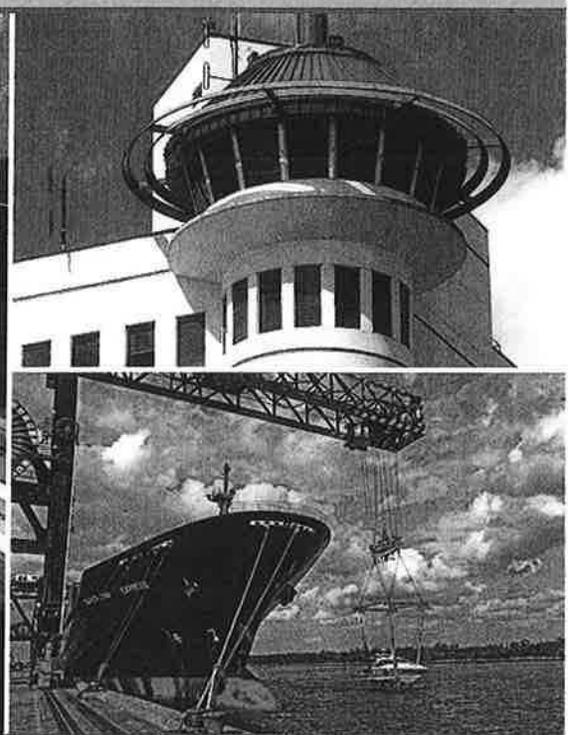
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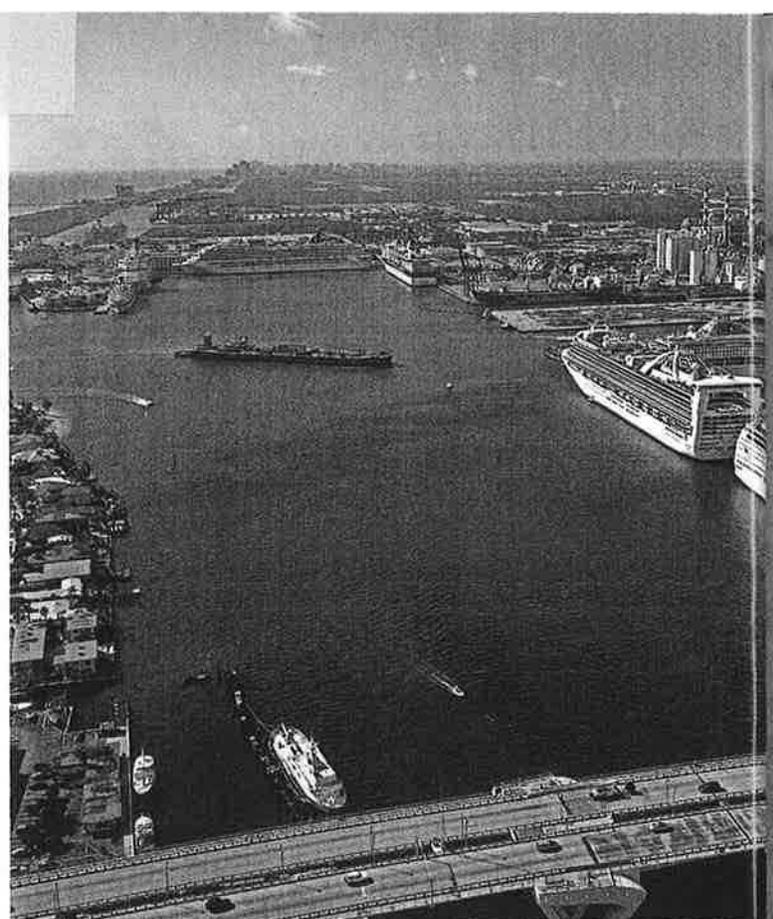
We're ready. Bring it on.



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BROWARD COUNTY, FLORIDA

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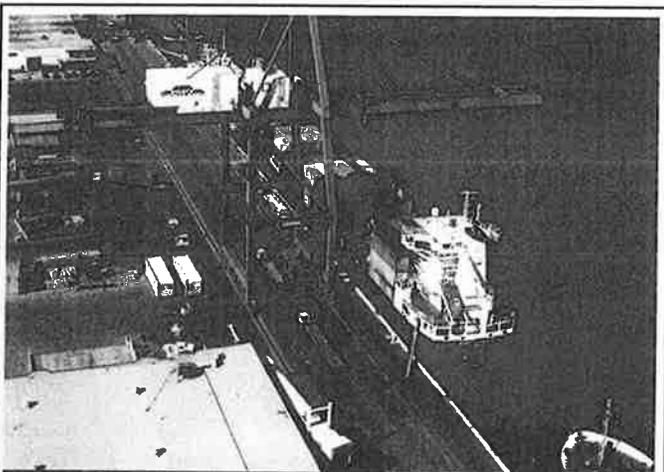
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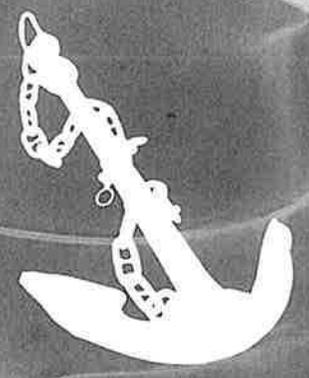
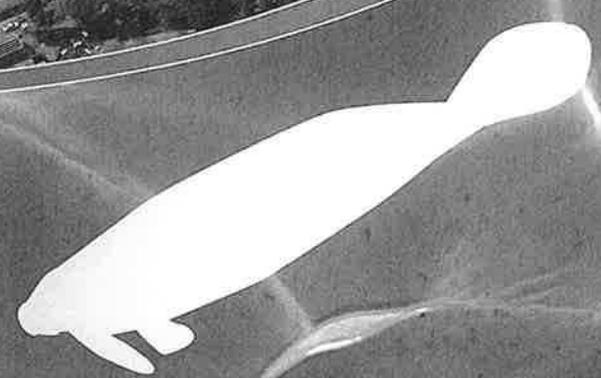
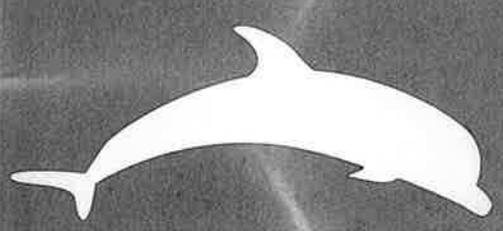
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Cover Photo: The air-sea connection is short between Port Everglades and nearby Fort Lauderdale-Hollywood International Airport as depicted in this aerial photograph.

