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

Proceeding	91219179
Party	Plaintiff Spliethoff's Bevrachtungskantoor B.V.
Correspondence Address	J MICHAEL PENNEKAMP FOWLER WHITE BURNETT PA 1395 BRICKELL AVENUE, ESPIRITO SANTO LPAZA, 14TH FLOOR 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
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Signature	/J. Michael Pennekamp/
Date	07/14/2016
Attachments	Opposer M Reconsider 6.16.16 Order.pdf(41713 bytes) Exhibits 1 - 9 to Opposer M Reconsideration of Order.pdf(1993679 bytes)

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

Opposition No. 91219179

Serial No. 86031633

SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V.,

Opposer,

v.

UNITED YACHT TRANSPORT LLC.,

Applicant.

**OPPOSER SPLIETHOFF'S OPPOSED MOTION FOR
RECONSIDERATION/CLARIFICATION OF SCOPE
OF JUNE 16, 2016 SUSPENSION ORDER AND
SUPPORTING MEMORANDUM OF LAW**

MOTION

Opposer SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V. ("Spliethoff"), by and through its undersigned counsel, hereby moves the Trademark Trial and Appeal Board to reconsider and/or clarify the scope of the Order entered on June 16, 2016 suspending the proceedings herein pursuant to Trademark Rule Trademark Rule 2.124(d)(2) (the "Order"). The Order was entered the day after Applicant UNITED YACHT TRANSPORT ("UYT") filed a Consent Motion to Extend Discovery Period, or in the Alternative, Opposed Motion to Suspend and a Notice of Taking Deposition Upon Written Questions of non-party Andre Goedee, a resident of The Netherlands. Applicant UYT opposes the instant Motion.

In further support of this Motion, Spliethoff respectfully submits the following Memorandum of Law.

MEMORANDUM OF LAW

A. INTRODUCTION

Applicant has noticed the deposition on written questions of Andre Goedee ("Goedee"), a resident of The Netherlands and the former CEO of Dockwise, a Netherlands company. Applicant proposes to take Goedee's deposition on written questions pursuant to the "letter of request" procedure established by the Hague Convention.¹ It is clear from Applicant's list of written deposition questions for Goedee that this discovery exclusively relates to Opposer's pleaded opposition ground that Spliethoff has rights in the Mark superior those of Applicant based upon the prior use of the Mark by Dockwise, Spliethoff's predecessor. (See Applicant's question list for Goedee attached hereto as Composite Exhibit "1"). It also is evident from Applicant's question list that Applicant's proposed deposition on written questions of foreign non-party Andre Goedee is unrelated to Spliethoff's pleaded opposition grounds of fraud and void *ab initio* and also unrelated to the proposed opposition ground of "unlawful use" which is the subject of Spliethoff's Motion for Leave to File Third Amended Notice of Opposition filed on June 7, 2016 ("Motion for Leave to Amend").

Spliethoff asks the Trademark Board to exercise its discretion under TBMP § 404.07(b) and its inherent authority to narrow the scope of the June 16, 2016 Order. It is unnecessary to suspend all

¹ Discovery of a foreign non-party under the Hague Convention pursuant to a "letter of request" is very similar in nature to a letter rogatory. See TBMP § 404.03(c)(2). Both procedures have been described as "cumbersome and not necessarily effective." *Galaxy Metal Gear, Inv. v. Direct Access Technology, Inc.*, 91 USPQ2d 1859, 1862 and n. 5 ("... there is no certain procedure for obtaining the trial testimony deposition of a nonparty who resides in a foreign country and is not willing to appear voluntarily, whether the deposition sought is intended to be taken orally or upon written questions."). Accordingly, we can anticipate a lengthy delay of months or longer for Applicant's proposed discovery to foreign non-parties to be completed. See TBMP § 404.03(c)(2)(description of the lengthy steps involved for letters rogatory or letters of request under the Hague Convention to obtain discovery of a foreign non-party).

proceedings herein while Applicant pursues its deposition on written questions of former Dockwise CEO, Andre Goedee. Moreover, Spliethoff would be prejudiced if it were delayed from moving forward with discovery and motions regarding its unrelated opposition grounds during the indefinite and likely lengthy time period required for Applicant's proposed discovery of Dockwise (document discovery) Goedee (deposition on written questions) under the Hague Convention to be completed. Granting the instant Motion to narrow the scope of the Order would not in any way prejudice Applicant.

Spliethoff's Motion for Leave to Amend is now fully briefed. (DE 26, DE 32 and DE 36). This Motion is unrelated to Applicant's proposed international discovery of Dockwise and Goedee. Therefore, Spliethoff asks the Trademark Board to consider and issue a ruling granting Spliethoff's pending Motion for Leave to Amend and, in the exercise of its discretion under TBMP § 404.07(b), and its inherent authority, to reconsider and/or clarify the June 16, 2016 Order so as to permit Spliethoff to pursue discovery, and file motions (discovery, dispositive or other) concerning Spliethoff's pleaded and proposed opposition grounds (fraud, void *ab initio*, and "unlawful use") which are unrelated to Applicant's proposed discovery under the Hague Convention of Dockwise and Goedee.

B. ARGUMENT

Spliethoff's Second Amended Notice of Opposition filed on March 1, 2016 (DE 23), sets forth the following grounds for opposition:

- (a) fraud;
- (b) absence of use of the Mark by United prior to the filing of the subject Application – void *ab initio*; and
- (c) priority of use of the Mark by Spliethoff's predecessor Dockwise and likelihood of confusion.

On June 7, 2016, Spliethoff filed its Motion for Leave to Amend in order to add the opposition ground of "unlawful use" premised upon Applicant's operations prior to February 2016 as an unlicensed "ocean transport intermediary" in violation of the Shipping Act of 1984 (DE 26). Applicant filed its Opposition on June 22, 2016 (DE 32) and Spliethoff filed its Reply on July 4, 2016 (DE 36). The Motion for Leave to Amend is ripe for decision.

On June 15, 2016, Applicant filed a Consent Motion to Extend Discovery Period, or in the Alternative, Opposed Motion to Suspend Proceedings (DE 29). As set forth in Applicant's Motion, Applicant proposes to undertake "international discovery" of documents from Dockwise, Ltd. (a company located in The Netherlands) and a deposition upon written questions of Dockwise's former CEO, Andre Goedee. (Applicant's Motion, ¶¶ 1 and 4). Spliethoff agreed to a 90-day extension of discovery and other pretrial deadlines but opposed suspension of this proceeding. (Applicant's Motion, ¶ 1 and Certificate of Good Faith Conference).

On June 16, 2016, an Order was entered which stated: "Proceedings are suspended pursuant to Trademark Rule 2.124(d)(2) in order to allow the parties sufficient time in which to complete the discovery deposition on written questions of Andre Goedee." (DE 31) This Order was entered less than 12 hours after Applicant's Motion was filed and without providing Spliethoff an opportunity to advise the Trademark Board of the reasons why Spliethoff opposed suspension of the proceedings for the uncertain duration of Applicant's proposed discovery of foreign non-parties under the Hague Convention.

Trademark Rule 2.124(d)(2) offers the Board the option to "suspend or reschedule other proceedings in the matter" in order to "allow for the orderly completion of ... depositions upon

written questions." This Rule does not require the Board to halt the entire proceeding because a party wishes to take a deposition upon written questions.

