

ESTTA Tracking number: **ESTTA706573**

Filing date: **11/04/2015**

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

Proceeding	91219179
Party	Plaintiff Spliethoff's Bevrachtungskantoor B.V.
Correspondence Address	J MICHAEL PENNEKAMP FOWLER WHITE BURNETT PA 1395 BRICKELL AVENUE, 14TH FLOOR, ESPIRITO SANTO PLAZA MIAMI, FL 33131 UNITED STATES jpennekamp@fowler-white.com, bhackney@fowler-white.com, start@fowler-white.com, lparker@fowler-white.com, jmp@fowler-white.com
Submission	Other Motions/Papers
Filer's Name	J. Michael Pennekamp, Esquire
Filer's e-mail	jpennekamp@fowler-white.com, bhackney@fowler-white.com, start@fowler-white.com, lparker@fowler-white.com, jmp@fowler-white.com
Signature	/J. Michael Pennekamp, Esquire/
Date	11/04/2015
Attachments	SIGNED DECLARATION OF TART IN SUPPORT OF OPP'S M LEAVE TO AMEND NOO.pdf(685742 bytes ) Dec. Ex. A - 33 Application.pdf(272472 bytes ) Dec. Ex. B - 56 Application.pdf(473158 bytes ) Dec. Ex. C - Dockwise 8.20.13 Cease and Desist LT.pdf(287111 bytes ) Dec. Ex. D - September 2013 emails between counsel.pdf(1158221 bytes ) Dec. Ex. E - Office Action.pdf(489352 bytes ) Dec. Ex. F - Response to Office Action.pdf(469008 bytes ) Dec. Ex. G - Notice of Publication.pdf(35204 bytes ) Dec. Ex. H - Opp's First RFA to Applicant.pdf(728510 bytes ) Dec. Ex. I - App's Response to Opp's First RFA.pdf(173579 bytes ) Dec. Ex. J - Opp's First Set of Interrog to App.pdf(644076 bytes ) Dec. Ex. K - App's M Amend App.pdf(155464 bytes ) Dec. Ex. L- App's Interrogatory Responses.pdf(210632 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.

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**DECLARATION OF TART IN SUPPORT OF OPPOSER'S MOTION  
FOR LEAVE TO FILE AMENDED NOTICE OF OPPOSITION**

I, Sandra I. Tart, declare as follows:

1. I am an individual, *sui juris*.
2. I am an attorney with the law firm of Fowler White Burnett, PA., counsel for Opposer SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V. ("Spliethoff") in the above-captioned trademark opposition proceeding.
3. I make this Declaration upon my personal knowledge, and based upon records maintained by Fowler White Burnett, PA. in the ordinary course of business, to which I have access in the course of fulfilling my professional duties for the firm and its clients.
4. If called as a witness I would testify to the matters set forth herein.
5. Attached hereto as Exhibit "A" is a true and correct copy of the application for Trademark Serial No. 86031633 filed by Applicant for the mark UNITED YACHT TRANSPORT, printed from TEAS.

Opposition No. 91219179  
Declaration of Tatt in Support of  
Opposer's Motion for Leave to File  
Amended Notice of Opposition

6. Attached hereto as Exhibit "B" is a true and correct copy of the application for Trademark Serial No. 86041056 filed by Dockwise Shipping B.V. for the mark UNITED YACHT TRANSPORT, printed from TEAS.
7. Attached hereto as Exhibit "C" is the August 20, 2013 letter from Attorney John A. Tang to Michael Uhr, Manager, United Yacht Transport LLC. (The document was produced by Applicant in discovery as UYT\_0000124 – UYT\_0000130 except Exhibit D to the letter was not produced).
8. Attached hereto as Exhibit "D" are emails exchanged in September 2013 between Attorney Tang and Applicant's counsel, Attorneys Zimmer, Probasco and Sterns. (The emails were produced by Applicant in discovery as UYT\_0000188 – UYT\_0000213).
9. Attached hereto as Exhibit "E" is the USPTO Office Action issued on November 12, 2013 regarding Application Serial No. 86031633, printed from TEAS.
10. Attached hereto as Exhibit "F" is Applicant's Response to Office Action filed May 19, 2014, printed from TEAS.
11. Attached hereto as Exhibit "G" is the June 18, 2014 Notice of Publication for Publication Date of July 8, 2014 for Application Serial No. 86031633.
12. Attached hereto as Exhibit "H" is Opposer's First Request for Admissions to Applicant served February 25, 2015.
13. Attached hereto as Exhibit "I" is Applicant's Response to Opposer's First Request for Admissions, served April 6, 2015.
14. Attached hereto as Exhibit "J" is Opposer's First Set of Interrogatories to Applicant, served April 17, 2015.

Opposition No. 91219179  
Declaration of Tart in Support of  
Opposer's Motion for Leave to File  
Amended Notice of Opposition

15. Attached hereto as Exhibit "K" are Applicant's Motion to Amend Application and Verified Statement of Haber, filed through ESTTA on April 22, 2015.

16. Attached hereto as Exhibit "L" are Applicant's Unverified Responses to Opposer's First Set of Interrogatories, served May 29, 2015.

Executed on November 4, 2015, in Mount Pleasant, South Carolina.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
SANDRA I. TART

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 86031633

Filing Date: 08/07/2013

**NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.**

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
*MARK	<u>UNITED YACHT TRANSPORT</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	UNITED YACHT TRANSPORT
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	United Yacht Transport LLC
DBA/AKA/TA/FORMERLY	DBA UNITED YACHT TRANSPORT
INTERNAL ADDRESS	2830 State Road 84
*STREET	2830 State Road 84, Suite 118
*CITY	Dania Beach
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States

<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants only)	33312
<b>PHONE</b>	954-417-3658
<b>EMAIL ADDRESS</b>	paul@united-yacht.com
<b>WEBSITE ADDRESS</b>	www.united-yacht.com
<b>LEGAL ENTITY INFORMATION</b>	
<b>*TYPE</b>	LIMITED LIABILITY COMPANY
<b>* STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>* INTERNATIONAL CLASS</b>	039
<b>*IDENTIFICATION</b>	Transport of <b>Yachts</b> by <b>Boat</b>
<b>*FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 07/16/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/05/2013
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-17225480236-154144792 . United Yacht Transport.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (1 page)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml1\FTK0003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
<b>*TRANSLATION</b> (if applicable)	
<b>*TRANSLITERATION</b> (if applicable)	
<b>*CLAIMED PRIOR REGISTRATION</b> (if applicable)	
<b>*CONSENT</b> (NAME/LIKENESS) (if applicable)	
<b>*CONCURRENT USE CLAIM</b>	

(if applicable)

### ATTORNEY INFORMATION

NAME	Alexander Zimmer
FIRM NAME	Alexander J. Zimmer, Attorney at Law
STREET	243 East 81st Street, #4F
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10028
PHONE	917-553-3102
FAX	917-456-0056
EMAIL ADDRESS	alex@ajzimmerlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

### CORRESPONDENCE INFORMATION

*NAME	Alexander Zimmer
FIRM NAME	Alexander J. Zimmer, Attorney at Law
INTERNAL ADDRESS	243 East 81st Street #4F
*STREET	243 East 81st Street, #4F
*CITY	New York
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE	10028
PHONE	917-553-3102
FAX	917-456-0056
*EMAIL ADDRESS	alex@ajzimmerlaw.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

### FEE INFORMATION

NUMBER OF CLASSES	1
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<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE PAID</b>	275
<b>SIGNATURE INFORMATION</b>	
<b>* SIGNATURE</b>	/Alexander J Zimmer/
<b>* SIGNATORY'S NAME</b>	Alexander J. Zimmer
<b>* SIGNATORY'S POSITION</b>	Attorney of Record, New York State Bar Member
<b>SIGNATORY'S PHONE NUMBER</b>	917-553-3102
<b>* DATE SIGNED</b>	08/07/2013

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 86031633**

**Filing Date: 08/07/2013**

#### To the Commissioner for Trademarks:

**MARK:** UNITED YACHT TRANSPORT (Standard Characters, see [mark](#))

The literal element of the mark consists of UNITED YACHT TRANSPORT.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, United Yacht Transport LLC, DBA UNITED YACHT TRANSPORT, a limited liability company legally organized under the laws of Delaware, having an address of

2830 State Road 84,  
2830 State Road 84, Suite 118  
Dania Beach, Florida 33312  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 039: Transport of Yachts by Boat

In International Class 039, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 07/16/2013, and first used in commerce at least as early as 08/05/2013, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) The mark consists of standard characters, without claim to any particular font, style, size, or color..

**Original PDF file:**

[SPE0-17225480236-154144792 . United Yacht Transport.pdf](#)

**Converted PDF file(s) (1 page)**

[Specimen File1](#)

For informational purposes only, applicant's website address is: [www.united-yacht.com](http://www.united-yacht.com)

The applicant's current Attorney Information:

Alexander Zimmer of Alexander J. Zimmer, Attorney at Law  
243 East 81st Street, #4F  
New York, New York 10028  
United States

The applicant's current Correspondence Information:

Alexander Zimmer  
Alexander J. Zimmer, Attorney at Law  
243 East 81st Street #4F  
243 East 81st Street, #4F  
New York, New York 10028  
917-553-3102(phone)  
917-456-0056(fax)  
alex@ajzimmerlaw.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Alexander J Zimmer/ Date Signed: 08/07/2013  
Signatory's Name: Alexander J. Zimmer  
Signatory's Position: Attorney of Record, New York State Bar Member

RAM Sale Number: 86031633  
RAM Accounting Date: 08/08/2013

Serial Number: 86031633  
Internet Transmission Date: Wed Aug 07 16:47:35 EDT 2013  
TEAS Stamp: USPTO/FTK-172.254.80.236-201308071647352  
81470-86031633-50012f5e642d5cf8374344fff  
67d85c3173eb55f22df2f4acdf3950748fd2fc-C  
C-4062-20130807154144792012



# UNITED YACHT TRANSPORT

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UNITED YACHT TRANSPORT

## Trademark/Service Mark Application, Principal Register

Serial Number: 86041056

Filing Date: 08/18/2013

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	86041056
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<u>UNITED YACHT TRANSPORT</u>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	UNITED YACHT TRANSPORT
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	DOCKWISE SHIPPING B.V.
<b>*STREET</b>	Lage Mosten 21
<b>*CITY</b>	4822 NJ BREDA
<b>*COUNTRY</b>	Netherlands
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	private limited company
<b>STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	Netherlands
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>INTERNATIONAL CLASS</b>	039

<b>* IDENTIFICATION</b>	Transport by boat; cross-ocean transportation of yachts by semi-submersible ocean going vessels
<b>FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 00/00/1992
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 00/00/1992
<b>SPECIMEN FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-3810724567-143341619 . Specimen.pdf</a>
<b>CONVERTED PDF FILE(S) (1 page)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\410\86041056\xml1\APP0003.JPG</a>
<b>ORIGINAL PDF FILE</b>	<a href="#">SPE0-3810724567-143341619 . Specimen2.pdf</a>
<b>CONVERTED PDF FILE(S) (2 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\410\86041056\xml1\APP0004.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\410\86041056\xml1\APP0005.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	photograph of vessel, online port directory
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>DISCLAIMER</b>	No claim is made to the exclusive right to use YACHT TRANSPORT apart from the mark as shown.
<b>PRIOR REGISTRATION(S)</b>	The applicant claims ownership of U.S. Registration Number(s) 2593932.
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	John A. Tang
<b>ATTORNEY DOCKET NUMBER</b>	10418.0104
<b>FIRM NAME</b>	Strasburger & Price, LLP
<b>STREET</b>	909 Fannin Street, Suite 2300
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	77010
<b>PHONE</b>	

<b>PHONE</b>	7139515600
<b>FAX</b>	7139515660
<b>EMAIL ADDRESS</b>	ipdocketing@strasburger.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	current attorneys associated with PTO Customer No. 64004

#### **CORRESPONDENCE INFORMATION**

<b>NAME</b>	John A. Tang
<b>FIRM NAME</b>	Strasburger & Price, LLP
<b>STREET</b>	909 Fannin Street, Suite 2300
<b>CITY</b>	Houston
<b>STATE</b>	Texas
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	77010
<b>PHONE</b>	7139515600
<b>FAX</b>	7139515660
<b>EMAIL ADDRESS</b>	ipdocketing@strasburger.com;john.tang@strasburger.com;teresa.wrye@strasburger.co
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes

#### **FEE INFORMATION**

<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	325
<b>*TOTAL FEE PAID</b>	325

#### **SIGNATURE INFORMATION**

<b>SIGNATURE</b>	/Peter Koets/
<b>SIGNATORY'S NAME</b>	Peter Koets
<b>SIGNATORY'S POSITION</b>	Legal Manager

**DATE SIGNED**

08/18/2013

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 86041056**

**Filing Date: 08/18/2013**

### To the Commissioner for Trademarks:

**MARK:** UNITED YACHT TRANSPORT (Standard Characters, see [mark](#))

The literal element of the mark consists of UNITED YACHT TRANSPORT.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, DOCKWISE SHIPPING B.V., a private limited company legally organized under the laws of Netherlands, having an address of

Lage Mosten 21  
4822 NJ BREDA  
Netherlands

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 039: Transport by boat; cross-ocean transportation of yachts by semi-submersible ocean going vessels

In International Class 039, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 00/00/1992, and first used in commerce at least as early as 00/00/1992, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) photograph of vessel, online port directory.