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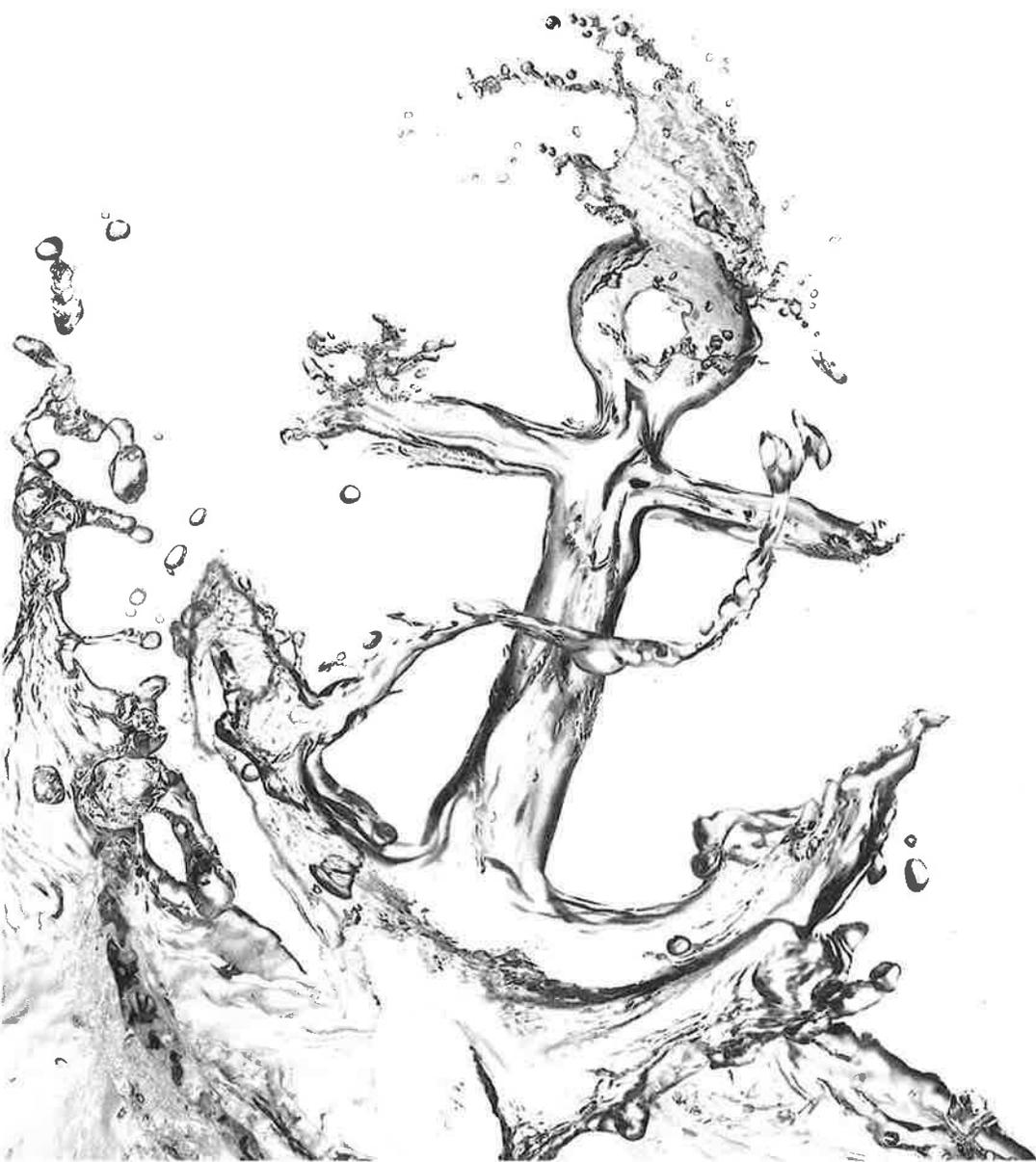
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PORT EVERGLADES 2014

FACILITIES GUIDE & DIRECTORY



PORT EVERGLADES
BROWARD COUNTY, FLORIDA
South Florida's Powerhouse Port

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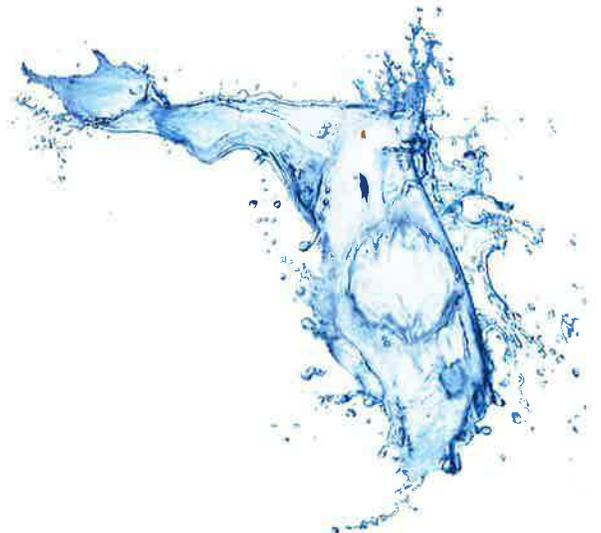
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Interocean	305-375-8004	Ecuador, Peru	Every 14 Days/ Container, General Cargo
King Ocean Service	305-591-7595	Venezuela, Aruba, Curacao, Colombia, Costa Rica, Panama	2X Weekly/Container, General Cargo
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SC Line	305-261-1200 507-830-5000	Colombia, Panama, Mexico, Venezuela, Dominican Republic	Bi-weekly/Ro-Ro
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Place of Photo	GENOA 44.407°, 8.763°
Date Taken	2012-06-16 10:36
Uploaded	2012-08-21 06:26
Original Size	4752 x 3168 pixels
Camera & Settings	MODEL: Canon EOS 50D Exposure: 1/320, 8.0 ISO: 100, f.length:85mm