TBMP § 404.07(b) states:

The question whether to suspend discovery activities unrelated to a proposed discovery deposition on written questions, or to allow other discovery activities to proceed, is a matter left to the Board's exercise of its discretion to schedule matters before it.

Applicant's proposed discovery of Dockwise and its former CEO (Goedee) under the Hague Convention is unrelated to Spliethoff's pleaded opposition grounds of fraud or *void ab initio* and likewise unrelated to Spliethoff's proposed opposition ground of "unlawful use." Applicant's list of written questions for Goedee, set forth in Composite Exhibit "1" hereto, only seeks information relating to Spliethoff's pleaded opposition ground of prior use of the Mark by Spliethoff's predecessor, Dockwise.

Spliethoff served written discovery upon Applicant in November 2015 and in March and April 2016 and Applicant raised objections to a substantial number of the requests. A copy of Spliethoff's requests for admissions, interrogatories and document requests to which Applicant has objected (in substantial part) are attached hereto as Exhibit "2" – "9". This written discovery propounded by Spliethoff seeks information relating to Spliethoff's pleaded opposition grounds of fraud and lack of use by Applicant prior to filing (*void ab initio*) and to Spliethoff's proposed opposition ground of "unlawful use."² On May 31, 2016, counsel for the parties conferred in good

² Spliethoff served written discovery on Applicant regarding its proposed "unlawful use" opposition ground on March 25, 2016, April 7, 2016 and April 22, 2016. Applicant objected on relevancy grounds and its counsel confirmed in counsel's discovery conference on May 31, 2016 that Applicant would stand on such objections. Shortly thereafter, on June 7, 2016, Spliethoff filed its Motion for Leave to Amend to add the opposition ground of "unlawful use" and submitted evidence from the Federal Maritime Commission in support thereof.

faith to review Applicant's objections to Spliethoff's written discovery. Applicant's objections to the following discovery by Spliethoff were not resolved:

Opposer's Second Set of Interrogatories: ## 28 – 31

Opposer's Third Set of Interrogatories: ## 32 and 33

Opposer's Fourth Set of Interrogatories: ## 35 – 41

Opposer's Second Request for Admissions: ## 20 – 44

Opposer's Third Request for Admissions: ALL (## 56 – 67)

Opposer's Second Request for Production: ## 13 - 19, 24 – 25, 27 – 29,
31, 34, 39 – 43

Opposer's Third Request for Production: ## 2 – 4

Opposer's Fourth Request for Production: ALL (## 1 – 18)

It would not interfere with the "orderly completion" of Applicant's proposed deposition on written questions of foreign non-party Goedee for Spliethoff to be permitted to move to compel answers to its outstanding written discovery regarding its "unrelated" opposition grounds – specifically the grounds of fraud and void *ab initio* set forth in its Second Amended Notice of Opposition – and, if amendment is granted, Spliethoff's proposed opposition ground of "unlawful use" or to seek additional discovery regarding these opposition grounds. It also would not interfere with Applicant's proposed international discovery for Spliethoff to be permitted to move forward with the filing of a motion for summary judgment on any opposition ground other than its opposition based on allegations of Dockwise's prior use of the Mark. Spliethoff's opposition grounds of fraud and void *ab initio* and proposed opposition ground of "unlawful use" are premised upon Applicant's own knowledge and activities and are wholly unrelated to the evidence that Applicant seeks to obtain from Dockwise and Goedee concerning Dockwise's prior use of the Mark.

The June 16, 2016 Order based upon Trademark Rule 2.124(d)(2) appears to suspend all activity in this proceeding. An Order of such breadth is not needed to ensure the "orderly completion" of Applicant's proposed deposition on written questions of foreign non-party Goedee. Since it is likely to take many months (or longer) for any foreign discovery from Mr. Goedee to be returned and Spliethoff has asserted opposition grounds (fraud, void *ab initio*) and moved to amend to assert another opposition ground (unlawful use), which are independent bases for registration of the subject Application to be refused, a "blanket" suspension Order halting all activity in this proceeding is unnecessarily restrictive and prejudicial to Spliethoff.

It is within the Board's discretion and inherent power to control the scheduling of cases on its docket in furtherance of policy goals of promoting fair and efficient adjudication. Pursuant to Trademark Rule 2.124(d)(2) and TBMP § 404.07(b), and its inherent authority, the Board has the discretion to allow Spliethoff to continue pursuit of its own discovery relative to opposition grounds which are unrelated to Applicant's planned deposition on written questions of Goedee. Granting the relief sought by the instant Motion would not result in any prejudice to Applicant. To the contrary, to permit the June 16, 2016 Order to stand "as is," would stop all forward progress in this proceeding for an indefinite and lengthy time period and unfairly "hamstring" Spliethoff from completing its discovery and filing motions in this case regarding opposition grounds that are unrelated to Applicant's proposed discovery of Dockwise and Goedee under the Hague Convention.

C. CONCLUSION

For the foregoing reasons and authorities, Spliethoff respectfully requests the Board to issue a ruling granting Spliethoff's Motion for Leave to Amend filed on June 7, 2016 and to reconsider and/or clarify the scope of the June 16, 2016 Order so as to permit Spliethoff to pursue discovery, and file motions (discovery, dispositive or other) which are relevant to Spliethoff's pleaded

opposition grounds of fraud and void *ab initio* and, if amendment is permitted, to its proposed
opposition ground of "unlawful use."

Dated: July 14, 2016

Respectfully submitted,

/s/ J. Michael Pennekamp

J. Michael Pennekamp

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Sandra I. Tart

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Counsel for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer Spliethoff's Opposed Motion for Reconsideration/Clarification of Scope of June 16, 2016 Suspension Order and Supporting Memorandum of Law has been e-filed with the USPTO via ESTTA and served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, by email to bhull@bushross.com, this 14th day of July, 2016.

/s/ Sandra I. Tart

Sandra I. Tart

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

SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V.,

Opposer,

vs.

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

UNITED YACHT TRANSPORT LLC,

Applicant.

NOTICE OF TAKING DEPOSITION UPON WRITTEN QUESTIONS

To: J. Michael Pennekamp, Esq.
Sandra I. Tart, Esq.
Fowler White Burnett, P.A.
Espirito Santo Plaza, Fourteenth Floor
1395 Brickell Avenue
Miami, FL 33131

PLEASE TAKE NOTICE that the attached questions will be propounded on Applicant's behalf to André Goedée, SIF Group B.V., Mijnheerkensweg 33, 6041 TA Roermond, The Netherlands, at the taking of his deposition before the judicial authority designated by the Netherlands Court pursuant to Applicant's Request for International Judicial Assistance Pursuant to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.

Dated: June 15, 2016

/s/ Bryan D. Hull
Bryan D. Hull, Esq.
Florida Bar No. 20969
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BUSH ROSS, P.A.
P.O. Box 3913
Tampa, FL 33601-3913
(813) 224-9255
(813) 223-9620 (facsimile)
Attorney for the Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon J. Michael Pennekamp, Esq. (jpennekamp@fowler-white.com) and to Sandra I. Tart, Esq. (start@fowler-white.com), by electronic mail and U.S. Mail, J. Michael Pennekamp, Esq., Sandra I. Tart, Esq., FOWER WHITE BURNETT, P.A., Espirito Santo Plaza, Fourteenth Floor, 1395 Brickell Avenue, Miami, FL 33131.