**Original PDF file:**

[SPE0-3810724567-143341619 . Specimen.pdf](#)

**Converted PDF file(s) (1 page)**

[Specimen File1](#)

**Original PDF file:**

[SPE0-3810724567-143341619 . Specimen2.pdf](#)

**Converted PDF file(s) (2 pages)**

[Specimen File1](#)

[Specimen File2](#)

No claim is made to the exclusive right to use YACHT TRANSPORT apart from the mark as shown.

The applicant claims ownership of U.S. Registration Number(s) 2593932.

The applicant's current Attorney Information:

John A. Tang and current attorneys associated with PTO Customer No. 64004 of Strasburger & Price, LLP

909 Fannin Street, Suite 2300

Houston, Texas 77010

United States

The attorney docket/reference number is 10418.0104.

The applicant's current Correspondence Information:

John A. Tang

Strasburger & Price, LLP

909 Fannin Street, Suite 2300

Houston, Texas 77010

7139515600(phone)

7139515660(fax)

ipdocketing@strasburger.com;john.tang@strasburger.com;teresa.wrye@strasburger.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

#### **Declaration Signature**

Signature: /Peter Koets/ Date: 08/18/2013

Signatory's Name: Peter Koets

Signatory's Position: Legal Manager

RAM Sale Number: 86041056

RAM Accounting Date: 08/19/2013

Serial Number: 86041056

Internet Transmission Date: Sun Aug 18 21:38:04 EDT 2013

TEAS Stamp: USPTO/BAS-38.107.245.67-2013081821380413

5592-86041056-50084cdb156b4e8e977d53827a

0a4628eeee372c7b53b967989779311e1be6d2b-

DA-7656-20130816160023854073

# UNITED YACHT TRANSPORT



# FAST IN FAST OUT

- Containerized Cargo
- Bulk and Break Bulk Cargoes
- Petroleum
- Shipping Lines
- Cranes & Services
- Facilities
- Terminal Operators

ship schedule

tariff

port map

what's new

## Shipping Lines

CARGO LINE	BOOKING AGENT TEL	SERVES
AGRIEX	954-785-3076	Guatemala, Honduras, Nicaragua, El Salvador, Jamaica <i>Frequency: Weekly</i> <i>Type: Container, General Cargo</i>
CCNI Compañía Chilena de Navegación Interoceánica, S.A	786 845-9212	U.S. East Coast, South America- West Coast <i>Frequency: Weekly</i> <i>Type: Container</i>
Chiquita - Great White Fleet	888-724-5483	U.S., Central America, Europe <i>Frequency: Weekly</i> <i>Type: Container</i>
Chilean Line - CSAV	800-804-9391	Colombia, South America - West Coast <i>Frequency: Weekly</i> <i>Type: Container</i>
Crowley Liner Services	305-470-4000	Caribbean, Central America <i>Frequency: Weekly</i> <i>Type: Container, Project Cargo, RO/RO, Trailers</i>
Dockwise/ United Yacht Transport	954-525-8707	Caribbean, Mediterranean, Mexico, Canada-West Coast, Australia, New Zealand <i>Frequency: Weekly</i> <i>Type: LO/LO, FO/FO</i>
Dole Ocean Liner Express	305-591-7500	Costa Rica, Honduras, El Salvador <i>Frequency: Weekly</i> <i>Type: Container</i>
Frontier Liner Services	305-471-7800	Colombia <i>Frequency: Weekly</i> <i>Type: Container</i>
Hamburg Sud	954-761-3134	Venezuela, South America-West Coast <i>Frequency: Weekly</i> <i>Type: Container</i>
Hapag-Lloyd (America) Inc.	888-851-4083	Mediterranean
Hybur LTD	305-943-4933	Belize, Cayman Islands, Mexico, Honduras <i>Frequency: Weekly</i> <i>Type: Container</i>
Interocean	305-375-8004	Ecuador, Peru <i>Frequency: Every 14 Days</i> <i>Type: Container, General Cargo</i>
King Ocean Service	305-591-7595	Venezuela, Aruba, Curacao, Colombia, Costa Rica, Panama <i>Frequency: 2X Weekly</i> <i>Type: Container, General Cargo</i>
Mailboat Co. / St. John's Shipping	954-527-0034	Bahamas <i>Frequency: 3X Weekly</i> <i>Type: General Cargo</i>
Mediterranean Shipping Company	305-477-9277	Far East, South America, India <i>Frequency: Weekly</i> <i>Type: Container</i>
Montemar	800-804-9391	South America, Central America, U.S. East Coast <i>Frequency: Weekly</i> <i>Type: Container</i>
Naviera Master	305-589-9935	Colombia, Venezuela



port guide



stats

<b>Line</b>		
<b>SC Line</b>	(US) 305-767-4610, 305-767-1900 (Panama) +507-830-5000, +507-282-5700	Colombia, Panama, Mexico, Venezuela, Dominican Republic <i>Frequency: Bi-weekly</i> <i>Type: RO/RO</i>
<b>SeaFreight</b>	305-592-6060	Aruba, Curacao, Jamaica, Cayman Islands, Costa Rica, Panama, Bonaire, Suriname, Trinidad, Venezuela <i>Frequency: Weekly</i> <i>Type: Container, LCL, Breakbulk</i>
<b>Sea Star Line</b>	954-527-1423	Puerto Rico, Caribbean, U.S. East Coast <i>Frequency: Weekly</i> <i>Type: Container, Autos, General Cargo</i>
<b>Trinity Shipping Line</b>	305-888-2277	Colombia, Ecuador, Peru <i>Frequency: Every 14 Days</i> <i>Type: Container, General Cargo, Project Cargo</i>
<b>Yll Shipping</b>	954-524-4640	Bahamas <i>Frequency: Bi-Weekly</i> <i>Type: Container</i>
<b>Zim Container Line</b>	305-423-7400	Mediterranean <i>Frequency: Weekly</i> <i>Type: Container</i>

87°  
PARTLY CLOUDY

[home](#) [contact us](#) [broward county commission](#) [helpful resources](#) [terms of use](#)

THE OFFICIAL SITE OF THE BROWARD COUNTY PORT EVERGLADES DEPARTMENT  
1850 Eller Drive, Fort Lauderdale, Florida 33316 (954) 523-3404

**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](http://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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1496019 1/SPH/10418/0104/082013

**UYT\_0000124**

# 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

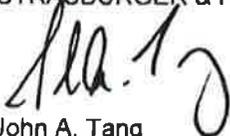
Also, we request that United Yacht Transport, LLC's owners, employees and agents, commit not to use or register the United Yacht Transport mark or any other confusingly similar mark.

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	888-724-5483	U.S. Central America, Europe Frequency: Weekly Type: Container
Chilean Line - CSAV	600-804-8391	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	305-813-4833	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	305-581-7585	Venezuela, Aruba, Curacao, 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	800-804-8391	South America, Central America, U.S. East Coast Frequency: Weekly Type: Container
Naviera Master Line	305-589-9835	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	305-592-8080	Aruba, Curacao, 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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<b>Zim Container Line</b>	<b>308-423-7400</b>	Frequency: Bi-Weekly Type: Container Mediterranean Frequency: Weekly Type: Container
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1850 Eller Drive, Fort Lauderdale, Florida 33310 (954) 523-3404



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**Professional Yacht Transport.**

United Yacht Transport, Inc. has a rich history of providing Florida yachters with the most professional and reliable means of yacht transportation. Through our highly skilled and experienced marine yard teams, both on shore and aboard our ships, we are dedicated to providing our customers with safe, efficient and reliable marine transportation. Whether you are one of the most experienced yacht owners in the yacht transportation industry, or a first-time vessel customer, we provide quality, safety and efficiency through continuous improvement and constant customer education.

**Global reach, local knowledge.**

With a comprehensive network of global agents and partners, United Yacht Transport can assure each our clients that the details of shipping and receiving their yacht at its final destination will be handled in a smooth and efficient manner.

**Experience.**

United Yacht Transport has assembled a team of the most experienced personnel from within the yachting industry. It is our experienced team of professionals that sets us apart from our competitors. We can guarantee our clients peace of mind knowing that their yacht will be handled with the utmost care and handled by the industry's most qualified people. It is our commitment to an ever-developing fleet and our systems designed to provide the best overall experience for our clients throughout the entire shipping process.

**Destinations.**

United Yacht Transport's sailing fleet serves over 100 ports including the Mediterranean, Caribbean, Mexico, the Northwest, South Florida, and most any major world port destinations. Whether it is world class service (price or quality) the superior hands of our fleet's Master Mariners, your yacht transportation needs resolved, with United Yacht Transport, you can enjoy all that has the safety and comfort of your own yacht.



**United Yacht Transport Inc.**  
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**From:** Tang, John [<mailto:John.Tang@strasburger.com>]  
**Sent:** Friday, September 06, 2013 12:12 PM  
**To:** Alexander Zimmer; Joseph A. Probasco; Randy Sterns  
**Cc:** Brockway, Michelle  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

Gentlemen, it was a pleasure speaking with you. First, below is a hyperlink to the article I mentioned during our call regarding Kevin and Dennis Cummings' involvement with your clients Michael Uhr and United Yacht Transport, LLC.

<http://www.superyachtnews.com/business/20032/yacht-path-directors-operating-under-new-transporter.html>

Next, we have conferred with our client regarding our conversation. At this time, our client will not provide additional evidence of use to show our client's superior trademark rights over your clients. Our client is adamant that your clients adhere to the demand letter (with the additional condition that your clients are given no more than 30 days to comply). Our client will give your clients 5 days from today to agree to the terms of the letter.

And pursuant to our call today, Randy/Joe, if necessary, you have indicated that you will accept service of process on behalf of your clients.

Kindly confirm receipt of this email.

Thank you.

---

**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](mailto:Kathy.Reiff@strasburger.com))  
**IP Paralegal:** Teresa Wrye 713.750.5510 ([Teresa.Wrye@strasburger.com](mailto:Teresa.Wrye@strasburger.com))

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**From:** Alexander Zimmer [<mailto:alex@ajzimmerlaw.com>]  
**Sent:** Wednesday, September 04, 2013 3:58 PM

**To:** Tang, John  
**Cc:** Joseph A. Probasco; Randy Sterns; Brockway, Michelle  
**Subject:** Re: United Yacht Transport LLC/Dockwise Shipping BV

John, we suggest an 11 am EST/10 am CST call on Friday, 6 September. Please use the following call-in number:

Number: [1 877 274 7674](tel:18772747674) Pass: 02 19 521#

I trust that time will be convenient you.

Alex Zimmer

Alexander J. Zimmer  
Attorney at Law  
243 East 81st Street, Suite 4F  
New York, NY 10028  
Telephone: 917-553-3102  
Fax: 917-456-0056  
Email: [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com)

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On Wed, Sep 4, 2013 at 2:53 PM, Tang, John <[john.tang@strasburger.com](mailto:john.tang@strasburger.com)> wrote:

Your email is noted. I am available Friday morning from 9 am to 12 pm (CST). Please confirm time and provide telephone call in information. Michelle Brockway of our firm will also participate on the call.

John

----- Message from [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com) -----

Date: Wed, 4 Sep 2013 11:40:40 -0400

From: Alexander Zimmer <[alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com)>

Subject: United Yacht Transport LLC/Dockwise Shipping BV

To: John Tang <[John.Tang@strasburger.com](mailto:John.Tang@strasburger.com)>

Cc: "Joseph A. Probasco" <[jprobasco@bushross.com](mailto:jprobasco@bushross.com)>, Randy Sterns <[rsterns@bushross.com](mailto:rsterns@bushross.com)>

John,

Following up on our telephone call last Thursday, I would like to arrange a call with you on Friday morning to discuss our response to your client's position. My client also has retained the law firm of Bush Ross, P.A. of Tampa, Florida, to represent it in connection with this matter. Joseph Probasco and Randy Sterns of Bush Ross will be joining us on the call. Please provide times Friday morning when we can have the call, and we will circulate a call in number.

Thanks.

Alex Zimmer

Alexander J. Zimmer  
Attorney at Law  
243 East 81st Street, Suite 4F  
New York, NY 10028  
Telephone: 917-553-3102  
Fax: 917-456-0056  
Email: alex@ajzimmerlaw.com

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----- End message from [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com) -----

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**From:** Tang, John <John.Tang@strasburger.com>  
**Sent:** Tuesday, September 17, 2013 11:58 AM  
**To:** Joseph A. Probasco  
**Cc:** Brockway, Michelle; Randy Sterns  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

4 pm (EST) today is fine. Please call my direct number 713.951.5623.

---

**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)

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**From:** Joseph A. Probasco [mailto:jprobasco@bushross.com]  
**Sent:** Tuesday, September 17, 2013 10:48 AM  
**To:** Tang, John  
**Cc:** Brockway, Michelle; Randy Sterns  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

John-

Can you chat today at 4 (EST) or anytime tomorrow after 2:30 (EST)? If so, let me know your preference and a good number to reach you and Randy and I will give you a call.

Joseph A. Probasco, Esq.  
Bush Ross, P.A.  
1801 North Highland Avenue  
Tampa, Florida 33602-2656  
(813) 224-9255 [Phone]  
(813) 223-9620 [Fax]  
(813) 204-6472 [Direct Line]  
[jprobasco@bushross.com](mailto:jprobasco@bushross.com)  
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**From:** Tang, John [<mailto:John.Tang@strasburger.com>]  
**Sent:** Monday, September 16, 2013 2:19 PM  
**To:** Joseph A. Probasco  
**Cc:** Brockway, Michelle  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

Received with thanks.