Photographer



Leandro Malavasi MarineTraffic.com



Salvatore Tiveri (Santa Maria Navarrese)

YACHT EXPRESS (/en/ais/details/ships/306814000) 4.6 11 votes

Arbatax
2013-02-23 17:10
Salvatore Tiveri (Santa Maria Navarrese)



DAVID BERMUDEZ PAREDES MarineTraffic.com

YACHT EXPRESS (/en/ais/details/ships/306814000) 4.5 10 votes

Ceuta
-
DAVID BERMUDEZ PAREDES



YACHT EXPRESS (/en/ais/details/ships/306814000) 4.8 8 votes

Genoa
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litvinov (/en/photos/hv/convright-%F2%)

YACHT EXPRESS GENOA

(5 votes) VTE



YACHT EXPRESS (/en/ais/details/ships/306814000) 5.0 5 votes

Port Everglades, Florida, U.S.A.

GENOA

(/en/)

YACHT EXPRESS
(/en/ais/details/ships/306814000)

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(/en/ais/details/ships/306814000/vessel:YACHT%20EXPRESS)

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9346029 (/en/photos/of/ships/page:1)

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(/en/photos/of/thumb150: true/photo_keywords:9346029)

Photographer

Upload a photo (/en/photos/upload/mmsi:306814000/vessel:YACHT%20EXPRESS/type:Car

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▲ Hide filters



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YACHT EXPRESS 4.6
(/en/ais/details/ships/306814000) 11 votes

Arbatax
2013-02-23 17:10
Salvatore Triveri (Santa María Navarrese)



YACHT EXPRESS 4.5
(/en/ais/details/ships/306814000) 10 votes

Ceuta
-
DAVID BERMÚDEZ PAREDES



YACHT EXPRESS 4.8
(/en/ais/details/ships/306814000) 8 votes

Genoa
-
litvinov (/en/photos/bv/copyright-%E2%9C%93)



YACHT EXPRESS Ceuta - SPAIN
5.0
(/en/ais/details/ships/306814000) 5 votes

2012-06-16 10:36



YACHT EXPRESS 5.0
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GENOA
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YACHT EXPRESS 5.0
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GENOA
2012-06-16 10:36

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YACHT EXPRESS
(/en/ais/details/ships/306814000)

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(/en/ais/details/ships/306814000/vessel:YACHT%20EXPRESS)

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9346029 (/en/photos/of/ships/page:1)

Upload a photo (/en/photos/upload/mmsi:306814000/vessel:YACHT%20EXPRESS/type:Car

(/en/photos/of/thumb150:trve/photo_keywords:9346029)

▼ Photo details

Place of Photo	Arbatax 39.938°, 9.701°
Date Taken	2013-02-23 16:53
Uploaded	2013-03-09 15:27
Original Size	3863 x 2104 pixels
Camera & Settings	MODEL: Canon EOS 1000D Exposure: 1/320, 11.0 ISO: 200, f.length:21mm

Photographer



YACHT EXPRESS 4.6
(/en/ais/details/ships/306814000) 11 votes

Arbatax
2013-02-23 17:10

Salvatore Tuveri (Santa Maria Navarrese)



YACHT EXPRESS 4.5
(/en/ais/details/ships/306814000) 10 votes

Ceuta

-

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YACHT EXPRESS 5.0
(/en/ais/details/ships/306814000) 5 votes

GENOA

2012-06-16 10:36

Gorjan Kocemba



YACHT EXPRESS 4.8
(/en/ais/details/ships/306814000) 8 votes

Genoa

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* litvinov (/en/photos/by/copyright:%E2%



YACHT EXPRESS 5.0
(/en/ais/details/ships/306814000) 5 votes

GENOA

2012-06-16 10:36

litvinov

(/en/)

YACHT EXPRESS
(/en/ais/details/ships/306814000)

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Photos of YACHT EXPRESS (IMO: 9346029)

(/en/ais/details/ships/306814000/vessel:YACHT%20EXPRESS)

Browse and rate photos uploaded by our community. Filter the results based on the photo properties.

9346029 (/en/photos/of/ships/page:1)

Upload a photo (/en/photos/upload/mmsi:306814000/vessel:YACHT%20EXPRESS/type:Car

(/en/photos/of/thumb:150:trve:photo_keywords:9346029)

Photographer

Upload a photo (/en/photos/upload/mmsi:



Salvatore Tiveri (Santa Maria Navarrese) /en/ais/details/ships/306814000

YACHT EXPRESS 4.6
(/en/ais/details/ships/306814000) 11 votes

Arbatax
2013-02-23 17:10
Salvatore Tiveri (Santa Maria Navarrese)



DAVID BERMUDEZ PAREDES /en/ais/details/ships/306814000

YACHT EXPRESS 4.5
(/en/ais/details/ships/306814000) 10 votes

Ceuta
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DAVID BERMUDEZ PAREDES



YACHT EXPRESS 4.8
(/en/ais/details/ships/306814000) 8 votes

Genoa
-
* litvinov (/en/photos/bv/copyright:%F2%

YACHT EXPRESS Arbatax (11 votes)