Signature: /s/ Bryan D. Hull

Date: June 15, 2016

EXHIBIT A– TESTIMONY REQUEST

ANDRÉ GOEDÉE

QUESTIONS:

- 1) Please state your name. Where are you currently employed?
- 2) Were you previously employed by Dockwise Ltd.?
- 3) When were you employed by Dockwise Ltd., and what positions did you have?
- 4) Was Dockwise Yacht Transport LLC a wholly-owned subsidiary of Dockwise Ltd.? If no, please explain.
- 5) Prior to 2000, did Dockwise Yacht Transport LLC go by the name “United Yacht Transport”?
- 6) Do you know why United Yacht Transport changed its name to Dockwise Yacht Transport in or around the year 2000? If yes, please explain.
- 7) After 2000, did Dockwise Yacht Transport ever sell any services under the name United Yacht Transport?
- 8) After 2000, did Dockwise Yacht Transport ever operate under the name United Yacht Transport?
- 9) Were you aware of any efforts by Dockwise Yacht Transport to continue using the United Yacht Transport name in its business between 2000 and 2011? If yes, what efforts were made?
- 10) Did Dockwise Yacht Transport pay for any advertising related to the United Yacht Transport name between 2000 and 2011? If yes, what advertisements were made during that period and when?
- 11) Did Dockwise Yacht Transport have any plans to resume using the United Yacht Transport name in its business at any time between 2000 and 2011? If yes, please explain the specific plans to use the name United Yacht Transport, including the approximate dates of the plans.
- 12) Was Clemens Van der Werf the Chief Executive Officer of Dockwise Yacht Transport LLC between 2011 and 2013?
- 13) Do you recall that Clemens Van der Werf sought to purchase Dockwise Yacht Transport LLC from Dockwise Ltd. in 2011-2013?

14) Was the company Mr. Van der Werf formed for the purchase Coby Enterprises LLC?

15) Did Mr. Van der Werf's partners in Coby Enterprises LLC include Steven Byle and Michael Cohen?

16) What was your role in negotiating the proposed transaction on behalf of Dockwise Ltd.?

17) Was Mr. Van der Werf the primary or integral person who was negotiating on behalf of the purchaser, Coby Enterprises LLC? If not, who was?

18) Did you understand that if the proposed transaction had succeeded, Mr. Van der Werf and Coby Enterprises LLC planned to call the new company United Yacht Transport?

19) Did you understand that Mr. Van der Werf planned to use the name "United Yacht Transport" for the new company after the proposed transaction closed, and not for Dockwise Yacht Transport's ongoing business operations before the proposed transaction closed? Please explain.

20) Did Dockwise Ltd. give Mr. Van der Werf and Coby Enterprises LLC permission to use the United Yacht Transport name?

21) Did you think Dockwise Ltd. needed to give Mr. Van der Werf and Coby Enterprises LLC permission to use the United Yacht Transport name? Why or why not?

22) Please describe any discussions you had with Mr. Van der Werf about his use of the name United Yacht Transport.

23) Did Clemens Van der Werf request permission to register the domain name www.unitedyachttransport.com in 2011? Please describe any efforts made to obtain the domain name from Mr. Van der Werf after his employment ended.

24) In 2011 and 2012, did Mr. Van der Werf or one of his partners request to paint "United Yacht Transport" on the sidewalls of the *M/V Yacht Express* and the *M/V Super Servant 4*?

25) Who made the request?

26) Was the request made on behalf of the purchasing company, Coby Enterprises LLC? Please explain.

27) Please describe what you recall about the request, the circumstances in which it was made, and what happened.

28) Was the name "United Yacht Transport" painted on the sidewalls of the *M/V Yacht Express* and the *M/V Super Servant 4* before the proposed transaction with Mr. Van der Werf's company closed?

29) Why was the name “United Yacht Transport” painted on the vessels before the proposed transaction closed?

30) Did Dockwise Ltd. authorize or approve the name “United Yacht Transport” to be painted on the vessels before the proposed transaction with Mr. Van der Werf’s company closed? Why or why not?

31) When the painting of the name “United Yacht Transport” on the vessels was authorized or approved, did you believe the proposed transaction with Coby Enterprises was likely to close?

32) Who paid the expenses for painting the name “United Yacht Transport” on the vessels? Please explain.

33) Did you understand that the purchaser, Coby Enterprises, was to pay for the expense of painting the name “United Yacht Transport” on the vessels?

34) Did you understand that marketing materials such as signs, letterhead and business cards were prepared for Mr. Van der Werf using the United Yacht Transport name?

35) Who paid the expenses for ordering the United Yacht Transport marketing materials? Were these materials ever used? Why or why not?

36) Was Mr. Van der Werf terminated or asked to resign as CEO of Dockwise Yacht Transport LLC at least in part for reasons related to expenses for changing the name on the vessels from Dockwise Yacht Transport to United Yacht Transport, or any other expenses, in conjunction with his company’s proposed purchase of Dockwise Yacht Transport LLC? If yes, please explain.

37) After “United Yacht Transport” was painted on the side of the vessels in or about 2012, did Dockwise Yacht Transport LLC ever change its name to United Yacht Transport?

38) After “United Yacht Transport” was painted on the side of the vessels in or about 2012, what name did Dockwise Yacht Transport operate under?

39) After “United Yacht Transport” was painted on the side of the vessels in or about 2012, what name did Dockwise Yacht Transport make sales under?

40) Did you understand that Dockwise Yacht Transport LLC had any plans to use the name “United Yacht Transport” if the proposed transaction with Mr. Van der Werf’s company, Coby Enterprises, failed? If yes, please explain the specific plans to use the name United Yacht Transport.

41) Did Dockwise Ltd. intend for Dockwise Yacht Transport LLC to use the name “United Yacht Transport” if the proposed transaction with Mr. Van der Werf’s company, Coby Enterprises, failed? If yes, please explain.

42) Why did the proposed transaction for the purchase of Dockwise Yacht Transport LLC by Mr. Van der Werf's company, Coby Enterprises, fail?

43) Did Mr. Van der Werf affiliate himself with any other financing groups after the Coby transaction failed? If yes, what were the names of those groups and when did those transactions fail?

44) When did Mr. Van der Werf's efforts to acquire Dockwise Yacht Transport LLC end? When did Mr. Van der Werf leave Dockwise Yacht Transport LLC?

45) What was your opinion in 2012 and 2013 about the *M/V Yacht Express* and the *M/V Super Servant 4* continuing to display the name "United Yacht Transport" after the proposed transaction with Mr. Van der Werf's company failed?

46) What steps were taken to address the name "United Yacht Transport" on the vessels after the proposed transaction with Mr. Van der Werf's company failed?

47) When did Dockwise Yacht Transport first consider changing the names on the sidewall of the *M/V Yacht Express* and the *M/V Super Servant 4* after the proposed transaction with Mr. Van der Werf's company failed? Why?

48) Why was the name "United Yacht Transport" not immediately removed from the vessels after the proposed transaction with Mr. Van der Werf's company failed?

49) After United Yacht Transport LLC initially started operations in August 2013, did you have any conversations or correspondence regarding the belief that Clemens Van der Werf was affiliated with United Yacht Transport LLC? Why? What was the substance of the conversations?

50) After United Yacht Transport LLC started operations in August 2013, were any testimonials or other pages on the Dockwise Yacht Transport website changed to show the name "United Yacht Transport", including but not limited to the website testimonial for the *M/Y Lady May* dated February 12, 2012? If yes, when and why were they changed?