---

**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](mailto:Kathy.Reiff@strasburger.com))  
**IP Paralegal:** Teresa Wrye 713.750.5510 ([Teresa.Wrye@strasburger.com](mailto:Teresa.Wrye@strasburger.com))

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Registered to practice before the U.S. Patent and Trademark Office

**From:** Joseph A. Probasco [<mailto:jprobasco@bushross.com>]  
**Sent:** Monday, September 16, 2013 1:12 PM  
**To:** Tang, John  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

John-

I just wanted to send you a quick note to let you know we rec'd below. I will discuss with my client and will get back to you tomorrow.

Regards,

Joseph A. Probasco, Esq.  
Bush Ross, P.A.  
1801 North Highland Avenue  
Tampa, Florida 33602-2656  
(813) 224-9255 [Phone]  
(813) 223-9620 [Fax]  
(813) 204-6472 [Direct Line]  
[jprobasco@bushross.com](mailto:jprobasco@bushross.com)  
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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](mailto:Kathy.Reiff@strasburger.com))  
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**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 Everglades' 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.

1801 North Highland Avenue  
Tampa, Florida 33602-2656  
(813) 224-9255 [Phone]  
(813) 223-9620 [Fax]  
(813) 204-6472 [Direct Line]  
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**From:** Tang, John [<mailto:John.Tang@strasburger.com>]  
**Sent:** Friday, September 06, 2013 12:12 PM  
**To:** Alexander Zimmer; Joseph A. Probasco; Randy Sterns  
**Cc:** Brockway, Michelle  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

Gentlemen, it was a pleasure speaking with you. First, below is a hyperlink to the article I mentioned during our call regarding Kevin and Dennis Cummings' involvement with your clients Michael Uhr and United Yacht Transport, LLC.

<http://www.superyachtnews.com/business/20032/yacht-pitch-directors-operating-under-new-transporter.html>

Next, we have conferred with our client regarding our conversation. At this time, our client will not provide additional evidence of use to show our client's superior trademark rights over your clients. Our client is adamant that your clients adhere to the demand letter (with the additional condition that your clients are given no more than 30 days to comply). Our client will give your clients 5 days from today to agree to the terms of the letter.

And pursuant to our call today, Randy/Joe, if necessary, you have indicated that you will accept service of process on behalf of your clients.

Kindly confirm receipt of this email.

Thank you.

---

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](mailto:Kathy.Reiff@strasburger.com))

IP Paralegal: Teresa Wrye 713.750.5510 ([Teresa.Wrye@strasburger.com](mailto: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:** Alexander Zimmer [<mailto:alex@ajzimmerlaw.com>]

**Sent:** Wednesday, September 04, 2013 3:58 PM

**To:** Tang, John

**Cc:** Joseph A. Probasco; Randy Sterns; Brockway, Michelle

**Subject:** Re: United Yacht Transport LLC/Dockwise Shipping BV

John, we suggest an 11 am EST/10 am CST call on Friday, 6 September. Please use the following call-in number:

Number: [1 877 274 7674](tel:18772747674) Pass: 02 19 521#

I trust that time will be convenient you.

Alex Zimmer

Alexander J. Zimmer  
Attorney at Law  
243 East 81st Street, Suite 4F  
New York, NY 10028  
Telephone: 917-553-3102  
Fax: 917-456-0056  
Email: [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com)

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On Wed, Sep 4, 2013 at 2:53 PM, Tang, John <[john.tang@strasburger.com](mailto:john.tang@strasburger.com)> wrote:

Your email is noted. I am available Friday morning from 9 am to 12 pm (CST). Please confirm time and provide telephone call in information. Michelle Brockway of our firm will also participate on the call.

John

----- Message from [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com) -----

Date: Wed, 4 Sep 2013 11:40:40 -0400

From: Alexander Zimmer <[alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com)>

Subject: United Yacht Transport LLC/Dockwise Shipping BV

To: John Tang <[John.Tang@strasburger.com](mailto:John.Tang@strasburger.com)>

Cc: "Joseph A. Probasco" <[jprobasco@bushross.com](mailto:jprobasco@bushross.com)>, Randy Sterns <[rsterns@bushross.com](mailto:rsterns@bushross.com)>

John,

Following up on our telephone call last Thursday, I would like to arrange a call with you on Friday morning to discuss our response to your client's position. My client also has retained the law firm of Bush Ross, P.A. of Tampa, Florida, to represent it in connection with this matter. Joseph Probasco and Randy Sterns of Bush Ross will be joining us on the call. Please provide times Friday morning when we can have the call, and we will circulate a call in number.

Thanks.

Alex Zimmer

Alexander J. Zimmer  
Attorney at Law  
243 East 81st Street, Suite 4F  
New York, NY 10028  
Telephone: [917-553-3102](tel:917-553-3102)  
Fax: [917-456-0056](tel:917-456-0056)  
Email: [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com)

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----- End message from [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com) -----

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**From:** Joseph A. Probasco  
**Sent:** Tuesday, September 17, 2013 12:05 PM  
**To:** 'Tang, John'  
**Cc:** Brockway, Michelle; Randy Sterns  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

Great. Thx. Will call you then.

Joseph A. Probasco, Esq.  
Bush Ross, P.A.  
1801 North Highland Avenue  
Tampa, Florida 33602-2656  
(813) 224-9255 [Phone]  
(813) 223-9620 [Fax]  
(813) 204-6472 [Direct Line]  
[jprobasco@bushross.com](mailto:jprobasco@bushross.com)  
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ATTORNEYS AT LAW

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**From:** Tang, John [mailto:John.Tang@strasburger.com]  
**Sent:** Tuesday, September 17, 2013 11:58 AM  
**To:** Joseph A. Probasco  
**Cc:** Brockway, Michelle; Randy Sterns  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

4 pm (EST) today is fine. Please call my direct number 713.951.5623.

---

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](mailto:Kathy.Reiff@strasburger.com))

**IP Paralegal:** Teresa Wrye 713.750.5510 ([Teresa.Wrye@strasburger.com](mailto:Teresa.Wrye@strasburger.com))

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**Registered to practice before the U.S. Patent and Trademark Office**

**From:** Joseph A. Probasco [<mailto:jprobasco@bushross.com>]

**Sent:** Tuesday, September 17, 2013 10:48 AM

**To:** Tang, John

**Cc:** Brockway, Michelle; Randy Sterns

**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

John-

Can you chat today at 4 (EST) or anytime tomorrow after 2:30 (EST)? If so, let me know your preference and a good number to reach you and Randy and I will give you a call.

Joseph A. Probasco, Esq.  
Bush Ross, P.A.  
1801 North Highland Avenue  
Tampa, Florida 33602-2656  
(813) 224-9255 [Phone]  
(813) 223-9620 [Fax]  
(813) 204-6472 [Direct Line]  
[jprobasco@bushross.com](mailto:jprobasco@bushross.com)  
[www.bushross.com](http://www.bushross.com)  
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Tampa, Florida 33601-3913

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**From:** Tang, John [<mailto:John.Tang@strasburger.com>]

**Sent:** Monday, September 16, 2013 2:19 PM

**To:** Joseph A. Probasco

**Cc:** Brockway, Michelle

**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

Received with thanks.

**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](mailto:Kathy.Reiff@strasburger.com))  
**IP Paralegal:** Teresa Wrye 713.750.5510 ([Teresa.Wrye@strasburger.com](mailto:Teresa.Wrye@strasburger.com))

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**From:** Joseph A. Probasco [<mailto:jprobasco@bushross.com>]  
**Sent:** Monday, September 16, 2013 1:12 PM  
**To:** Tang, John  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

John-

I just wanted to send you a quick note to let you know we rec'd below. I will discuss with my client and will get back to you tomorrow.

Regards,

Joseph A. Probasco, Esq.  
Bush Ross, P.A.  
1801 North Highland Avenue  
Tampa, Florida 33602-2656  
(813) 224-9255 [Phone]  
(813) 223-9620 [Fax]  
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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  
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**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.

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**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.  
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Tampa, Florida 33602-2656  
(813) 224-9255 [Phone]  
(813) 223-9620 [Fax]  
(813) 204-6472 [Direct Line]  
[jprobasco@bushross.com](mailto:jprobasco@bushross.com)  
[www.bushross.com](http://www.bushross.com)  
Mailing Address:  
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**From:** Tang, John [<mailto:John.Tang@strasburger.com>]  
**Sent:** Friday, September 06, 2013 12:12 PM  
**To:** Alexander Zimmer; Joseph A. Probasco; Randy Sterns  
**Cc:** Brockway, Michelle  
**Subject:** RE: United Yacht Transport LLC/Dockwise Shipping BV

Gentlemen, it was a pleasure speaking with you. First, below is a hyperlink to the article I mentioned during our call regarding Kevin and Dennis Cummings' involvement with your clients Michael Uhr and United Yacht Transport, LLC.

<http://www.superyachtnews.com/business/20032/yacht-path-directors-operating-under-new-transporter.html>

Next, we have conferred with our client regarding our conversation. At this time, our client will not provide additional evidence of use to show our client's superior trademark rights over your clients. Our client is adamant that your clients adhere to the demand letter (with the additional condition that your clients are given no more than 30 days to comply). Our client will give your clients 5 days from today to agree to the terms of the letter.

And pursuant to our call today, Randy/Joe, if necessary, you have indicated that you will accept service of process on behalf of your clients.

Kindly confirm receipt of this email.

Thank you.

---

**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](mailto:Kathy.Reiff@strasburger.com))  
**IP Paralegal:** Teresa Wrye 713.750.5510 ([Teresa.Wrye@strasburger.com](mailto: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:** Alexander Zimmer [<mailto:alex@ajzimmerlaw.com>]  
**Sent:** Wednesday, September 04, 2013 3:58 PM  
**To:** Tang, John  
**Cc:** Joseph A. Probasco; Randy Sterns; Brockway, Michelle  
**Subject:** Re: United Yacht Transport LLC/Dockwise Shipping BV

John, we suggest an 11 am EST/10 am CST call on Friday, 6 September. Please use the following call-in number:

Number: [1 877 274 7674](tel:18772747674) Pass: 02 19 521#.

I trust that time will be convenient you.

Alex Zimmer

Alexander J. Zimmer  
Attorney at Law  
243 East 81st Street, Suite 4F  
New York, NY 10028  
Telephone: 917-553-3102  
Fax: 917-456-0056  
Email: [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com)

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On Wed, Sep 4, 2013 at 2:53 PM, Tang, John <[john.tang@strasburger.com](mailto:john.tang@strasburger.com)> wrote:

Your email is noted. I am available Friday morning from 9 am to 12 pm (CST). Please confirm time and provide telephone call in information. Michelle Brockway of our firm will also participate on the call.

John

----- Message from [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com) -----

Date: Wed, 4 Sep 2013 11:40:40 -0400

From: Alexander Zimmer <[alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com)>

Subject: United Yacht Transport LLC/Dockwise Shipping BV

To: John Tang <[John.Tang@strasburger.com](mailto:John.Tang@strasburger.com)>

Cc: "Joseph A. Probasco" <[jprobasco@bushross.com](mailto:jprobasco@bushross.com)>, Randy Sterns <[rsterns@bushross.com](mailto:rsterns@bushross.com)>

John,

Following up on our telephone call last Thursday, I would like to arrange a call with you on Friday morning to discuss our response to your client's position. My client also has retained the law firm of Bush Ross, P.A. of Tampa, Florida, to represent it in connection with this matter. Joseph Probasco and Randy Sterns of Bush Ross will be joining us on the call. Please provide times Friday morning when we can have the call, and we will circulate a call in number.

Thanks.

Alex Zimmer

Alexander J. Zimmer  
Attorney at Law  
243 East 81st Street, Suite 4F  
New York, NY 10028  
Telephone: [917-553-3102](tel:917-553-3102)  
Fax: [917-456-0056](tel:917-456-0056)  
Email: [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com)

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----- End message from [alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com) -----

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**From:** Tang, John <John.Tang@strasburger.com>  
**Sent:** Thursday, September 19, 2013 2:37 PM  
**To:** Joseph A. Probasco; Randy Sterns  
**Cc:** Alexander Zimmer; Brockway, Michelle  
**Subject:** United Yacht Transport TM matter

Gentlemen, we thank you for the call on Tuesday regarding the resolution of the United Yacht Transport trademark matter. We discussed the contents of our call with our client and they are pleased to hear that your clients will cease use of the mark (and transfer the domain name) in a timely manner. During our call we discussed a timeframe for your clients to cease use, etc. Although we suggested to Alex in an earlier call that our client would be willing to give your clients 30 days to comply, our client will now provide your clients with 60 days to comply.

If more than 60 days are needed, we will need to understand why. And if more than 60 days are needed, we will need to set up milestone dates for each action (e.g., within 7 days, file express abandonment of trademark application; within 14 days, transfer domain name, etc.).

We look forward to your response.

Best regards.

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**From:** Joseph A. Probasco  
**Sent:** Thursday, September 19, 2013 5:08 PM  
**To:** 'Tang, John'; Randy Sterns  
**Cc:** Alexander Zimmer; Brockway, Michelle  
**Subject:** RE: United Yacht Transport TM matter

John-

Thanks for your note. We had a call with our client yesterday where we discussed the contents of our call on Tuesday. Our client is weighing its options, one of which is the transition proposal we discussed. I hope to have an answer to you shortly, but our client is currently out of pocket due to Sukkot—so it will likely be Monday or Tuesday of next week before I can get back to you—I will push for Monday as I understand we are all trying to keep this moving.