YACHT EXPRESS 5.0
(/en/ais/details/ships/306814000) 5 votes

GENOA
2012-06-16 10:36



MMSI: 306814000
Callsign: PJVV

Additional Information

Class society: Det Norske Veritas
Build year: 2007
Builder (*): Cimc Raffles Offshore
Yantai, China
Owner: Spielhoff Transport
Amsterdam, Netherlands
Manager: Anglo Eastern Shipmanagement
Hong Kong, China

Location: Genoa
Arrival: 11th Nov 2014
12:00:40 UTC
Last update:
8 days 3 hours ago
Source: AIS (AirNav ShipTrax)

Ship information by [AirNav ShipTrax](#) and [GrossTonnage.com](#). [Report error in ship details](#)

Port history

2014 November 11th, 12:00:40 UTC	Genoa
2014 October 3rd, 12:00:31 UTC	Algeciras
2014 September 17th, 09:00:09 UTC	Port Everglades
2014 August 6th, 06:00:52 UTC	Palma De Mallorca
2014 July 19th, 20:30:59 UTC	Port Everglades
2014 July 6th, 15:00:40 UTC	Algeciras
2014 June 29th, 15:00:25 UTC	Genoa
2014 June 11th, 07:00:39 UTC	Port Everglades
2014 May 30th, 17:00:35 UTC	Setubal
2013 December 6th, 10:00:12 UTC	Martinique



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Yacht Express - IMO 9346029

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Photo Details

Photographer: Wil Weijsters [[View profile](#)]
Captured: March 09, 2012
Title: Yacht Express
Location: St Thomas, Charlotte Amalie, Virgin Islands (US)
IMO: 9346029
Photo Category: Heavy Lift Vessels
Description: Departure from St Thomas, U.S.V.I. on 09-03-2012
Added: Jul 25, 2014
Hits: 262

Vessel Identification


Name: Yacht Express
IMO: 9346029
Flag: Curacao

Technical Data

Vessel type: Heavy Lift Vessel
Gross tonnage: 17,951 tons
Summer DWT: 10,969 tons
Length: 209 m
Beam: 32 m
Draught: 6 m

AIS Information

Last known position: 26°9'47.57" N, 78°35'40.87" W
Status: Underway
Speed, course (heading): 12.3kts, 97° (93°)
Destination:

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MMSI: 306814000
Callsign: PJVV

Additional Information

Class society: Det Norske Veritas
Build year: 2007
Builder (*): Cimc Raffles Offshore
Owner: Spilthoff Transport
Manager: Anglo Eastern Shipmanagement
Hong Kong, China

Location: Genoa
Arrival: 11th Nov 2014
12:00:40 UTC
Last update:
8 days 3 hours ago
Source: AIS (AirNav ShipTrax)

Ship information by [AirNav ShipTrax](#) and [GrossTonnage.com](#). [Report error in ship details.](#)

Port history

2014 November 11th, 12:00:40 UTC	Genoa
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2014 June 11th, 07:00:39 UTC	Port Everglades
2014 May 30th, 17:00:35 UTC	Setubal
2013 December 6th, 10:00:12 UTC	Martinique

More Of This Ship



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EXHIBIT 5



Strasburger
ATTORNEYS AT LAW

August 20, 2013

JOHN A. TANG
713.951 5623
Direct Fax: 832 397 3532
john.tang@strasburger.com

VIA FEDERAL EXPRESS DELIVERY

Michael Uhr
Manager
United Yacht Transport, LLC
2830 State Road 84, Suite 118
Dania Beach, FL 33312

Corporation Service Company (Registered agent for United Yacht Transport, LLC)
1201 Hays Street
Tallahassee, FL 32301-2525

RE: Infringement of the mark UNITED YACHT TRANSPORT by United Yacht
Transport, LLC (a Delaware limited liability company)
Our file no.: 10418.0104

Dear Mr. Uhr and Registered Agent:

This Firm represents Dockwise Shipping, B.V. ("Dockwise") of the Netherlands with U.S. offices in Fort Lauderdale, FL, and Houston, TX, in connection with certain trademark and unfair competition matters. As you know, Dockwise provides, *inter alia*, yacht transport services.

Dockwise has used since 1992, and continues to use in commerce, the mark UNITED YACHT TRANSPORT (the "Mark") in connection with yacht transport services. Dockwise has extensively promoted and advertised its services under this Mark. Dockwise also uses the Mark on vessels that transport yachts from Port Everglades, FL (see Exhibit A), and other U.S. and worldwide ports. In fact, Dockwise's United Yacht Transport is listed in the Port Everglade's directory (see Exhibit B, highlighted area added). As a result of the continuous and extensive use in commerce of the Mark by Dockwise and the favorable response of the relevant public and trade to the Mark and services, the Mark has become a valuable asset of Dockwise.

It has recently come to our attention that United Yacht Transport, LLC is using the identical mark United Yacht Transport on the internet at www.united-yacht.com (the "Domain Name") for yacht transport services. (A copy of the home page of the Domain Name is attached as Exhibit C). Records from GoDaddy.com's WhoIs database indicate that the Domain Name was registered on July 25, 2013, wherein the owner of

Strasburger & Price, LLP

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Austin | Collin County | Dallas | Houston | San Antonio | New York | Washington, D.C. | Mexico City | Strasburger & Price, SC
1496019 1/SPH/10418/0104/082013

UYT_0000124

EXHIBIT 6

Strasburger

ATTORNEYS AT LAW

Michael Uhr
Corporation Service Company
August 20, 2013
Page 2

the Domain Name—which we believe is connected to your company—has been masked by GoDaddy's proxy service (see Exhibit D).

In addition, a search of the U.S. Patent and Trademark Office records indicates that United Yacht Transport, LLC applied for U.S. registration of the mark UNITED YACHT TRANSPORT (U.S. Application serial number 86/031,633) on August 7, 2013 for transport by yachts by boat service (the "633 Application"). The '633 Application includes a first use date of the mark anywhere on July 16, 2013 and in commerce on August 5, 2013. Both of these dates are more than twenty (20) years from our client's first use date of its Mark.