51) Were the testimonials on the Dockwise Yacht Transport website ever changed back to remove the name "United Yacht Transport"? If yes, when were they and why were they changed back to Dockwise Yacht Transport?

52) After Koninklijke Boskalis Westminster NV acquired Dockwise Ltd. (and Dockwise Yacht Transport LLC), was there any intention that Dockwise Yacht Transport would use the name United Yacht Transport? If yes, please explain the specific plans to use the name United Yacht Transport.

53) Please describe any communications that Dockwise Ltd. had with Spliethoff from 2013-2014 regarding the name "United Yacht Transport".

54) Are you a Dutch citizen and a resident of the Netherlands?

- 55) Do you plan to be in the United States for a trial in this case?
- 56) Would you voluntarily appear in the United States for a trial in this case?
- 57) Did you discuss these deposition questions with anyone? If yes, please identify everyone with whom you discussed these deposition questions.
- 58) Other than conversations with your attorney, what questions did you discuss?
- 59) Were you told to give any particular answers? If yes, what were you told to say and by whom?

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 SECOND SET OF INTERROGATORIES TO APPLICANT –
INTERROGATORIES ## 21 - 31

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 21 through 31, upon Applicant United Yacht Transport LLC, to be answered under oath in accordance with said Rule.

USPTO Opposition No. 91219179
Application Serial No. 86031633
Opposer's Second Set of Interrogatories to Applicant

Dated: November 4, 2015

Respectfully submitted,

/s/ Sandra I. Tart

J. Michael Pennekamp

Fla. Bar No. 983454

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Counsel for Opposer

OPPOSER'S SECOND SET OF INTERROGATORIES TO APPLICANT

DEFINITIONS

A. The words "you", "UYT", "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, and Applicant's members, officers, employees and agents, including but not limited to Michael Uhr and Paul Haber.

B. "Dockwise" as used herein means Dockwise Yacht Transport LLC, Dockwise Shipping B.V. or any other related Dockwise entity.

INTERROGATORIES

21. Identify and fully describe all considerations, factors or reasons which influenced, motivated or caused Applicant to decide to adopt the mark UNITED YACHT TRANSPORT for its yacht transport business.

22. Identify all persons (if any) who suggested or recommended that Applicant adopt the mark UNITED YACHT TRANSPORT for Applicant's yacht transport business or who were involved or participated in the decision of Applicant to adopt the mark UNITED YACHT TRANSPORT for Applicant's yacht transport business.

23. State whether Michael Uhr or Paul Haber had any involvement, role, knowledge of or participation in negotiations, proposed transactions or discussions between any third party and Dockwise relating to or which involved:

(a) the purchase or proposed purchase of Dockwise's yacht transport business or Dockwise's yacht transport assets,

(b) financing for the purchase or proposed purchase of Dockwise's yacht transport business or Dockwise's yacht transport assets, or

(c) the sale by Dockwise of the mark UNITED YACHT TRANSPORT to a third party.

24. If the answer to Interrogatory 23(a), (b) or (c) is "yes" as to either Mr. Uhr or Mr. Haber, identify (by name, date and all participants) any such negotiations, proposed transactions, financing(s) or discussions between any third part(ies) and Dockwise which Mr. Uhr or Mr. Haber had any role in, participated in or had knowledge of.

31. Fully describe any and all efforts made by or on behalf of Applicant to investigate or inquire into Dockwise's rights in the mark UNITED YACHT TRANSPORT between August 7, 2013 and November 4, 2014, and include in your answer an identification of all persons who participated in any such investigations or inquiries or had knowledge thereof, the activities were performed by each person identified, the dates the investigations or inquiries were made and information received, and the substance of information received in response to any such investigations or inquiries.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Second Set of Interrogatories to Applicant has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 4th day of November, by email to bhull@bushross.com.

/s/ Sandra I. Tart

Sandra I. Tart

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 THIRD SET OF INTERROGATORIES TO APPLICANT –
INTERROGATORIES ## 32 - 33

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 32 and 33, upon Applicant United Yacht Transport LLC, to be answered under oath in accordance with said Rule.

USPTO Opposition No. 91219179
Application Serial No. 86031633
Opposer's Third Set of Interrogatories to Applicant

Dated: March 25, 2016

Respectfully submitted,

/s/ Sandra I. Tart

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Counsel for Opposer

OPPOSER'S THIRD SET OF INTERROGATORIES TO APPLICANT

DEFINITIONS

A. The words "you", "UYT", "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, and Applicant's members, officers, employees and agents, including but not limited to Michael Uhr and Paul Haber.

INTERROGATORIES

32. Identify (by title, license number, issuing office or agency, date license was first issued and all renewal dates) all federal licenses held by UNITED YACHT TRANSPORT LLC, including but not limited to the following: all licenses issued to Applicant by the Federal Maritime Commission or any other federal agency, NVOCC license, OTI license and/or Ocean Freight Forwarder license.

33. State the date that License # 025897 shown in Exhibit "A" hereto was issued to UNITED YACHT TRANSPORT LLC and state the dates of all renewals of such License.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Third Set of Interrogatories to Applicant has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 25th day of March 2016, by email to bhull@bushross.com.

/s/ Sandra I. Tart

Sandra I. Tart



FEDERAL MARITIME COMMISSION

OCEAN TRANSPORTATION INTERMEDIARIES (OTI) LIST

[OTI List Download](#)

Click here to download the list of all active freight forwarders and non-vessel operating common carriers.

This list is refreshed daily at 1:30 PM EST

[FMC Home](#)

[OTI Home](#)

[Ocean Freight Forwarders](#)

[NVOCCs](#)

[Click for News Alert Regarding Foreign-Based, Unlicensed Non-Vessel Operating Common Carriers \(NVOCC\).](#)

Note:

Commission regulations permit foreign-based NVOCCs to be licensed, or unlicensed, providing certain regulatory requirements are met (See 46 CFR §515.11 and 46 CFR §515.21 by clicking on the [Statutes and Rules](#)). Unlicensed (Registered) foreign-based NVOCCs are designated below by ** in the Lic. No. field.

Search:

My Location: Pompano Beach, US

Download/Print results here

1 results

#	Business	China Bond Rider	Effective Date	Phone / International Phone	Distance (mi)
1	UNITED YACHT TRANSPORT LLC FT. LAUDERDALE, FL 33312 Organization No. : 025897 License No. : 025897 Trade Name(s) : N/A Full Address : 2830 MARINA MILE BLVD. SUITE 118 FT. LAUDERDALE, FL 33312 UNITED STATES			(954) 417-7853	10.4

UNITED YACHT TRANSPORT LLC

Organization No. : 025897
 License No. : 025897
 Trade Name(s) : N/A
 Full Address : 2830 MARINA MILE BLVD.
 SUITE 118
 FT. LAUDERDALE, FL 33312
 UNITED STATES

02/20/2012 10:02:00 AM

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 FOURTH SET OF INTERROGATORIES TO APPLICANT –
INTERROGATORIES ## 34 - 41

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 34 through 41, upon Applicant United Yacht Transport LLC, to be answered under oath in accordance with said Rule.

Dated: April 22, 2016

Respectfully submitted,

/s/ Sandra I. Tart

J. Michael Pennekamp

Fla. Bar No. 983454

Email: jpennekamp@fowler-white.com

Sandra I. Tart

Fla. Bar No. 358134

Email: start@fowler-white.com

FWLW BURNETT, P.A.