Joseph A. Probasco, Esq.  
Bush Ross, P.A.  
1801 North Highland Avenue  
Tampa, Florida 33602-2656  
(813) 224-9255 [Phone]  
(813) 223-9620 [Fax]  
(813) 204-6472 [Direct Line]  
[jprobasco@bushross.com](mailto:jprobasco@bushross.com)  
[www.bushross.com](http://www.bushross.com)  
Mailing Address:  
Post Office Box 3913  
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**BUSH ROSS**  
ATTORNEYS AT LAW

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**From:** Tang, John [<mailto:John.Tang@strasburger.com>]  
**Sent:** Thursday, September 19, 2013 2:37 PM  
**To:** Joseph A. Probasco; Randy Sterns  
**Cc:** Alexander Zimmer; Brockway, Michelle  
**Subject:** United Yacht Transport TM matter

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We look forward to your response.

Best regards.

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**From:** Joseph A. Probasco  
**Sent:** Wednesday, September 25, 2013 4:10 PM  
**To:** 'Tang, John'; Randy Sterns  
**Cc:** Alexander Zimmer; Brockway, Michelle  
**Subject:** RE: United Yacht Transport TM matter

John-

I appreciate your patience. We finally had the opportunity to discuss this matter with our client this morning.

Based on the information our client has reviewed to date and its understanding of the underlying facts of this matter, UYT is not presently interested in a transition proposal. Despite our requests to date, Dockwise has provided minimal evidence of its use of the mark to substantiate its priority claims in the mark (the photo of the boat and snapshots from the Port Everglades directory). UYT remains committed to reviewing any additional information Dockwise is willing to provide to substantiate its priority claims in the mark. As an example (and without limitation), if Dockwise can provide any evidence that it has advertised under the mark (through trade publications, marketing materials, etc.), attended tradeshows or similar industry events under this mark, entered into booking contracts with its clients under this mark, etc., and used the mark in a commercially reasonable manner, UYT is willing to reconsider its current position. My client does not intend to be obstinate, but simply would like satisfactory evidence of Dockwise's use of the mark in commerce to substantiate its priority claims in the mark.

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

Regards,

Joseph A. Probasco, Esq.  
Bush Ross, P.A.  
1801 North Highland Avenue  
Tampa, Florida 33602-2656  
(813) 224-9255 [Phone]  
(813) 223-9620 [Fax]  
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[jprobasco@bushross.com](mailto:jprobasco@bushross.com)  
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**BUSH ROSS**

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**Sent:** Thursday, September 19, 2013 5:08 PM  
**To:** Tang, John; Randy Sterns  
**Cc:** Alexander Zimmer; Brockway, Michelle  
**Subject:** RE: United Yacht Transport TM matter

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**From:** Tang, John [<mailto:John.Tang@strasburger.com>]  
**Sent:** Thursday, September 19, 2013 2:37 PM  
**To:** Joseph A. Probasco; Randy Sterns  
**Cc:** Alexander Zimmer; Brockway, Michelle  
**Subject:** United Yacht Transport TM matter

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We look forward to your response.

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**To:** United Yacht Transport LLC (alex@ajzimmerlaw.com)  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86031633 - UNITED YACHT TRANSPORT - N/A  
**Sent:** 11/23/2013 3:20:46 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**U.S. APPLICATION SERIAL NO.** 86031633

**MARK:** UNITED YACHT TRANSPORT

**\*86031633\***

**CORRESPONDENT ADDRESS:**

ALEXANDER ZIMMER  
ALEXANDER J. ZIMMER, ATTORNEY AT LAW  
243 E 81ST ST APT 4F  
NEW YORK, NY 10028-2646

**CLICK HERE TO RESPOND TO THIS LETTER**  
[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** United Yacht Transport LLC

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

alex@ajzimmerlaw.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE:** 11/23/2013

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**No Similar Marks to Bar Registration**

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

### **1. Disclaimer of Descriptive Wording**

Applicant must disclaim the descriptive wording "YACHT TRANSPORT" apart from the mark as shown because it merely describes an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's services. See 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005).

In this case, the applicant is using the wording YACHT TRANSPORT with "transport of yachts by boat." Thus, the wording merely describes a feature of the applicant's services, since the applicant is transporting yachts.

An applicant may not claim exclusive rights to terms or designs that others may need to use to describe or show their services in the marketplace. See *Dena Corp. v. Belvedere Int'l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983). A disclaimer of unregistrable matter does not affect the appearance of the mark; that is, a disclaimer does not physically remove the disclaimed matter from the mark. See *Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213.

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. See *In re Stereotaxis Inc.*, 429 F.3d 1039, 1040-41, 77 USPQ2d 1087, 1088-89 (Fed. Cir. 2005); TMEP §1213.01(b).

Applicant should submit a disclaimer in the following standardized format:

***No claim is made to the exclusive right to use "YACHT TRANSPORT" apart from the mark as shown.***

For an overview of disclaimers and instructions on how to satisfy this disclaimer requirement online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/disclaimer.jsp>.

### **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.

For an overview of *both* response options referenced above and instructions on how to satisfy either option online using the Trademark Electronic Application System (TEAS) form, please go to <http://www.uspto.gov/trademarks/law/specimen.jsp>.

### **Substitute Specimen Requirements**

Examples of specimens for services may include advertising and marketing materials, brochures, photographs of business signage and billboards, and website printouts that show the mark used in the actual sale, rendering, or advertising of the services. *See* TMEP §§1301.04 *et seq.*

To submit a verified specimen online using the Trademark Electronic Application System (TEAS), applicant should do the following: (1) answer “yes” to the TEAS response form wizard question to “submit a new or substitute specimen,” (2) attach a jpg or pdf file of the specimen, (3) describe what the specimen consists of, and (4) select the statement that “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.” These steps appear on different pages of the TEAS response form.

To properly “sign” a form online in the Trademark Electronic Application System (TEAS), applicant can do one of the following:

(1) Enter in the signature block any combination of letters, numbers, spaces and/or punctuation marks that the filer has adopted as a signature, placed between two forward slash (/) symbols (e.g., /john doe/);

(2) E-mail the completed form from within TEAS to a second party for his/her electronic signature, which will then be automatically returned to the original preparer for submission with the form; or

(3) Fill out the form online, print it in text format, and mail or fax it to the signatory who will sign the printed form in the traditional pen-and-ink manner. The signature portion, along with a declaration, if required, is then scanned to create a jpg or pdf image file and attached to the form for electronic submission.

*See* 37 C.F.R. §2.193(c); TMEP §611.01(c).

For each method, the proper signatory must personally sign or personally enter his/her electronic signature. *See* 37 C.F.R. §2.193(a); TMEP §§611.01(c), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(c).

The following persons are properly authorized to sign a verification or declaration on behalf of an applicant:

- (1) A person with legal authority to bind the applicant (e.g., a corporate officer or general partner);
- (2) A person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant; or
- (3) An authorized attorney who has an actual written or verbal power of attorney or an implied power of attorney from the applicant.

37 C.F.R. §§2.33(a), 2.193(e)(1); TMEP §§611.03(a), 804.04; *see* 37 C.F.R. §§11.1, 11.14.

### **Option to Amend to Intent to Use Basis**

An application based on a bona fide intention to use the mark in commerce must include the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20:

*Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.*

15 U.S.C. §1051(b)(3)(B); 37 C.F.R. §2.34(a)(2); TMEP §806.01(b); *see* 37 C.F.R. §2.193(e)(1).

Applicant may submit a declaration online using the Trademark Electronic Application System (TEAS) response to Office action form at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). When in the screen of the TEAS response form wizard, answer “yes” to the wizard question relating to submitting a “signed declaration,” and follow the instructions within the form for signing. *See* 37 C.F.R. §§2.20, 2.33(a)-(b)(1), 2.193(a)-(e)(1); TMEP §§611.01(c), 804.01(b).

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- (1) Enter in the signature block any combination of letters, numbers, spaces and/or punctuation marks that the filer has adopted as a signature, placed between two forward slash (/) symbols (e.g., /john doe/);
- (2) E-mail the completed form from within TEAS to a second party for his/her electronic signature, which will then be automatically returned to the original preparer for submission with the form; or
- (3) Fill out the form online, print it in text format, and mail or fax it to the signatory who will sign the printed form in the traditional pen-and-ink manner. The signature portion, along with a declaration, if required, is then scanned to create a jpg or pdf image file and attached to the form for electronic submission.

*See* 37 C.F.R. §2.193(c); TMEP §611.01(c).

For each method, the proper signatory must personally sign or personally enter his/her electronic signature. *See* 37 C.F.R. §2.193(a); TMEP §§611.01(c), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(c).

The following persons are properly authorized to sign a verification or declaration on behalf of an applicant:

- (1) A person with legal authority to bind the applicant (e.g., a corporate officer or general partner);
- (2) A person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant; or
- (3) An authorized attorney who has an actual written or verbal power of attorney or an implied power of attorney from the applicant.

37 C.F.R. §§2.33(a), 2.193(e)(1); TMEP §§611.03(a), 804.04; *see* 37 C.F.R. §§11.1, 11.14.

### **RESPONDING TO THIS OFFICE ACTION**

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at <http://www.uspto.gov/trademarks/teas/index.jsp>.

If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at [http://www.uspto.gov/trademarks/teas/e\\_filing\\_tips.jsp](http://www.uspto.gov/trademarks/teas/e_filing_tips.jsp) and email technical questions to [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

### **TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE**

Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

/Eli J. Hellman/  
Trademark Examining Attorney  
United States Patent & Trademark Office  
Law Office 112  
(571) 272-8276  
eli.hellman@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** United Yacht Transport LLC ([alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 86031633 - UNITED YACHT TRANSPORT - N/A  
**Sent:** 11/23/2013 3:20:46 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **11/23/2013** FOR U.S. APPLICATION SERIAL NO. 86031633

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **11/23/2013** (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the**

**ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86031633
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 112
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	039
<b>DESCRIPTION</b>	Transport of Yachts by Boat
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 07/16/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/05/2013
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	039
<b>DESCRIPTION</b>	Transport of Yachts by Boat
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 07/16/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/05/2013
<b>STATEMENT TYPE</b>	<b>"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] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].</b>
<b>SPECIMEN FILE NAME(S)</b>	

<b>ORIGINAL PDF FILE</b>	<a href="#">SPU0-747186179-105206301 . Home - United Yacht Transport - Yacht Transport.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (4 pages)	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0004.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0005.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	The Specimen consists of the Internet Website of United Yacht Transport LLC showing United Yacht Transport and the Services to which the name relates.
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>DISCLAIMER</b>	No claim is made to the exclusive right to use Yacht Transport apart from the mark as shown.
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/Alexander J. Zimmer/
<b>SIGNATORY'S NAME</b>	Alexander J. Zimmer
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York
<b>SIGNATORY'S PHONE NUMBER</b>	9175533102
<b>DATE SIGNED</b>	05/19/2014
<b>RESPONSE SIGNATURE</b>	/Alexander J. Zimmer/
<b>SIGNATORY'S NAME</b>	Alexander J. Zimmer
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York
<b>SIGNATORY'S PHONE NUMBER</b>	9175533102
<b>DATE SIGNED</b>	05/19/2014
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Mon May 19 11:11:36 EDT 2014
<b>TEAS STAMP</b>	USPTO/ROA-74.71.86.179-20 140519111136516672-860316 33-5008f88b0deb9c7db90ac1 b1c4afb43b91ae3d1f7311d99 502f32471cdd23-N/A-N/A-20

**Response to Office Action**  
**To the Commissioner for Trademarks:**

Application serial no. **86031633** has been amended as follows:

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 039 for Transport of Yachts by Boat

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/16/2013 and first used in commerce at least as early as 08/05/2013 , and is now in use in such commerce.

**Proposed:** Class 039 for Transport of Yachts by Boat

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/16/2013 and first used in commerce at least as early as 08/05/2013 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 039 . The specimen(s) submitted consists of The Specimen consists of the Internet Website of United Yacht Transport LLC showing United Yacht Transport and the Services to which the name relates. .

**" 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] OR " The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use " [for an application based on Section 1(b) Intent-to-Use] .**

**Original PDF file:**

[SPU0-747186179-105206301 . Home - United Yacht Transport - Yacht Transport.pdf](#)

**Converted PDF file(s) ( 4 pages)**

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

**ADDITIONAL STATEMENTS**

**Disclaimer**

No claim is made to the exclusive right to use Yacht Transport apart from the mark as shown.

**SIGNATURE(S)****Declaration Signature**

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /Alexander J. Zimmer/ Date: 05/19/2014  
Signatory's Name: Alexander J. Zimmer  
Signatory's Position: Attorney of record, New York  
Signatory's Phone Number: 9175533102

**Response Signature**

Signature: /Alexander J. Zimmer/ Date: 05/19/2014  
Signatory's Name: Alexander J. Zimmer  
Signatory's Position: Attorney of record, New York

Signatory's Phone Number: 9175533102

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the

highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86031633

Internet Transmission Date: Mon May 19 11:11:36 EDT 2014

TEAS Stamp: USPTO/ROA-74.71.86.179-20140519111136516

672-86031633-5008f88b0deb9c7db90ac1b1c4a

fb43b91ae3d1f7311d99502f32471cdd23-N/A-N

/A-20140519105206301429



(<http://www.united-yacht.com/>)

**Request  
a Quote**

(/quote-request/)



Yacht transport and vessel shipping services with United Yacht Transport provide a global network of worldwide success. We are your leader in competitive shipping, pricing, services, and customer flexibility.