As you know, the principals of your company tried to acquire our client's yacht transport business and United Yacht Transport mark through an intermediary. However, the transaction was never finalized. Our client has not given consent to United Yacht Transport, LLC to use or register the United Yacht Transport mark. Our client is thus concerned that United Yacht Transport's use and application for registration violate Dockwise's intellectual property rights. In view of its prior dealings with the principals of your company, our client considers your company's conduct as a willful infringement of our client's trademark.

We must request that United Yacht Transport, LLC refrain from further use or application for registration of the United Yacht Transport mark. We ask that you provide to us written confirmation within fourteen (14) days of the date of your receipt of this letter that your client will take steps to **immediately**:

- (1) Terminate use of the United Yacht Transport mark or any other confusingly similar mark;
- (2) Terminate, remove or destroy all advertising, including print or electronic publications, such as the website, with the United Yacht Transport mark or any other confusingly similar mark;
- (3) Change your corporate name to a name not confusingly similar to the United Yacht Transport name;
- (4) Abandon U.S. Application No. 86/031,633 and agree not to file further applications for registration of the United Yacht Transport mark or any other confusingly similar mark; and
- (5) Transfer the Domain Name to our client.

UYT_0000125

Strasburger
ATTORNEYS AT LAW

Michael Uhr
Corporation Service Company
August 20, 2013
Page 3

Also, we request that United Yacht Transport, LLC's owners, employees and agents, commit not to use or register the United Yacht Transport mark or any other confusingly similar mark.

Dockwise would like to amicably settle this matter; thus we await your response.

This letter is made without prejudice to any action that may be taken in the event that further action is necessary to protect the valuable rights of our client's Mark.

Sincerely,

STRASBURGER & PRICE, LLP


John A. Tang
Enclosures

cc: Dockwise Shipping B.V.
Garney Griggs, Esq.

UYT_0000126

At Port Everglades, FL



UYT_0000127



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Shipping Lines

CARGO LINE	BOOKING AGENT TEL	SERVES
AGRIEX	954-785-1078	Guatemala, Honduras, Nicaragua, El Salvador, Jamaica Frequency: Weekly Type: Container, General Cargo
CCNI Compania Chilena de Navegación Interoceánica, S A	788 945-9212	U.S. East Coast, South America, West Coast Frequency: Weekly Type: Container
Chiquita - Great White Fleet	888-724-5493	U.S. Central America, Europe Frequency: Weekly Type: Container
Chilean Line - CSAV	600-804-9391	Colombia, South America - West Coast Frequency: Weekly Type: Container
Crowley Liner Services	305-470-4000	Caribbean, Central America Frequency: Weekly Type: Container, Project Cargo, RORO, Trailers
Decadent United Youth Transport	954-525-8707	Caribbean, Mediterranean, Mexico, Canada-West Coast, Australia, New Zealand Frequency: Weekly Type: LCL, FPO
Dole Ocean Liner Express	305-581-7500	Costa Rica, Honduras, El Salvador Frequency: Weekly Type: Container
Frontier Liner Services	305-471-7800	Colombia Frequency: Weekly Type: Container
Hamburg Sud	954-781-3134	Venezuela, South America - West Coast Frequency: Weekly Type: Container
Hapag-Lloyd (America) Inc.	888-851-4083	Mediterranean
Hybur LTD	305-913-4933	Belize, Cayman Islands, Mexico, Honduras Frequency: Weekly Type: Container
Interocean	305-375-8004	Ecuador, Peru Frequency: Every 14 Days Type: Container, General Cargo
King Ocean Service	305-581-7595	Venezuela, Aruba, Curaçao, Colombia, Costa Rica, Panama Frequency: 2X Weekly Type: Container, General Cargo
Mailboat Co. / St. John's Shipping	954-527-0034	Bahamas Frequency: 3X Weekly Type: General Cargo
Mediterranean Shipping Company	305-477-9277	Far East, South America, India Frequency: Weekly Type: Container
Montemar	800-804-9391	South America, Central America, U.S. East Coast Frequency: Weekly Type: Container
Naviera Master Line	305-589-9935	Colombia, Venezuela
SC Line	(US) 305-787-4810, 305-787-1900 (Panama) +507-830-5000 +507-282-5700	Colombia, Panama, Mexico, Venezuela, Dominican Republic Frequency: Bi-weekly Type: RORO
SeaFreight	305-592-8090	Aruba, Curaçao, Jamaica, Cayman Islands, Costa Rica, Panama, Bonaire, Suriname, Trinidad, Venezuela Frequency: Weekly Type: Container, LCL, Breakbulk
Sea Star Line	954-527-1423	Puerto Rico, Caribbean, U.S. East Coast Frequency: Weekly Type: Container, Autos, General Cargo
Trinity Shipping Line	305-888-2277	Colombia, Ecuador, Peru Frequency: Every 14 Days Type: Container, General Cargo, Project Cargo
VB Shipping	954-574-4548	Bahamas

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Zim Container Line	305-423-7400	Frequency: Bi-Weekly Type: Container Mediterranean Frequency: Weekly Type: Container
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From: Tang, John [<mailto:John.Tang@strasburger.com>]
Sent: Friday, September 13, 2013 4:17 PM
To: Joseph A. Probasco; Randy Sterns; Alexander Zimmer
Cc: Brockway, Michelle
Subject: RE: United Yacht Transport LLC/Dockwise Shipping BV

Joseph, I have discussed your email with our client. Our comments to your statements can be found below (embedded in your text in bracketed red bold lettering). In addition, attached are various snap shots of the Port Everglades online ship directory listing since 2009 (using the Wayback Machine). Last, since the photograph (attached to our notice letter) was unconvincing to your clients, a United Yacht Transport vessel will be making its scheduled voyage to the port in Fort Lauderdale (i.e., Port Everglades) on or near September 17. Since your client's listed place of business is in Fort Lauderdale, your client can see up close our client's trademark next week.

We look forward to your clients' immediate response.