Brickell Arch

1395 Brickell Avenue

14th Floor

Miami, Florida 33131

Telephone: (305) 789-9200

Facsimile: (305) 789-9201

Counsel for Opposer

OPPOSER'S FOURTH SET OF INTERROGATORIES TO APPLICANT

DEFINITIONS

A. The words "you", "UYT", "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, and Applicant's members, officers, employees and agents, including but not limited to Michael Uhr and Paul Haber.

INTERROGATORIES

34. State the amount of revenue, if any, earned by UNITED YACHT TRANSPORT LLC for providing the services of the transport of yachts by boat in commerce using the mark "United Yacht Transport" on or prior August 7, 2013.
35. Identify all licensed ocean transport intermediaries (if any) for which UNITED YACHT TRANSPORT LLC was acting as agent in 2013, 2014 or 2015 in connection with UNITED YACHT TRANSPORT LLC providing the services of the transport of yachts by boat between U.S. ports and foreign ports.

40. Fully describe and explain all actions, if any, taken by UNITED YACHT TRANSPORT LLC in 2013, 2014 or 2015 to comply with any U.S. federal law requirements (including but not limited to the Shipping Act of 1984, as amended) relating to licensure of UNITED YACHT TRANSPORT LLC by the Federal Maritime Commission as an ocean transport intermediary.

41. Identify all investigations (open or closed) of UNITED YACHT TRANSPORT LLC by the Federal Maritime Commission, and for each such investigation, state:

- (a) the subject of the investigation;
- (b) the claims or allegations made by the Federal Maritime Commission against UNITED YACHT TRANSPORT LLC;
- (c) all fines, penalties or sanctions against UNITED YACHT TRANSPORT LLC imposed in or as a result of the investigation;
- (d) any actions taken by UNITED YACHT TRANSPORT LLC as a result of the investigation;
- (e) any orders or findings issued in the investigation; and
- (f) the final outcome of any closed investigation or, if not closed, the current status of the investigation.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Fourth Set of Interrogatories to Applicant has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 22nd day of April 2016, by email to bhull@bushross.com.

/s/ Sandra I. Tart

Sandra I. Tart

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 SECOND 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 17 through 57, 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

17. Admit that the document attached hereto as Exhibit "A" is a redacted copy of the first customer contract entered into by United Yacht Transport LLC for the transport of yachts by boat in commerce. (For reference, Exhibit "A" is a document that is bates labeled UYT_0000055 – UYT_0000061).

18. Admit that the document attached hereto as Exhibit "A" is a redacted copy of the earliest signed contract that UNITED YACHT TRANSPORT LLC entered into for the transport of yachts by boat in commerce. (For reference, Exhibit "A" is a document that is bates labeled UYT_0000055 – UYT_0000061).

19. Admit that the document attached hereto as Exhibit "A" is genuine.

20. Admit that UNITED YACHT TRANSPORT LLC did not hold any licenses issued by the Federal Maritime Commission on or prior to August 7, 2013.

21. Admit that UNITED YACHT TRANSPORT LLC did not hold any licenses issued by the Federal Maritime Commission on or prior to the date that it filed Application Serial No. 86031633.

22. Admit that UNITED YACHT TRANSPORT LLC was not licensed by the Federal Maritime Commission as an ocean transport intermediary ("OTI") on or prior to August 7, 2013.

23. Admit that UNITED YACHT TRANSPORT LLC was not licensed by the Federal Maritime Commission as non-vessel-operating common carrier ("NVOCC") on or prior to the date that it filed Application Serial No. 86031633.

24. Admit that UNITED YACHT TRANSPORT LLC was not licensed by the Federal Maritime Commission as an ocean freight forwarder on or prior to the date that it filed Application Serial No. 86031633.

25. Admit that UNITED YACHT TRANSPORT LLC was not licensed by the Federal Maritime Commission as an ocean transport intermediary on or prior to the date that it filed Application Serial No. 86031633.

26. Admit that UNITED YACHT TRANSPORT LLC provided Class 039 services of the transport of yachts by boat in commerce in 2013 without holding any licenses issued by the Federal Maritime Commission.

27. Admit that UNITED YACHT TRANSPORT LLC provided Class 039 services of the transport of yachts by boat in commerce in 2014 without holding any licenses issued by the Federal Maritime Commission.

28. Admit that UNITED YACHT TRANSPORT LLC provided Class 039 services of the transport of yachts by boat in commerce in 2015 without holding any licenses issued by the Federal Maritime Commission.

29. Admit that UNITED YACHT TRANSPORT LLC was not licensed by the Federal Maritime Commission as an ocean transport intermediary ("OTI") until after December 1, 2015.

30. Admit that UNITED YACHT TRANSPORT LLC was not licensed by the Federal Maritime Commission as an ocean freight forwarder until after December 1, 2015.

31. Admit that UNITED YACHT TRANSPORT LLC was not licensed by the Federal Maritime Commission as a non-vessel-operating-common carrier ("NVOCC") until after December 1, 2015.

32. Admit that UNITED YACHT TRANSPORT LLC did not hold any licenses issued by the Federal Maritime Commission until after December 1, 2015.

33. Admit that UNITED YACHT TRANSPORT LLC did not file an application with the Federal Maritime Commission to obtain an ocean transport intermediary ("OTI") license until December 2015.

34. Admit that UNITED YACHT TRANSPORT LLC did not file an application with the Federal Maritime Commission to obtain an ocean freight forwarder license until December 2015.

35. Admit that UNITED YACHT TRANSPORT LLC did not file an application with the Federal Maritime Commission to obtain a non-vessel-operating common carrier ("NVOCC") license until December 2015.

36. Admit that UNITED YACHT TRANSPORT LLC provided the services of the transport of yachts by boats in commerce in 2013, 2014 and 2015 without being licensed by the Federal Maritime Commission as an ocean transport intermediary.

37. Admit that UNITED YACHT TRANSPORT LLC provided non-vessel-operating-common carrier services in 2013, 2014 and 2015, as such services are defined in 46 C.F.R., Part A, § 515.2(k).

38. Admit that UNITED YACHT TRANSPORT LLC was required to have a license issued by the Federal Maritime Commission to provide the services of the transport of yachts by boat in commerce in 2013, 2014 and 2015.

39. Admit that UNITED YACHT TRANSPORT LLC provided ocean transport intermediary services in 2013, 2014 and 2015 without being licensed as ocean transport intermediary ("OTI") by the Federal Maritime Commission.

40. Admit that UNITED YACHT TRANSPORT LLC provided non-vessel-operating-common carrier services in 2013, 2014 and 2015 without being licensed as an ocean transport intermediary ("OTI") by Federal Maritime Commission.

41. Admit that UNITED YACHT TRANSPORT LLC provided ocean freight forwarding services in 2013, 2014 and 2015 without being licensed as ocean transport intermediary ("OTI") by the Federal Maritime Commission.

42. Admit that UNITED YACHT TRANSPORT LLC provided ocean transport intermediary services in 2013, 2014 and 2015 without being licensed as an ocean transport

intermediary ("OTI") by the Federal Maritime Commission as required under the Shipping Act of 1984 and the regulations of the Federal Maritime Commission at 46 C.F.R., Part A, § 515.3.