'Price Beat Guarantee' is our signature opportunity, and we look forward to meeting and exceeding your yacht transport expectations. United Yacht Transport provides safe, reliable and cost-effective vessel shipping. Our team puts client needs first and is the only company in the industry NOT requiring upfront deposits.

Yacht transport with us is a premiere experience while working with a safe, reliable, sophisticated team of transport specialists based out of Fort Lauderdale, Florida. United Yacht Transport shipping destinations include a worldwide global reach to North America, Mexico, the Caribbean, the Middle East, Asia and the Mediterranean. We look forward to servicing your transport needs.

## WHY CHOOSE UNITED YACHT TRANSPORT?

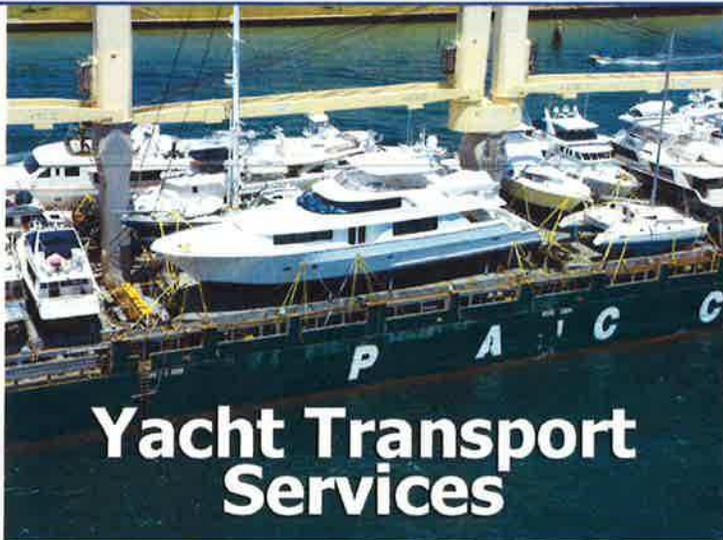
United Yacht Transport is the only carrier in the industry dedicated to providing each client with a 100% risk-free booking system.

- Price beat guarantee program.
- No deposit until your yacht is loaded aboard the vessel.
- Written confirmation from vessel owners that freight has been paid.
- Third-party escrow account for all financial transactions.
- Lloyd's of London cargo insurance policies.
- Confirmed vessels from established vessel owners.
- Daily email updates on vessel ETA.



[\(/yacht-transport/category/c12-destinations/\)](/yacht-transport/category/c12-destinations/)

## Destinations



[\(/us/\)](/us/)

## Yacht Transport Services



## United Yacht Transport

2830 Marina Mile Blvd. Suite 118 | Fort Lauderdale, FL 33312 | Phone: +1 954 383 4448

Designed by - Salty Dog Websites (<http://www.saltydogwebsites.com/>)



UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Jun 18, 2014

**NOTICE OF PUBLICATION**

1. Serial No.:  
86-031,633
2. Mark:  
UNITED YACHT TRANSPORT  
(STANDARD CHARACTER MARK)
3. International Class(es):  
39
4. Publication Date:  
Jul 8, 2014
5. Applicant:  
United Yacht Transport LLC

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the *Official Gazette* on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the *Official Gazette* containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: 202-512-1800

By direction of the Commissioner.

---

**Email Address(es):**

[alex@ajzimmerlaw.com](mailto:alex@ajzimmerlaw.com)

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 FIRST REQUEST FOR ADMISSIONS TO APPLICANT**

Opposer, SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V., by and through its undersigned counsel, pursuant to Rule 36 of the Federal Rules of Civil Procedure, hereby propounds the following Requests for Admissions, numbered 1 through 16, upon Applicant, UNITED YACHT TRANSPORT LLC., as follows:

**DEFINITIONS**

A. The entity "UNITED YACHT TRANSPORT LLC" referred to in the Requests for Admissions below means Applicant UNITED YACHT TRANSPORT LLC which filed the Application Serial No. 86031633 at issue in the instant Opposition Proceeding No. 91219179.

**REQUESTS FOR ADMISSIONS**

1. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT at any time in 2012.
2. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT in commerce at any time in 2012.

3. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT in commerce at any time in 2012 in connection with the transport of yachts by boat.
4. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT at any time prior to July 1, 2013.
5. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT in U.S. commerce at any time prior to July 1, 2013.
6. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT at any time prior to July 1, 2013 in connection with the transport of yachts by boat.
7. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT in commerce at any time prior to July 1, 2013 in connection with the transport of yachts by boat.
8. Admit that UNITED YACHT TRANSPORT LLC'S first use of the mark UNITED YACHT TRANSPORT in connection with the transport of yachts by boat was after August 7, 2013.
9. Admit that UNITED YACHT TRANSPORT LLC'S first use of the mark UNITED YACHT TRANSPORT in commerce was after August 7, 2013.
10. Admit that UNITED YACHT TRANSPORT LLC'S first use of the mark UNITED YACHT TRANSPORT in commerce in connection with the transport of yachts by boat was after August 7, 2013.
11. 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.

12. Admit that UNITED YACHT TRANSPORT LLC'S first use of the mark UNITED YACHT TRANSPORT in commerce was in the internet website <http://www.united-yacht.com>.

13. Admit that none of the photographs in the four specimens which UNITED YACHT TRANSPORT LLC filed in its *Response to Office Action* on May 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").

14. Admit that UNITED YACHT TRANSPORT LLC had no connection or involvement with the transport of the yacht pictured in Specimen 1 which UNITED YACHT TRANSPORT LLC filed in its *Response to Office Action* on May 19, 2014 with the United States Patent and Trademark Office. (For reference, a copy of Specimen 1 of UNITED YACHT TRANSPORT LLC's *Response to Office Action* is attached hereto as Exhibit "B")

15. Admit that UNITED YACHT TRANSPORT LLC had no connection or involvement with the transport of the yachts pictured in Specimen 3 which UNITED YACHT TRANSPORT LLC filed in its *Response to Office Action* on May 19, 2014 with the United States Patent and Trademark Office. (For reference, a copy of Specimen 3 of UNITED YACHT TRANSPORT LLC's *Response to Office Action* is attached hereto as Exhibit "C")

16. Admit that UNITED YACHT TRANSPORT LLC had no connection or involvement with the transport of the yachts pictured in Specimen 4 which UNITED YACHT TRANSPORT LLC filed in its *Response to Office Action* on May 19, 2014 with the United States Patent and Trademark Office. (For reference, a copy of Specimen 4 of UNITED YACHT TRANSPORT LLC's *Response to Office Action* is attached hereto as Exhibit "D")

Date: February 25, 2015

Respectfully submitted,

/s/ Sandra I. Tart

J. Michael Pennekamp

Fla. Bar No. 983454

Email: [jpennekamp@fowler-white.com](mailto:jpennekamp@fowler-white.com)

Sandra I. Tart

Fla. Bar No. 358134

Email: [start@fowler-white.com](mailto:start@fowler-white.com)

FOWLER WHITE BURNETT, P.A.  
Espirito Santo Plaza, Fourteenth Floor  
1395 Brickell Avenue  
Miami, Florida 33131  
Telephone: (305) 789-9200  
Facsimile: (305) 789-9201

*Counsel for Opposer*

**CERTIFICATE OF SERVICE**

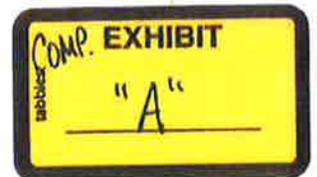
I hereby certify that a true and correct copy of the foregoing Opposer's First Request for Admissions to Applicant has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 25<sup>th</sup> day of February 2015, by email to [bhull@bushross.com](mailto:bhull@bushross.com) and by U.S. Mail to Bryan D. Hull, Esquire, Bush Ross, P.A., Post Office Box 3913, Tampa, FL 33601-3913.

/s/ Sandra I. Tart  
\_\_\_\_\_  
Sandra I. Tart

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86031633
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 112
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	039
<b>DESCRIPTION</b>	Transport of Yachts by Boat
<b>FILING BASIS</b>	Section 1(a)
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<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/05/2013
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	039
<b>DESCRIPTION</b>	Transport of Yachts by Boat
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 07/16/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/05/2013
<b>STATEMENT TYPE</b>	"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] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].
<b>SPECIMEN FILE NAME(S)</b>	



<b>ORIGINAL PDF FILE</b>	<u>SPU0-747186179-105206301 . Home - United Yacht Transport - Yacht Transport.pdf</u>
<b>CONVERTED PDF FILE(S)</b> (4 pages)	<u>\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0002.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0003.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0004.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0005.JPG</u>
<b>SPECIMEN DESCRIPTION</b>	The Specimen consists of the Internet Website of United Yacht Transport LLC showing United Yacht Transport and the Services to which the name relates.

**ADDITIONAL STATEMENTS SECTION**

<b>DISCLAIMER</b>	No claim is made to the exclusive right to use Yacht Transport apart from the mark as shown.
-------------------	--

**SIGNATURE SECTION**

<b>DECLARATION SIGNATURE</b>	/Alexander J. Zimmer/
<b>SIGNATORY'S NAME</b>	Alexander J. Zimmer
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York
<b>SIGNATORY'S PHONE NUMBER</b>	9175533102
<b>DATE SIGNED</b>	05/19/2014
<b>RESPONSE SIGNATURE</b>	/Alexander J. Zimmer/
<b>SIGNATORY'S NAME</b>	Alexander J. Zimmer
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York
<b>SIGNATORY'S PHONE NUMBER</b>	9175533102
<b>DATE SIGNED</b>	05/19/2014
<b>AUTHORIZED SIGNATORY</b>	YES

**FILING INFORMATION SECTION**

<b>SUBMIT DATE</b>	Mon May 19 11:11:36 EDT 2014
<b>TEAS STAMP</b>	USPTO/ROA-74.71.86.179-20 140519111136516672-860316 33-5008f88b0deb9c7db90ac1 b1c4afb43b91ae3d1f7311d99 502f32471cdd23-N/A-N/A-20

140519105206301429

U.S. Patent & Trademark Office  
1500 P Street, N.W., Washington, D.C. 20503

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **86031633** has been amended as follows:

#### CLASSIFICATION AND LISTING OF GOODS/SERVICES

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 039 for Transport of Yachts by Boat

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/16/2013 and first used in commerce at least as early as 08/05/2013 , and is now in use in such commerce.

**Proposed:** Class 039 for Transport of Yachts by Boat

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/16/2013 and first used in commerce at least as early as 08/05/2013 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 039 . The specimen(s) submitted consists of The Specimen consists of the Internet Website of United Yacht Transport LLC showing United Yacht Transport and the Services to which the name relates. .

**" 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] OR "**

**The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use " [for an application based on Section 1(b) Intent-to-Use] .**

**Original PDF file:**

[SPU0-747186179-105206301 . Home - United Yacht Transport - Yacht Transport.pdf](#)

**Converted PDF file(s) ( 4 pages)**

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

#### ADDITIONAL STATEMENTS

##### Disclaimer

No claim is made to the exclusive right to use Yacht Transport apart from the mark as shown.

**SIGNATURE(S)****Declaration Signature**

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /Alexander J. Zimmer/ Date: 05/19/2014

Signatory's Name: Alexander J. Zimmer

Signatory's Position: Attorney of record, New York

Signatory's Phone Number: 9175533102

**Response Signature**

Signature: /Alexander J. Zimmer/ Date: 05/19/2014

Signatory's Name: Alexander J. Zimmer

Signatory's Position: Attorney of record, New York

Signatory's Phone Number: 9175533102

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the

highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter; (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86031633

Internet Transmission Date: Mon May 19 11:11:36 EDT 2014

TEAS Stamp: USPTO/ROA-74.71.86.179-20140519111136516

672-86031633-5008f88b0deb9c7db90ac1b1c4a

fb43b91ae3d1f7311d99502f32471cdd23-N/A-N

/A-20140519105206301429



(<http://www.united-yacht.com/>)

**Request  
a Quote**

(/quote-request/)



Yacht transport and vessel shipping services with United Yacht Transport provide a global network of worldwide success. We are your leader in competitive shipping, pricing, services, and customer flexibility.

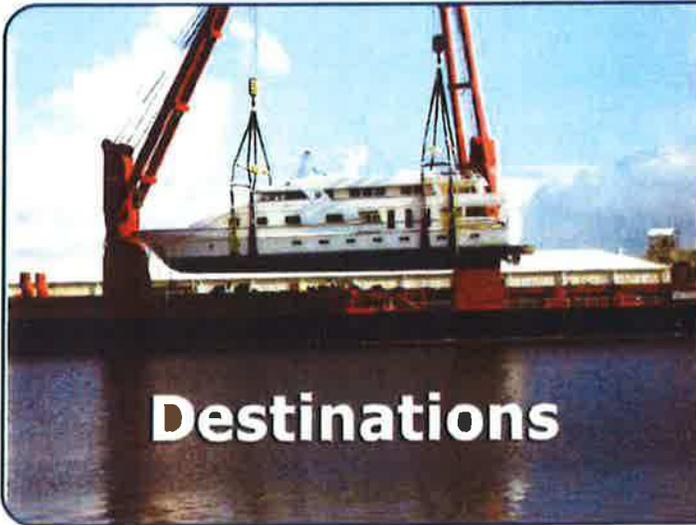
'Price Beat Guarantee' is our signature opportunity, and we look forward to meeting and exceeding your yacht transport expectations. United Yacht Transport provides safe, reliable and cost-effective vessel shipping. Our team puts client needs first and is the only company in the industry NOT requiring upfront deposits.