John A. Tang • Strasburger & Price, LLP
909 Fannin Street, Suite 2300, Houston, TX 77010
Direct: 713.951.5623 • Main: 713.951.5600
Fax: 832.397.3532 • Mobile: 832.567.8264
Skype: JohnTangAttorney
Legal Administrative Assistant: Kathy Reiff 713.750.5507 (Kathy.Reiff@strasburger.com)
IP Paralegal: Teresa Wrye 713.750.5510 (Teresa.Wrye@strasburger.com)

Member of the State Bars of Texas and Florida
Registered to practice before the U.S. Patent and Trademark Office

From: Joseph A. Probasco [<mailto:jprobasco@bushross.com>]
Sent: Tuesday, September 10, 2013 3:48 PM
To: Tang, John; Alexander Zimmer; Randy Sterns
Cc: Brockway, Michelle
Subject: RE: United Yacht Transport LLC/Dockwise Shipping BV

John-

Thank you for your email and we enjoyed speaking with you as well.

As noted on our call, prior to using the mark "United Yacht Transport," our client conducted a search to determine whether any other business, including Dockwise, was using a similar or identical mark in the yacht shipping industry. Based on this search, our client concluded that Dockwise had abandoned the mark sometime in 2007 **[We would be interested to**

see how your client came to this conclusion. The mere cancellation of a registered stylized mark?, as our client's investigation found no evidence of Dockwise's use of the mark in interstate commerce **[Our client's use of its mark is between the U.S. and other countries, so such use qualifies as use in "commerce regulated by U.S. Congress" and not interstate commerce]**, nor any reference of the mark on any Dockwise website, nor any other reference of the mark in any other industry promotional medium, including tradeshows, trade journals, etc. Further, our client's search found that the USPTO cancelled your client's federally registered mark "United Yacht Transport" (Reg. No. 2405244) in August 2007. **[I believe your statement is in error. The mark registered was a stylized mark, including the acronym UYT. Thus, our client did not maintain this stylized mark. But our client has not abandoned its word mark.]** We further note that Dockwise did not take any affirmative action to file for registration of the mark until after our client filed its application on August 7, 2013. **[As you know, trademark rights in the U.S. are not based on a registration, but rather rights are obtained through use (i.e., common law rights). To protect our client's rights in a subsequent opposition proceeding against your client's application, our client filed its application. Our client has been continuously using the word mark United Yacht Transport mark since at least as early as 1992. Furthermore, please direct me to statutory or case law that trademark owners have an affirmative duty to register its mark in the U.S.]** Based on our client's search, our client adopted the mark in good faith **[We find it hard to believe that the adoption was in good faith in view of the Cummings interaction with your clients - after the Cummings' unsuccessful bid to acquire our client's yacht transport business]** believing Dockwise had abandoned the mark in 2007 **[Based on what? A cancelled registration for a stylized mark?]** and had no intention **[What proof is your client relying on that our client had "no intent" to use its mark? Our client has not abandoned its mark. This can be clearly shown by the Port Everglades' directory listings and nearly 700 foot United Yacht Transport vessels, that regularly loads and unload yachts from Port Everglades]** to resume its use of the mark.

You indicated that even if Dockwise was deemed to have abandoned the mark "United Yacht Transport" in 2007 **[Let's be absolutely clear, our client has not abandoned its trademark]**, Dockwise's recent use still predated our client's first use in 2013. However, to date, we have only been provided with an undated photograph of a ship with "United Yacht Transport" painted on the side **[As noted above, kindly go to the port next week for an up close view]**, and a print-out from the Port Everglade's directory dated August 20, 2013 **[See attached earlier listings from 2009 and on using the Wayback Machine. Such limited listings were the result of the retrieval tool, rather than lack of uses prior to 2009. Further trademark uses identifying our client can be found with a simple internet search.]** . As you know, use of the mark must amount to more than just "token use" and must constitute a bona fide use of the mark in the ordinary course of trade and not merely to reserve a right in the mark **[We would find it hard for a jury to believe that uses of the mark on 700 foot (over 2 football fields long) transport vessels and listings would amount to token use of the mark]**. As such, we have requested additional information from your client to substantiate Dockwise's claim of its prior use. We are particularly interested in any information that would substantiate that Dockwise has "extensively promoted and advertised its services under the Mark" as set forth in your correspondence of August 20, 2013, as well as any information that supports Dockwise has booked sales under this mark **[This is irrelevant. As you know, sales bookings do not amount to trademark use]**. However, we understand from your correspondence below that Dockwise is not willing to provide any additional support for its claims at this time. We would appreciate your client's reconsideration of its position and respectfully request that it provide additional support to substantiate its priority rights in the mark.

If, after review of these materials, we conclude your client has superior rights to use this mark, we would be happy to discuss an amicable resolution to this dispute.