43. Admit that UNITED YACHT TRANSPORT LLC's provision of non-vessel-operating-common carrier services in 2013, 2014 and 2015 was unlawful because UNITED YACHT TRANSPORT LLC was not licensed as an ocean transport intermediary ("OTI") by the Federal Maritime Commission as required under the Shipping Act of 1984 and the regulations of the Federal Maritime Commission at 46 C.F.R., Part A, § 515.3.

44. Admit that UNITED YACHT TRANSPORT LLC was required by federal law and regulations to hold an ocean transport intermediary ("OTI") license issued by the Federal Maritime Commission prior to providing services of the transportation of yachts by boat in commerce.

45. Admit that in August 2013 UNITED YACHT TRANSPORT LLC received the letter dated August 20, 2013 from John Tang, which is attached hereto as Exhibit "B." (For reference: the documents attached as Exhibit "B" hereto are bates labeled UYT_0000124-UYT_0000131).

46. Admit that the document attached hereto as Exhibit "B" is genuine.

47. Admit that the emails dated September 10, 2013 and September 13, 2013 in the document attached hereto as Exhibit "C" are authentic. (For reference: the documents attached as Exhibit "C" hereto are bates labeled UYT_0000194-UYT_0000195).

48. Admit that counsel for UNITED YACHT TRANSPORT LLC received the email dated September 3, 2013 from John Tang which is included in the document attached hereto as Exhibit "C." (For reference: the documents attached as Exhibit "C" are bates labeled UYT_0000194-UYT_0000195).

49. Admit that the documents attached hereto as Exhibit "C" is genuine.

50. Admit that the mark "UNITED YACHT TRANSPORT" was displayed on the M/V YACHT EXPRESS in 2012.

51. Admit that the mark "UNITED YACHT TRANSPORT" was displayed on the M/V YACHT EXPRESS in 2013 prior to August 7, 2013.

52. Admit that in 2012, Paul Haber, the President of UNITED YACHT TRANSPORT LLC, learned that the M/V YACHT EXPRESS was displaying the mark "UNITED YACHT TRANSPORT."

53. Admit that in 2012, Paul Haber, the President of UNITED YACHT TRANSPORT LLC, learned that the M/V YACHT EXPRESS was displaying the mark "UNITED YACHT TRANSPORT" while the vessel was transporting yachts in commerce.

54. Admit that prior to the filing of Application Serial No. 86031633, Paul Haber, the President of UNITED YACHT TRANSPORT LLC, had knowledge that the M/V YACHT EXPRESS was displaying mark "UNITED YACHT TRANSPORT" mark.

55. Admit that prior to the filing of Application Serial No. 86031633, Paul Haber, the President of UNITED YACHT TRANSPORT LLC, had knowledge that the M/V YACHT EXPRESS was displaying mark "UNITED YACHT TRANSPORT" mark while the vessel was engaged in the provision of services of the transport of yachts by boat in commerce.

56. Admit that UNITED YACHT TRANSPORT LLC was formed in Delaware on July 16, 2013.

57. Admit that UNITED YACHT TRANSPORT LLC did not own the M/V CLIPPER ANITA in October 2013.

Date: April 7, 2016

Respectfully submitted,

/s/ Sandra I. Tart

J. Michael Pennekamp

Fla. Bar No. 983454

Email: jpennekamp@fowler-white.com

Sandra I. Tart

Fla. Bar No. 358134

Email: start@fowler-white.com

FOWLER WHITE BURNETT, P.A.

Brickell Arch

1395 Brickell Avenue

14th Floor

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 Second Request for Admissions to Applicant has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 7th day of April, 2016, by email to bhull@bushross.com.

/s/ Sandra I. Tart

Sandra I. Tart

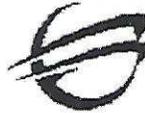
From: gail.ryan

Fax: (854) 383-4448

To:

Fax Redaction

Page 3 of 12/02/2013 2.04



UNITED YACHT TRANSPORT

		1. Date August 22, 2013
2. Carrier United Yacht Transport LLC 2830 Marina Mile Road, Suite 118 Ft. Lauderdale, FL 33312	3. Yacht Owner Redaction	
4. Vessel's Name To Be Nominated	5. Sailing date (approx.) (See Terms and Conditions Clause 3) September 2013	
6. Loading Port Port Everglades	7. Discharging Port Ensenada	
8. Yacht Description (see Terms and Conditions Clause 5) BOOKING NOTE NUMBER: Redaction		
9. Freight Rate (see Terms and Conditions Clause 11) Redaction		
All payments will be discount less, non-refundable and deemed fully earned upon execution of this Booking Note. Vessel and/or Yacht lost or not lost.		
10. Yacht owner's representatives at loading port		
11. Additional Clauses, if any Its hereby agreed that this Contract of Carriage is subject to the Terms and Conditions of this Booking Note only. There are no promises, agreements, conditions, undertakings, understandings, warranties, covenants or representations, oral or written, express or implied, with respect to this Contract of Carriage or the matter described in this Contract of Carriage, except as set forth herein.		
Signature (Carrier) Print name (Carrier) An Authorized Sales Agent to Carrier only	Signature (Yacht Owner) Redaction Print name (Yacht Owner) The Yacht Owner or other party who executes this Agreement warrants, that all statements and representations hereon, are true and correct, and that he is, or has been provided with the legal authority to contract on behalf of, and legally bind to this Agreement, the Person(s) or Entity(s) owning or otherwise entitled to possession of the Yacht.	

Initials (Yacht Owner)

08/28/2013 12:11 FAX

Redaction

011/024

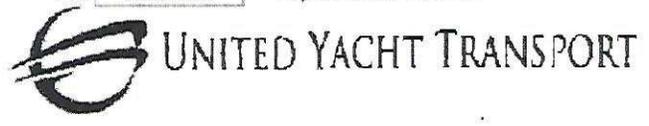
From: gail ryan

Fax: (864) 393-4448

To:

Fax: Redaction

Page 4 of 12 8/22/2013 2:04



TERMS AND CONDITIONS

[Redacted content]

Redaction

Initials (Yacht Owner) AR

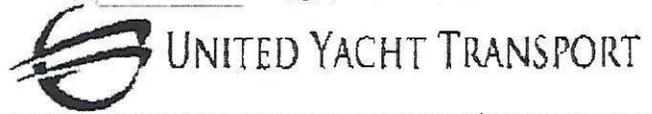
From: gail ryan

Fax: (854) 383-4448

To:

Fax: Redaction

Page 6 of 12 8/22/2013 2:04



Redaction

Initials (Yacht Owner)

Handwritten initials, possibly 'GR', written in black ink over a horizontal line.

51 Page

08/28/2013 12:12 FAX

Redaction

018/024

From: gail ryan

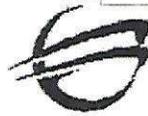
Fax: (954) 383-4448

To:

Fax:

Redaction

Page 6 of 12 8/22/2013 2:04



UNITED YACHT TRANSPORT

Redaction

Initials (Yacht Owner)

Handwritten initials, possibly 'GR', written in black ink over a horizontal line.