Yacht transport with us is a premiere experience while working with a safe, reliable, sophisticated team of transport specialists based out of Fort Lauderdale, Florida. United Yacht Transport shipping destinations include a worldwide global reach to North America, Mexico, the Caribbean, the Middle East, Asia and the Mediterranean. We look forward to servicing your transport needs.

## WHY CHOOSE UNITED YACHT TRANSPORT?

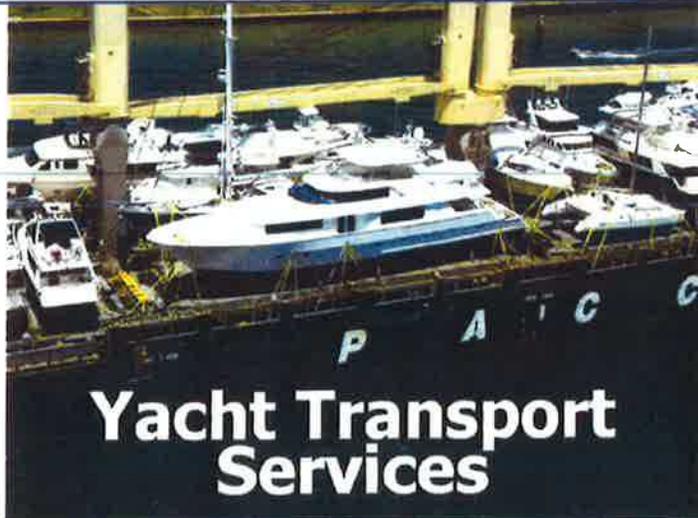
United Yacht Transport is the only carrier in the industry dedicated to providing each client with a 100% risk-free booking system.

- Price beat guarantee program.
- No deposit until your yacht is loaded aboard the vessel.
- Written confirmation from vessel owners that freight has been paid.
- Third-party escrow account for all financial transactions.
- Lloyd's of London cargo insurance policies.
- Confirmed vessels from established vessel owners.
- Daily email updates on vessel ETA.



(/yacht-transport/category/c12-destinations/)

## Destinations



(/us/)

## Yacht Transport Services



## United Yacht Transport

2830 Marina Mile Blvd. Suite 118 | Fort Lauderdale, FL 33312 | Phone: +1 954 383 4448

Designed by - Salty Dog Websites (<http://www.saltydogwebsites.com/>)



(<http://www.united-yacht.com/>)

**Request  
a Quote**

(/quote-request/)



Yacht transport and vessel shipping services with United Yacht Transport provide a global network of worldwide success. We are your leader in competitive shipping, pricing, services, and customer flexibility.

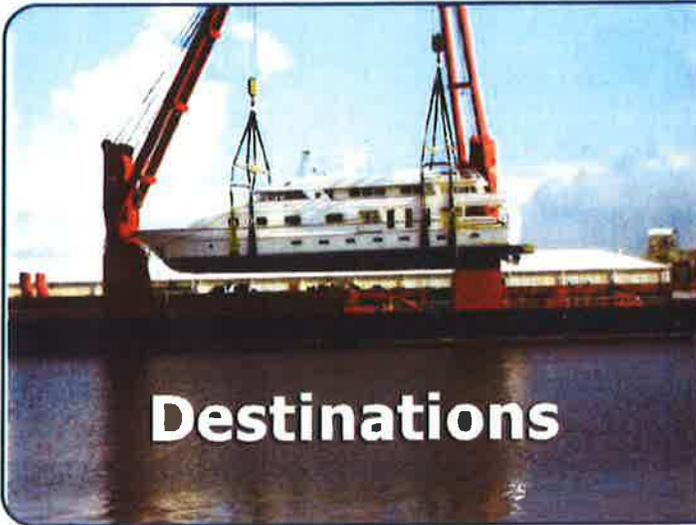
'Price Beat Guarantee' is our signature opportunity, and we look forward to meeting and exceeding your yacht transport expectations. United Yacht Transport provides safe, reliable and cost-effective vessel shipping. Our team puts client needs first and is the only company in the industry NOT requiring upfront deposits.

Yacht transport with us is a premiere experience while working with a safe, reliable, sophisticated team of transport specialists based out of Fort Lauderdale, Florida. United Yacht Transport shipping destinations include a worldwide global reach to North America, Mexico, the Caribbean, the Middle East, Asia and the Mediterranean. We look forward to servicing your transport needs.

**EXHIBIT**

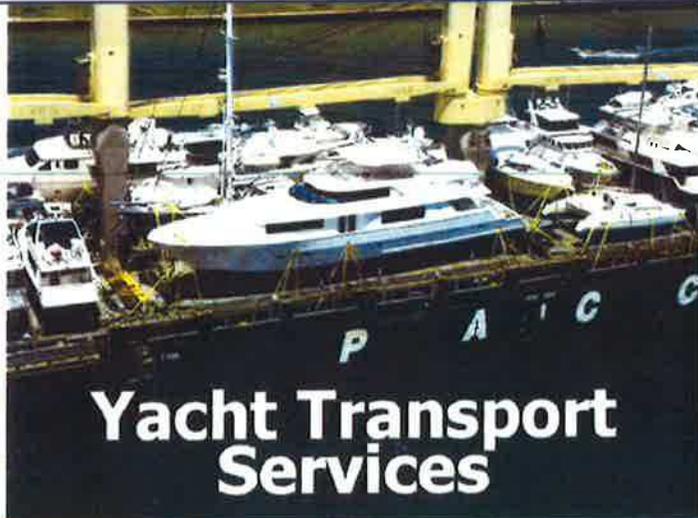
"B"

tabular



(/yacht-transport/category/c12-destinations/)

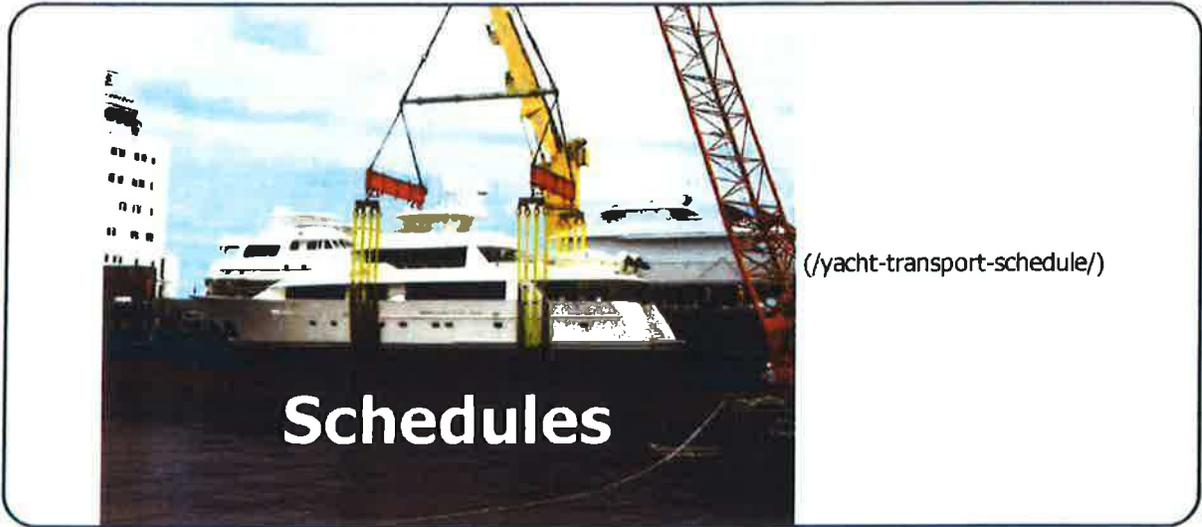
## Destinations



(/us/)

## Yacht Transport Services





## United Yacht Transport

2830 Marina Mile Blvd. Suite 118 | Fort Lauderdale, FL 33312 | Phone: +1 954 383 4448

Designed by - Salty Dog Websites (<http://www.saltydogwebsites.com/>)

2



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

**SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V.,**

**Opposer,**

**vs.**

**Opposition No. 91219179  
Serial No. 86031633**

**UNITED YACHT TRANSPORT LLC,**

**Applicant.**

---

**APPLICANT'S RESPONSE TO OPPOSER'S FIRST REQUEST FOR ADMISSIONS**

Applicant, UNITED YACHT TRANSPORT LLC, (“**United Yacht**”), by and through undersigned counsel, pursuant to Rule 36 of the Federal Rules of Civil Procedure, hereby responds to the First Request for Admissions to Applicant (“**Requests**”) served by Opposer, SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V. (“**Opposer**”), and states:

**RESPONSE REQUESTS FOR ADMISSION**

1. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT at any time in 2012.

**RESPONSE: Admit.**

2. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT in commerce at any time in 2012.

**RESPONSE: Admit.**

3. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT in commerce at any time in 2012 in connection with the transport of yachts by boat.

**RESPONSE: Admit.**

4. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT at any time prior to July 1, 2013.

**RESPONSE: Admit.**

5. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT in U.S. commerce at any time prior to July 1, 2013.

**RESPONSE: Admit.**

6. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT at any time prior to July 1, 2013 in connection with the transport of yachts by boat.

**RESPONSE: Admit.**

7. Admit that UNITED YACHT TRANSPORT LLC did not use the mark UNITED YACHT TRANSPORT in commerce at any time prior to July 1, 2013 in connection with the transport of yachts by boat.

**RESPONSE: Admit.**

8. Admit that UNITED YACHT TRANSPORT LLC'S first use of the mark UNITED YACHT TRANSPORT in connection with the transport of yachts by boat was after August 7, 2013.

**RESPONSE: Deny.**

9. Admit that UNITED YACHT TRANSPORT LLC'S first use of the mark UNITED YACHT TRANSPORT in commerce was after August 7, 2013.

**RESPONSE: Deny.**

10. Admit that UNITED YACHT TRANSPORT LLC'S first use of the mark UNITED YACHT TRANSPORT in commerce in connection with the transport of yachts by boat was after August 7, 2013.

**RESPONSE: Deny.**

11. 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.

**RESPONSE: Deny.**

12. Admit that UNITED YACHT TRANSPORT LLC'S first use of the mark UNITED YACHT TRANSPORT in commerce was in the internet website <http://www.united-yacht.com>.

**RESPONSE: Deny.**

13. Admit that none of the photographs in the four specimens which UNITED YACHT TRANSPORT LLC filed in its *Response to Office Action* on May 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").

**RESPONSE: Admit that the photographs do not show yacht transport services actually performed by United Yacht Transport LLC but demonstrate 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.**

14. Admit that UNITED YACHT TRANSPORT LLC had no connection or involvement with the transport of the yacht pictured in Specimen 1 which UNITED YACHT TRANSPORT LLC filed in its *Response to Office Action* on May 19, 2014 with the United States Patent and Trademark Office. (For reference, a copy of Specimen 1 of UNITED YACHT TRANSPORT LLC'S *Response to Office Action* is attached hereto as Exhibit "B").

**RESPONSE: Admit that United Yacht Transport LLC was not involved with the transport of the yacht pictured in Exhibit B. The photograph does 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.**

15. Admit that UNITED YACHT TRANSPORT LLC had no connection or involvement with the transport of the yachts pictured in Specimen 3 which UNITED YACHT TRANSPORT LLC filed in its *Response to Office Action* on May 19, 2014 with the United States Patent and Trademark Office. (For reference, a copy of Specimen 3 of UNITED YACHT TRANSPORT LLC'S *Response to Office Action* is attached hereto as Exhibit "C").

**RESPONSE: Admit that United Yacht Transport LLC was not involved with the transport of the yacht pictured in Exhibit C. The photograph does 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.**

16. Admit that UNITED YACHT TRANSPORT LLC had no connection or involvement with the transport of the yachts pictured in Specimen 4 which UNITED YACHT TRANSPORT LLC filed in its *Response to Office Action* on May 19, 2014 with the United States Patent and Trademark Office. (For reference, a copy of Specimen 4 of UNITED YACHT TRANSPORT LLC'S *Response to Office Action* is attached hereto as Exhibit "D").

**RESPONSE: Admit that United Yacht Transport LLC was not involved with the transport of the yacht pictured in Exhibit D. The photograph does 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 services.**

Dated: April 6, 2015

By: /s/ Bryan D. Hull  
Bryan D. Hull  
Florida Bar No. 20969  
[bhull@bushross.com](mailto:bhull@bushross.com)  
P. O. Box 3913  
Tampa, FL 33602  
(813) 224-9255  
(813) 223-9620 (fax)  
*Attorneys for United Yacht Transport, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Applicant's Response to Opposer's First Request for Admissions has been served on J. Michael Pennekamp and Sandra I. Tart by mailing said copy on April 6, 2015, via First Class Mail, postage prepaid to: J. Michael Pennekamp and Sandra I. Tart, FOWLER WHITE BURNETT, P.A., Espirito Santo Plaza, Fourteenth Floor, 1395 Brickell Avenue, Miami, Florida 33131, and by email to: [jpennekamp@fowler-white.com](mailto:jpennekamp@fowler-white.com) and [sttart@fowler-white.com](mailto:sttart@fowler-white.com).