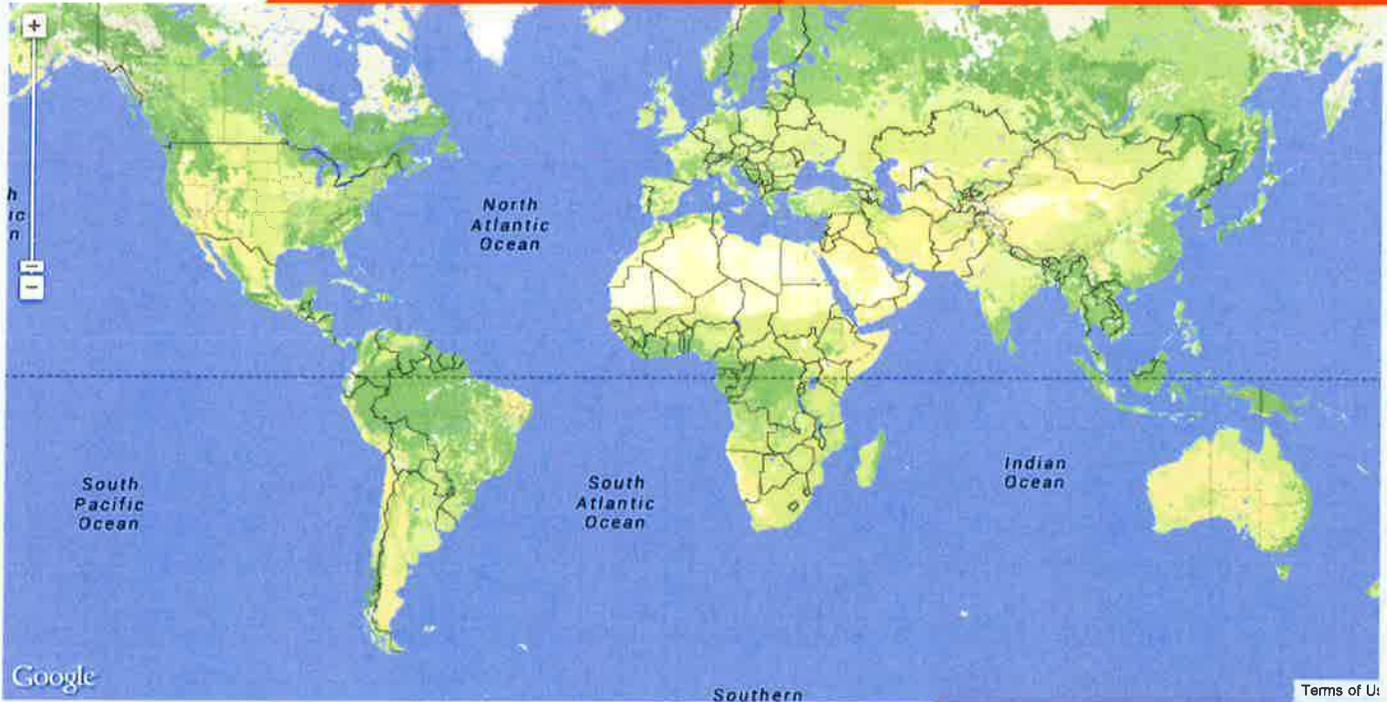
Finally, contrary to the statement contained in your August 20, 2013 letter, no principal of United Yacht Transport, LLC was involved in any attempted acquisition of the Dockwise's yacht transport business. **[We thank you for the clarification that the Cummings are not "principals" of your client UYT, LLC. We note that your clients made a "big deal" about their association with UHY, LLC by the publication we provided.]**

Should your clients not cease use of the mark as specified in the notice letter, our client intends to take all necessary steps to protect its mark, including but not limited to, claims of willful infringement (including attorney fees under the Lanham Act).]

We looking forward to hearing from you.

Regards,

Joseph A. Probasco, Esq.
Bush Ross, P.A.



DYT Shipping Destinations: Global Yacht Transport Destinations

DYT services a wide variety of beautiful, exotic and thoroughly enjoyable yacht shipping destinations around the world. Our yacht transport expertise quite literally spans the seven seas. From Australia and the South Pacific to the Mediterranean, and the East Coast of the United States, we ship vessels of any size to some of the most beautiful harbors and waters in the world. Our expansive selection of global yacht transport destinations ensures that our customers can enjoy some of the world's most desirable cruising grounds around the globe.

In addition, our yacht shipping services are covered by yacht shipping insurance so our clients can rest easy knowing that their boat or yacht is in good hands and is covered financially. Please click on any of the yacht shipping destinations shown on the map above to learn more about the location and the yacht transport services that will get you there.

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Contact

DYT Yacht Transport

DYT Yacht Transport
1535 S.E. 17th St, Suite 200
Ft. Lauderdale, Florida 33316
USA

Tel.: + 1 954 525 8707

Toll Free: 1 888 SHIP DYT (744)

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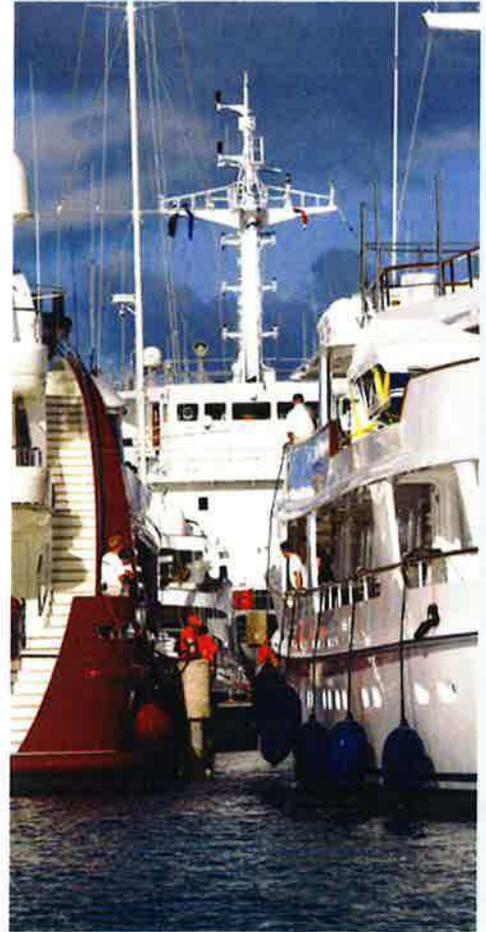
7398)

Fax: + 1 954 525 8711

E-mail: dyt.usa@yacht-transport.com

Twitter: [@dytusa](https://twitter.com/dytusa)

Facebook: [DYT](https://www.facebook.com/DYT)



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Destinations

Port Everglades, Florida



Yacht transport with United Yacht Transport out of Port Everglades is the yachting destination frequently known as the "powerhouse port" in South Florida. As one of the most distinct seaports in the United States, Fort Lauderdale's yacht shipping port is among the most active ports in the country. Located at the epicenter of the Greater Fort Lauderdale and the city of Hollywood, Florida,

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Port of Ensenada, Mexico

The port of Ensenada is located in Ensenada, Baja California and is the second busiest port as well as the second most

EXHIBIT 8



visited port-of-call for cruise lines and yacht transportation visits in Mexico. The city of Ensenada is a coastal city of Mexico, and is the third largest in Baja California. Residing just 78 miles south of San Diego, the city of Ensenada is commonly referred as "The Cinderella of the Pacific."