6 | Page

UYT_000058

08/28/2013 12:12 FAX

Redaction

014/024

From: gail ryan

Fax: (854) 383-4449

To:

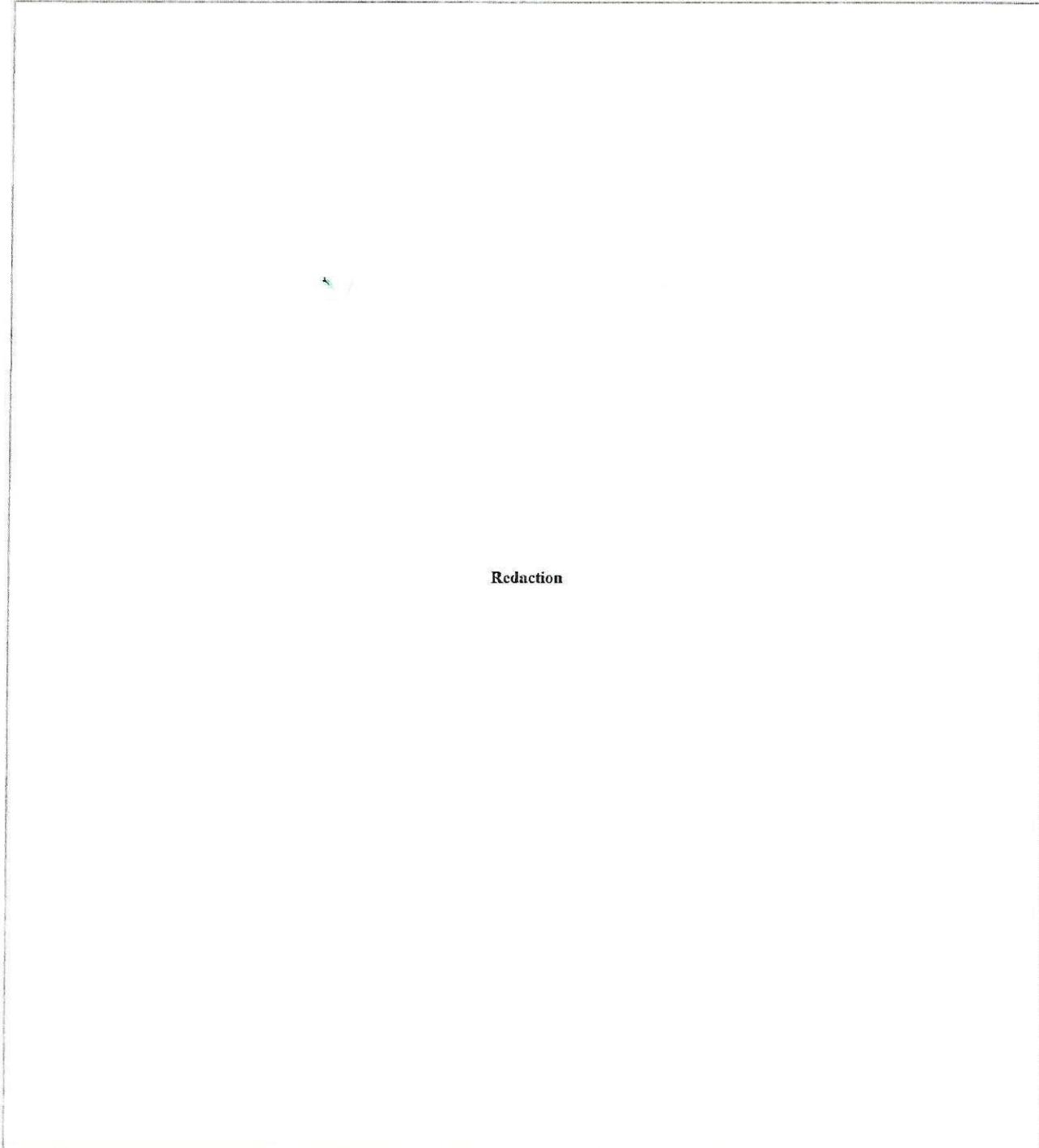
Fax:

Redaction

Page 7 of 12 8/22/2013 2:04



UNITED YACHT TRANSPORT



Redaction

Initials (Yacht Owner) *MR*

71 Page

UYT_000059

08/28/2013 12:13 FAX

Redaction

015/024

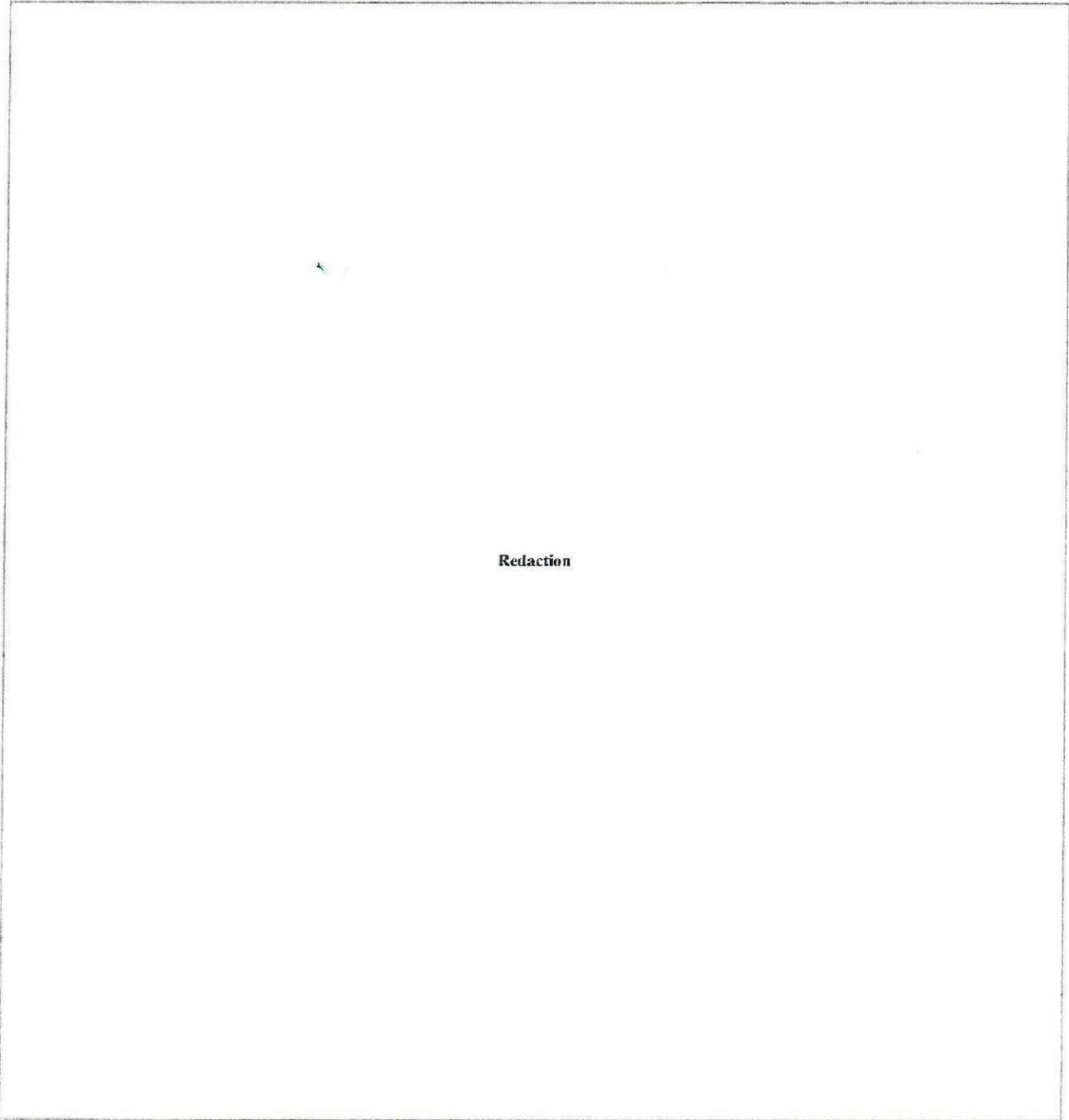
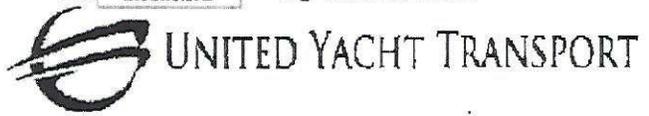
From: gail ryan