Signature: /s/ Bryan D. Hull

Date: April 6, 2015

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 FIRST SET OF INTERROGATORIES TO APPLICANT**

Opposer, SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V., by and through its undersigned counsel, pursuant to Rule 33 of the Federal Rules of Civil Procedure, hereby propounds the following Interrogatories, numbered 1 through 20, upon Applicant United Yacht Transport LLC, to be answered under oath in accordance with said Rule.

Dated: April 17, 2015

Respectfully submitted,

/s/ Sandra I. Tart

J. Michael Pennekamp

Fla. Bar No. 983454

Email: [jpennekamp@fowler-white.com](mailto:jpennekamp@fowler-white.com)

Sandra I. Tart

Fla. Bar No. 358134

Email: [start@fowler-white.com](mailto:start@fowler-white.com)

FOWLER WHITE BURNETT, P.A.  
Espirito Santo Plaza, Fourteenth Floor  
1395 Brickell Avenue  
Miami, Florida 33131  
Telephone: (305) 789-9200  
Facsimile: (305) 789-9201  
*Counsel for Opposer*

**OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT**

**DEFINITIONS**

A. The words "you", "UNITED YACHT TRANSPORT LLC" and "Applicant" in the Interrogatories below means Applicant UNITED YACHT TRANSPORT LLC which filed the Application Serial No. 86031633 at issue in the instant Opposition Proceeding No. 91219179.

**INTERROGATORIES**

1. Describe the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT in commerce.

2. State the date that the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT in commerce occurred or took place.

3. Identify all persons who have knowledge of the activity or event which is identified in Applicant's answer to Interrogatory 1.

4. Identify and describe the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT.

5. State the date that the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT occurred or took place.

6. Identify all persons who have knowledge of the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT.

7. State the earliest or "first" date when Applicant's website was visible online or went "live" online.

8. State the earliest or "first" date that Applicant had any online presence, such as a website, blog, social media or Facebook page, and describe the online activity constituting Applicant's first online presence.

9. Identify all persons who have worked on any of Applicant's websites.

10. Identify all website services or programs used by Applicant to create any of Applicant's websites.

11. State the date that Applicant posted its first website online and fully describe the photos (if any) and text included in the website.

12. State the date that Applicant entered into a contract or agreement with Salty Dog Websites in connection with the design of any website for Applicant.

13. State the first date that the website specimen submitted by Applicant in its Response to Office Action was posted online. (A copy of Applicant's Response to Office Action is attached hereto as Exhibit "A" for reference).

14. State all facts which support Applicant's first affirmative defense set forth in its Answer to Notice of Opposition and identify all persons who have knowledge of such facts.

15. State all facts which support Applicant's second affirmative defense set forth in its Answer to Notice of Opposition and identify all persons who have knowledge of such facts.

16. State the first date that the specimen website pages submitted by Applicant in its Response to Office Action were posted online, "went live" online or were visible online. (See Exhibit "A" hereto).

17. Identify all persons with knowledge of the date that the specimen website pages submitted in Applicant's Response to Office Action first were posted online, first "went live" online or first were visible online. (See Exhibit "A" hereto).

18. Identify the persons who created the specimen website pages that Applicant submitted in Applicant's Response to Office Action. (See Exhibit "A" hereto).

19. State that earliest date in 2013 that Applicant entered into any contract with PACC Container Lines Pte. Ltd relating to the transport of yachts by boat and describe such agreement.

20. State the earliest date in 2013 that Applicant entered into a contract for the transport of a yacht by boat.

STATE OF FLORIDA )  
 )  
COUNTY OF \_\_\_\_\_ )

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by \_\_\_\_\_, personally known to me (or proved to me on the  
basis of satisfactory evidence) to be the persons who appeared before me.

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
Signature

**CERTIFICATE OF SERVICE**

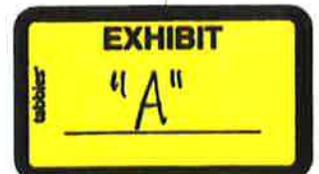
I hereby certify that a true and correct copy of the foregoing Opposer's First Set of Interrogatories to Applicant has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 17<sup>th</sup> day of April, by email to [bhull@bushross.com](mailto:bhull@bushross.com) and by U.S. Mail to Bryan D. Hull, Esquire, Bush Ross, P.A., Post Office Box 3913, Tampa, FL 33601-3913.

/s/ Sandra I. Tart  
\_\_\_\_\_  
Sandra I. Tart

## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	86031633
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 112
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	039
<b>DESCRIPTION</b>	Transport of Yachts by Boat
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 07/16/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/05/2013
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	039
<b>DESCRIPTION</b>	Transport of Yachts by Boat
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 07/16/2013
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 08/05/2013
<b>STATEMENT TYPE</b>	"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] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].
<b>SPECIMEN FILE NAME(S)</b>	



<b>ORIGINAL PDF FILE</b>	<u>SPU0-747186179-105206301 . Home - United Yacht Transport - Yacht Transport.pdf</u>
<b>CONVERTED PDF FILE(S)</b> (4 pages)	<u>\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0002.JPG</u>
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	<u>\\TICRS\EXPORT16\IMAGEOUT16\860\316\86031633\xml4\ROA0005.JPG</u>
<b>SPECIMEN DESCRIPTION</b>	The Specimen consists of the Internet Website of United Yacht Transport LLC showing United Yacht Transport and the Services to which the name relates.

#### ADDITIONAL STATEMENTS SECTION

<b>DISCLAIMER</b>	No claim is made to the exclusive right to use Yacht Transport apart from the mark as shown.
-------------------	--

#### SIGNATURE SECTION

<b>DECLARATION SIGNATURE</b>	/Alexander J. Zimmer/
<b>SIGNATORY'S NAME</b>	Alexander J. Zimmer
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York
<b>SIGNATORY'S PHONE NUMBER</b>	9175533102
<b>DATE SIGNED</b>	05/19/2014
<b>RESPONSE SIGNATURE</b>	/Alexander J. Zimmer/
<b>SIGNATORY'S NAME</b>	Alexander J. Zimmer
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York
<b>SIGNATORY'S PHONE NUMBER</b>	9175533102
<b>DATE SIGNED</b>	05/19/2014
<b>AUTHORIZED SIGNATORY</b>	YES

#### FILING INFORMATION SECTION

<b>SUBMIT DATE</b>	Mon May 19 11:11:36 EDT 2014
<b>TEAS STAMP</b>	USPTO/ROA-74.71.86.179-20 140519111136516672-860316 33-5008f88b0deb9c7db90ac1 b1c4afb43b91ae3d1f7311d99 502f32471cdd23-N/A-N/A-20

**Response to Office Action**  
**To the Commissioner for Trademarks:**

Application serial no. **86031633** has been amended as follows:

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 039 for Transport of Yachts by Boat

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/16/2013 and first used in commerce at least as early as 08/05/2013 , and is now in use in such commerce.

**Proposed:** Class 039 for Transport of Yachts by Boat

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 07/16/2013 and first used in commerce at least as early as 08/05/2013 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 039 . The specimen(s) submitted consists of The Specimen consists of the Internet Website of United Yacht Transport LLC showing United Yacht Transport and the Services to which the name relates. .

**" 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] OR "**

**The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use " [for an application based on Section 1(b) Intent-to-Use] .**

**Original PDF file:**

[SPU0-747186179-105206301 . Home - United Yacht Transport - Yacht Transport.pdf](#)

**Converted PDF file(s) ( 4 pages)**

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

**ADDITIONAL STATEMENTS**

**Disclaimer**

No claim is made to the exclusive right to use Yacht Transport apart from the mark as shown.

**SIGNATURE(S)****Declaration Signature**

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /Alexander J. Zimmer/ Date: 05/19/2014

Signatory's Name: Alexander J. Zimmer

Signatory's Position: Attorney of record, New York

Signatory's Phone Number: 9175533102

**Response Signature**

Signature: /Alexander J. Zimmer/ Date: 05/19/2014

Signatory's Name: Alexander J. Zimmer

Signatory's Position: Attorney of record, New York

Signatory's Phone Number: 9175533102

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the

highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86031633

Internet Transmission Date: Mon May 19 11:11:36 EDT 2014

TEAS Stamp: USPTO/ROA-74.71.86.179-20140519111136516

672-86031633-5008f88b0deb9c7db90ac1b1c4a

fb43b91ae3d1f7311d99502f32471cdd23-N/A-N

/A-20140519105206301429



(<http://www.united-yacht.com/>)

**Request  
a Quote**

(/quote-request/)



Yacht transport and vessel shipping services with United Yacht Transport provide a global network of worldwide success. We are your leader in competitive shipping, pricing, services, and customer flexibility.

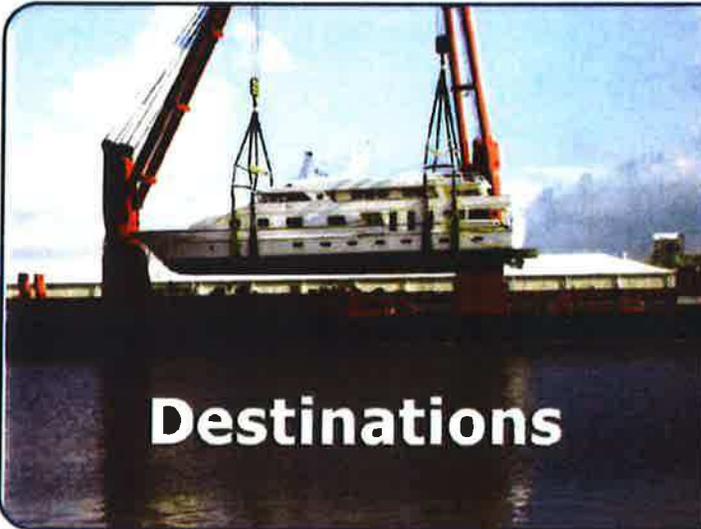
'Price Beat Guarantee' is our signature opportunity, and we look forward to meeting and exceeding your yacht transport expectations. United Yacht Transport provides safe, reliable and cost-effective vessel shipping. Our team puts client needs first and is the only company in the industry NOT requiring upfront deposits.

Yacht transport with us is a premiere experience while working with a safe, reliable, sophisticated team of transport specialists based out of Fort Lauderdale, Florida. United Yacht Transport shipping destinations include a worldwide global reach to North America, Mexico, the Caribbean, the Middle East, Asia and the Mediterranean. We look forward to servicing your transport needs.

## WHY CHOOSE UNITED YACHT TRANSPORT?

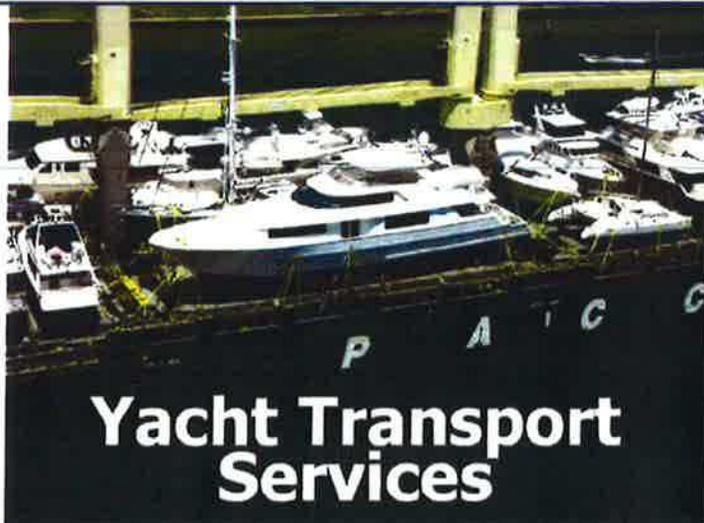
United Yacht Transport is the only carrier in the industry dedicated to providing each client with a 100% risk-free booking system.

- Price beat guarantee program.
- No deposit until your yacht is loaded aboard the vessel.
- Written confirmation from vessel owners that freight has been paid.
- Third-party escrow account for all financial transactions.
- Lloyd's of London cargo insurance policies.
- Confirmed vessels from established vessel owners.
- Daily email updates on vessel ETA.