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Port of Mazatlan, Mexico



Mazatlan, meaning 'place of deer' in the Nahuatl language, was a sleepy fishing village until the early 19th century, when it began its transformation into a bustling port receiving vessels from as far away as Asia and Europe. The city hosts major beach resorts and has the second largest fishing fleet in Mexico. Most of the seafood processed in the city is shrimp and tuna.

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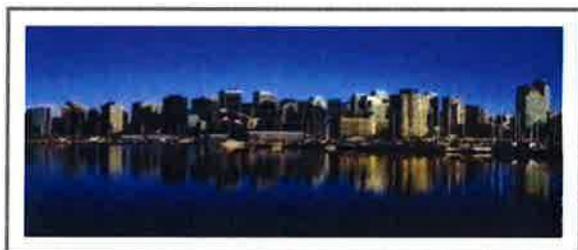
Port of La Paz, Mexico



La Paz is an emerging luxury travel destination. Set near the southern tip of Baja California Sur, La Paz is 140 miles north of the tourism mecca of Los Cabos. La Paz, meaning "The Peace." is aiming to become a magnet for luxury travel and second homes without losing its tranquil, indigenous charms. This coastal gem offers warm Mexican hospitality amidst sugar-sand beaches, azure waters, and alluring wildlife.

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Port of Vancouver, Canada



Yacht transport with United Yacht Transport provides vessel shipping services to the Port of Vancouver, Canada. United Yacht Transport is a premiere yacht transportation provider for clients seeking a reliable company to move their vessels around the world in secure manner. United Yacht Transportation has been transporting yachts to the Port of Vancouver for over 10 years, as it is consistently marked as

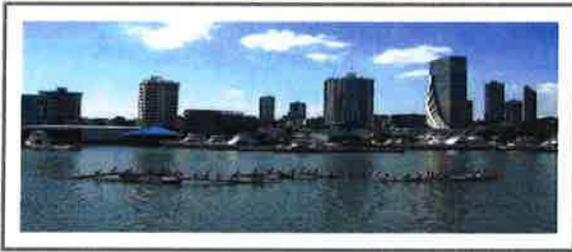
a superior city. Clients love the coastal seaport, numerous attractions and the numerous links to other

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cities.

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Port of Cristobal, Panama



Yacht transport with United Yacht Transport is the leader in vessel transport shipping services. Cristóbal is a port on the Atlantic side of the Panama Canal. It is located on the western edge of Manzanillo Island and is part of the Panamanian city and province of Colón. There are several theories about the origin of the name "Panama". Some believe that the country was named after a commonly found

species of trees. Others believe that the first settlers arrived in Panama in August, when butterflies abound, and that the name means "many butterflies" in an indigenous language.

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Port of Golfito, Costa Rica

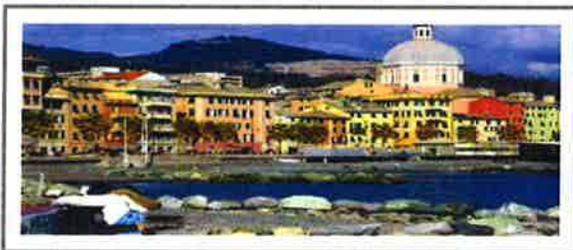


Yacht transport with United Yacht Transportation features a secure vessel shipping service line to the Port of Golfito, Costa Rica. Golfito is located in the Puntarenas Province on the southern Pacific Coast of Costa Rica, near the border of Panama. Golfito is located along a narrow strip of land between a bay and a shopping & residential area to the south. Golfito is Costa Rica's only city situated within a

declared protection area. Originally a banana port during the 1950's, Golfito now relies on duty-free shopping and tourism as its economic strength.

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Port of Genoa, Italy



Yacht transport with United Yacht Transport provides vessel shipping to the Port of Genoa, an important and large Italian seaport on the Mediterranean Sea. The port of Genoa is the busiest port in Italy by cargo and the second busiest in terms of processing shipping containers over twenty feet. The port of Genoa stretches 22 miles and has increased traffic because of its focal point between other destinations.

More than 150 line services link Genoa to major ports throughout the world.

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Port of Lavrio, Greece



Yacht transport with United Yacht Transport offers a secure vessel transport service for clients seeking to move their vessels to the Port of Lavrio, Greece. The city of Lavrio is located in southeastern part of Attica, Greece. Lavrio is among the most beautiful of the three ports in Greece. Creating an intimate experience making visitors feel as if it's a Greek island all its own.

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Port of Hong Kong, China



United Yacht Transport provides secure yacht transport movement of client vessels as they seek to ship their yacht to the Port of Hong Kong, China. Hong Kong, located on China's south coast and enclosed by the Pearl River Delta and South China Sea, is one of the two Special Administrative Regions of the People's Republic of China. Hong Kong is one of the most densely populated regions of the world, with a

population of over seven million.

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Port of Singapore, Singapore



Yacht transport with United Yacht Transport offers a secure vessel transport service for clients seeking to move their vessels to Singapore. The Republic of Singapore, is a sovereign city-state and island country in Southeast Asia. Singapore is one of the world's major commercial hubs, with the fourth-biggest financial centre and one of the five busiest ports. Its globalised and diversified economy

depends heavily on trade, especially manufacturing, which represented 26 percent of Singapore's GDP in 2005.

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Port of Yokohama, Japan



Yacht transport to Japan – with United Yacht Transport is a secure way of movement of your vessel to the Port of Yokohama, Japan. Yokohama is a shining example of Japan's trading culture and the unique collection of the town creates

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a warm and inviting atmosphere. Beyond the charming town is the exciting movement of Japanese culture with shopping and entertainment centers all around.

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