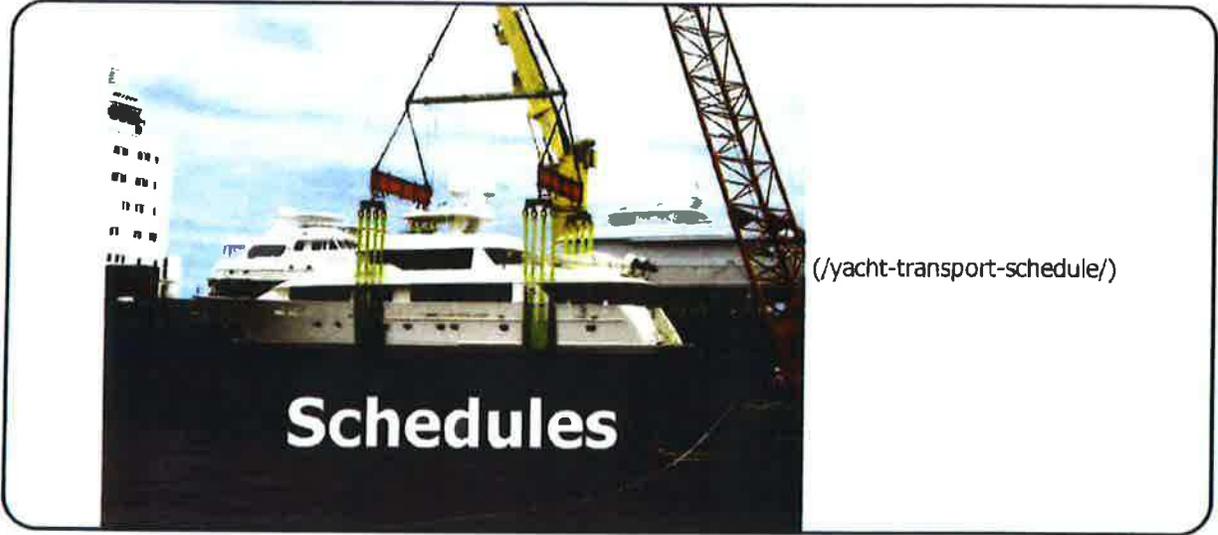
(/yacht-transport/category/c12-destinations/)

## Destinations



(/us/)

## Yacht Transport Services



## United Yacht Transport

2830 Marina Mile Blvd. Suite 118 | Fort Lauderdale, FL 33312 | Phone: +1 954 383 4448

Designed by - Salty Dog Websites (<http://www.saltydogwebsites.com/>)

ESTTA Tracking number: **ESTTA668079**

Filing date: **04/22/2015**

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

Proceeding	91219179
Party	Defendant United Yacht Transport LLC dba United Yacht Transport
Correspondence Address	BRYAN D HULL BUSH ROSS PA PO BOX 3913 TAMPA, FL 33602 UNITED STATES bhull@bushross.com, avianueva@bushross.com, jprobasco@bushross.com, rsterns@bushross.com, ebishop@bushross.com
Submission	Other Motions/Papers
Filer's Name	Bryan D. Hull
Filer's e-mail	bhull@bushross.com
Signature	/Bryan D. Hull/
Date	04/22/2015
Attachments	Applicant_s_motion_to_amend_application_pdf.PDF(86573 bytes ) Verified_statement_of_Haber.PDF(525146 bytes )

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

**SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V.,**

**Opposer,**

**vs.**

**Opposition No. 91219179  
Serial No. 86031633**

**UNITED YACHT TRANSPORT LLC,**

**Applicant.**

---

**APPLICANT'S MOTION FOR LEAVE TO AMEND APPLICATION**

Applicant, United Yacht Transport LLC, moves for leave to amend the filing basis of its application, Serial No. 86031633, from Section 1(a) of the Trademark Act to Section 1(b) and states:

United Yacht Transport LLC is in the business of providing regular yacht transportation services by boat. On August 7, 2013, United Yacht Transport LLC filed an application to register the mark UNITED YACHT TRANSPORT in connection with the "transport of yachts by boat" under Section 1(a) of the Trademark Act. United Yacht Transport LLC has since determined that the application is appropriately presented under Section 1(b). Accordingly, pursuant to 37 C.F.R. § 2.133(a), United Yacht Transport LLC respectfully requests leave to amend the basis of its application from Section 1(a) to Section 1(b).

Given the filing of its original application, United Yacht Transport LLC is presumed to have a continuing valid basis, and therefore, the amended application will retain the original filing date. 37 C.F.R. § 2.35(b)(3); TMEP § 806.03(c). Further, in accordance with 37 C.F.R. § 2.34(a)(2), United Yacht Transport LLC has submitted the verified statement of its president which avers the bona fide intention to use the mark in commerce as of the date of the initial

filing, August 7, 2013, that the bona fide intention has been continuous, and that the mark is currently being used in commerce in connection with the services identified in the application.

The amendment is just and proper and should be allowed under the circumstances. Opposer does not stand to suffer prejudice as this proceeding remains in the discovery phase and the substantive issue—whether Opposer or its predecessors abandoned the mark—is unaffected by the amendment. Indeed, the Board has allowed such amendments even after ruling on summary judgment motions. *See, e.g., Karsten Mfg. Corp. v. Editoy AG*, 79 USPQ2d 1783 (TTAB 2006).

The undersigned has conferred with Opposer's counsel by email on April 10, 2015 and by telephone on April 13, 2015. Opposer's counsel stated that she opposes the relief requested in this motion.

WHEREFORE, United Yacht Transport LLC respectfully requests leave to amend the filing basis of its application, Serial No. 86031633, from Section 1(a) of the Trademark Act to Section 1(b).

Respectfully submitted,

BUSH ROSS, P.A.

Dated: April 22, 2015

By: /s/Bryan D. Hull

Bryan D. Hull

Florida Bar No. 20969

[bhull@bushross.com](mailto:bhull@bushross.com)

P. O. Box 3913

Tampa, FL 33602

(813) 224-9255

(813) 223-9620 (fax)

*Attorneys for United Yacht Transport, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Answer has been served on J. Michael Pennekamp and Sandra I. Tart by mailing said copy on April 22, 2015, via First Class Mail, postage prepaid to: J. Michael Pennekamp and Sandra I. Tart, FOWLER WHITE BURNETT, P.A., Espirito Santo Plaza, Fourteenth Floor, 1395 Brickell Avenue, Miami, Florida 33131, and by email to: [jpennekamp@fowler-white.com](mailto:jpennekamp@fowler-white.com) and [start@fowler-white.com](mailto:start@fowler-white.com).

Signature: /s/ Bryan D. Hull  
Date: April 22, 2015

**VERIFIED STATEMENT**

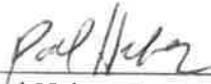
Mark: UNITED YACHT TRANSPORT  
Serial No.: 86031633  
Filed: August 7, 2013  
Applicant: United Yacht Transport, LLC

Applicant has previously requested registration of the mark identified above for the transport of yachts by boat.

The undersigned states that the Applicant had a bona fide intention to use the UNITED YACHT TRANSPORT mark in commerce in connection with the transport of yachts by boat as of August 7, 2013, the filing date of the above-identified application. The undersigned further states that the Applicant has continuously had a bona fide intention to use, and in fact has been using, the applied-for mark in commerce in connection with the services identified in the application.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that he is properly authorized to execute this verified statement on behalf of the Applicant; that all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

United Yacht Transport, LLC

By:   
Paul Haber, President

Dated: April 10, 2015

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

SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V.,

Opposer,

vs.

Opposition No. 91219179  
Serial No. 86031633

UNITED YACHT TRANSPORT LLC,

Applicant.

APPLICANT UNITED YACHT TRANSPORT LLC'S UNVERIFIED  
RESPONSES TO OPPOSER SPLIETHOFF FIRST SET OF INTERROGATORIES

Applicant, United Yacht Transport LLC, by and through its undersigned counsel, pursuant to Rule 33 of the Federal Rules of Civil Procedure responds to Opposer's First Set of Interrogatories, numbered 1 through 20, in accordance with said Rule.

Respectfully submitted,

BUSH ROSS, P.A.

Dated: May 29, 2015

By: /s/ Bryan D. Hull

Bryan D. Hull  
Florida Bar No. 20969  
Primary: bhull@bushross.com  
Secondary: avianueva@bushross.com  
P. O. Box 3913  
Tampa, FL 33602  
(813) 224-9255  
(813) 223-9620 (fax)  
*Attorneys for United Yacht Transport, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing have been served on J. Michael Pennekamp and Sandra I. Tart by mailing said copy on May 29, 2015, via First Class Mail, postage prepaid to: J. Michael Pennekamp and Sandra I. Tart, FOWLER WHITE BURNETT, P.A., Espirito Santo Plaza, Fourteenth Floor, 1395 Brickell Avenue, Miami, Florida 33131, and by email to: [jpennekamp@fowler-white.com](mailto:jpennekamp@fowler-white.com) and [start@fowler-white.com](mailto:start@fowler-white.com).

Signature:     /s/ Bryan D. Hull    

Date: May 29, 2015

## INTERROGATORIES

1. Describe the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT in commerce.

**RESPONSE:** At the time United Yacht Transport (hereinafter "UYT") filed its application for the mark, UYT based its first use of the mark in commerce on the existence of its website online. UYT has moved to amend the basis of its application to section 1(b), and UYT is claiming its first use of the mark in commerce occurred with the first signed contract for its services using the mark.

2. State the date that the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT in commerce occurred or took place.

**RESPONSE:** UYT's website was available online on August 2, 2013. UYT's first signed contract was August 22, 2013.

3. Identify all persons who have knowledge of the activity or event which is identified in Applicant's answer to Interrogatory 1.

**RESPONSE:** Paul Haber  
Gail Ryan  
Dennis Cummings  
Kevin Cummings

4. Identify and describe the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT.

**RESPONSE:** Filing the Limited Liability Company Certificate of Formation with the State of Delaware

5. State the date that the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT occurred or took place.

**RESPONSE:** July 16, 2013

6. Identify all persons who have knowledge of the activity or event which Applicant claims constituted Applicant's first use of the mark UNITED YACHT TRANSPORT.

**RESPONSE:** Paul Haber  
Michael Uhr  
Alex Zimmer

7. State the earliest or "first" date when Applicant's website was visible online or went "live" online.

**RESPONSE:** August 2, 2013

8. State the earliest or "first" date that Applicant had any online presence, such as a website, blog, social media or Facebook page, and describe the online activity constituting Applicant's first online presences.

**RESPONSE:** See response to number 7.

9. Identify all persons who have worked on any of the Applicant's websites.

**RESPONSE:** John Nicolazzo  
Dennis Cummings  
Dawny Pack

10. Identify all website services or programs used by Applicant to create any of Applicant's websites.

**RESPONSE:** Wix and WordPress

11. State the date that Applicant posted its first website online and fully describe the photos (if any) and text included in the website.

**RESPONSE:** August 2, 2013. The website included historical photos of yachts being loaded onto ships and yachts being transported by ship to show the services UYT offers and performs. The website included information on the services UYT provides, contact information, and a means of obtaining a quote.

12. State the date that Applicant entered into a contract or agreement with Salty Dog Websites in connection with the design of any website for Applicant.

**RESPONSE:** March 11, 2014

13. State the first date that the website specimen submitted by Applicant in its Responses to Office Action was posted online. (A copy of Applicant's Response to Office Action is attached hereto as Exhibit "A" for reference).

**RESPONSE:** Late March of 2014

14. State all facts which support Applicant's first affirmative defense set forth in its Answer to Notice of Opposition and identify all persons who have knowledge of such facts.

**RESPONSE:** United Yacht Transport (USA) Inc. changed its name to Dockwise Yacht Transport (USA) Inc. in 2000. After that, Dockwise Yacht Transport (USA) Inc. and Dockwise Yacht Transport LLC stopped using the “United Yacht Transport” mark in commerce and have not made a bona fide use of the mark in commerce since then. To UYT’s knowledge, Dockwise Yacht Transport (USA) Inc. and Dockwise Yacht Transport LLC have not done anything to show that they ever intended to resume use of the mark.

The persons that have knowledge of these facts include Paul Haber, Clemens van der Werf, Andre Goedee, Peter Wit, Steven Byle and Catalina Bujor.

15. State all facts which support Applicant’s second affirmative defense set forth in with its Answer to Notice of Opposition and identify all persons who have knowledge of such facts.

**RESPONSE:** Any use of the United Yacht Transport mark after it was abandoned was not a bona fide and continuous use of the mark in commerce. To UYT’s knowledge, Spliethoff’s Bevrachtingskantoor B.V. and Sevenstar Yacht Transport have never used the “United Yacht Transport” mark in commerce. Employees of Spliethoff’s Bevrachtingskantoor B.V. and Sevenstar Yacht Transport have made numerous defamatory statements about “United Yacht Transport” to current or potential customers and disavowed any relationship with “United Yacht Transport.”

The persons that have knowledge of these facts include Paul Haber, Clemens van der Werf, Jeff Last, Jay Jones, Jan Maarten Boissevain, Lauren Hartman, Uta Scarlata, Richard Klabbers, Astrid Schulte, Catalina Bujor, and Dawny Pack.

16. State the first date that the specimen website pages submitted by Applicant in its Response to Office Action were posted online, “went live” online or were visible online. (See Exhibit “A” hereto).

**RESPONSE:** See response to number 13.

17. Identify all persons with knowledge of the date that the specimen website pages submitted in Applicant’s Response to Office Action first were posted online, first “went live” online or first were visible online. (See Exhibit “A” hereto).

**RESPONSE:** Paul Haber and Dawny Pack

18. Identify the persons who created the specimen website pages that Applicant submitted in Applicant's Response to Office Action. (See Exhibit "A" hereto).

**RESPONSE:** Dawny Pack

19. State that earliest date in 2013 that Applicant entered into any contract with PACC Container Lines Pte. Ltd relating to the transport of yachts by boat and describe such agreement.

**RESPONSE:** UYT and PACC reached an oral understanding to work together in August 2013. The First Charter Party was dated October 3, 2013.

20. State the earliest date in 2013 that Applicant entered into a contract for the transport of a yacht by boat.

**RESPONSE:** August 22, 2013

United Yacht Transport, LLC

By: \_\_\_\_\_  
Paul Haber  
Its \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who appeared before me.

\_\_\_\_\_  
(Seal)

\_\_\_\_\_  
(Signature)