Fax: (954) 393-4448

To:

Fax: Redaction

Page 8 of 128/22/2013 2:04



Redaction

Initials (Yacht Owner) MM

8 | Page

UYT_0000060

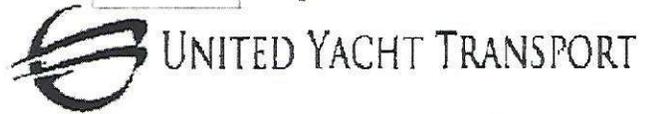
From: gail ryan

Fax: (954) 383-4448

To:

Fax: [Redaction]

Page 9 of 12 8/22/2013 2:04



[Redaction]

Yacht Owner* (Authorized Agent) signature

[Handwritten Signature]

Date

8-22-13

Name (Printed)

[Redaction]

[Redaction]

* The Yacht Owner, or other party who executes this Agreement, warrants that all statements and disclosures contained on the Booking Note are true and correct, and that he is, or has been provided the legal authority to contract on behalf of, and legally bind to this Agreement, the Person(s) or Entity(s) owning or otherwise entitled to lawful possession of the Yacht.

Initials (Yacht Owner)

[Handwritten Initials]

Strasburger

ATTORNEYS AT LAW

August 20, 2013

JOHN A. TANG
713.951.5623
Direct Fax: 832.397.3532
john.tang@strasburger.com

VIA FEDERAL EXPRESS DELIVERY

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

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

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

Dear Mr. Uhr and Registered Agent:

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

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

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

Strasburger & Price, LLP

909 Fannin Street, Suite 2300 | Houston, Texas 77010-1036 | 713.951.5600 tel | 713.951.5660 fax | www.strasburger.com
Austin | Collin County | Dallas | Houston | San Antonio | New York | Washington, D.C. | Mexico City - Strasburger & Price, SC
1496019.1/SPH/10418/0104/082013

UYT_0000124
EXHIBIT B

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.

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.

At Port Everglades, FL



UYT_0000127



[cruising](#)

[cargo](#)

[business](#)

[media](#)

[community](#)

[Get your journey started](#)

[Google Translate](#)

[SEARCH](#)

Shipping Lines

CARGO LINE	BOOKING AGENT TEL	SERVES
AGRIEX	954-785-3076	Guatemala, Honduras, Nicaragua, El Salvador, Jamaica Frequency: Weekly Type: Container, General Cargo
CCM Compania Chilena de Navegación Interoceánica, S.A.	788 845-9212	U.S. East Coast, South America-West Coast Frequency: Weekly Type: Container
Chiquita - Great White Fleet	888-724-5493	U.S., Central America, Europe Frequency: Weekly Type: Container
Chilean Line - CBAV	800-804-9391	Colombia, South America - West Coast Frequency: Weekly Type: Container
Crowley Liner Services	305-470-4000	Caribbean, Central America Frequency: Weekly Type: Container, Project Cargo, RO/RO, Trailers
DockView/Unibed Yacht Transport	954-525-8707	Caribbean, Mediterranean, Mexico, Canada-West Coast, Australia, New Zealand Frequency: Weekly Type: LCL, PO/FO
Dole Ocean Liner Express	305-591-7500	Costa Rica, Honduras, El Salvador Frequency: Weekly Type: Container
Frontier Liner Services	305-471-7800	Colombia Frequency: Weekly Type: Container
Hamburg Sud	954-761-3134	Venezuela, South America-West Coast Frequency: Weekly Type: Container
Hapag-Lloyd (America) Inc.	888-851-4083	Mediterranean
Hybur LTD	305-913-4933	Belize, Cayman Islands, Mexico, Honduras Frequency: Weekly Type: Container
Interocean	305-375-8004	Ecuador, Peru Frequency: Every 14 Days Type: Container, General Cargo
King Ocean Service	305-591-7595	Venezuela, Aruba, Curacao, Colombia, Costa Rica, Panama Frequency: 2X Weekly Type: Container, General Cargo
Mailboat Co. / SI John's Shipping	954-527-0034	Bahamas Frequency: 2X Weekly Type: General Cargo
Mediterranean Shipping Company	305-477-9277	Far East, South America, India Frequency: Weekly Type: Container
Montemar	800-804-9381	South America, Central America, U.S. East Coast Frequency: Weekly Type: Container
Naviera Master Line	305-598-9935	Colombia, Venezuela
SC Line	(US) 305-767-4810, 305-767-1900, (Panama) +507-830-5000, +507-262-5700	Colombia, Panama, Mexico, Venezuela, Dominican Republic Frequency: Bi-weekly Type: RO/RO
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	305-889-2277	Colombia, Ecuador, Peru Frequency: Every 14 Days Type: Container, General Cargo, Project Cargo
YB Shinnino	954-574-4649	Rishrasa

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Zim Container	305-423-7400	<i>Frequency: Bi-Weekly</i>
Line		<i>Type: Container</i>
		<i>Mediterranean</i>
		<i>Frequency: Weekly</i>
		<i>Type: Container</i>

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United Yacht Transport, headquartered in Fort Lauderdale, Florida specializes exclusively in the transportation of yachts to any worldwide destination. Through our highly skilled and experienced management team, both on shore and aboard our ships, we are dedicated to providing our customers with safe, efficient and reliable marine transportation solutions. We are one of the most progressive and innovative in the yacht transportation industry. We strive to exceed customer expectations of quality, safety and efficiency through continuous improvement and constant customer interaction.



United Yacht Transport to Partner with PACC to provide West Coast Service

August 13, 2013 United Yacht Transport LLC, a Fort Lauderdale-based yacht transport company announced today

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



United Yacht Transport Announces Monthly Service to West Africa

Fort Lauderdale, Florida (August 16, 2013) United Yacht Transport LLC, a Fort Lauderdale-based yacht transport company announced today that they have launched service

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United Yacht Transport has assembled a team of the most experienced personnel from within the yacht shipping industry. It is our experienced team of professionals that sets us apart from our competitors. We can guarantee our clients piece of mind knowing that their yacht will be transported with extreme care and handled by the industry's most qualified people. Our experienced management team has developed tried and true systems designed to provide the best overall experience for our clients throughout the entire shipping process.



Destinations.

United Yacht Transport's sailing destinations span the globe, including the Mediterranean, Caribbean, Mexico, Pacific Northwest, South Pacific, and most any major yachting destinations. Whether it is world class scuba diving or cruising the majestic fjords of southeast Alaska we have your yacht transportation needs covered. With United Yacht Transport, you can enjoy all this from the safety and comfort of your own yacht.

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BUSH ROSS

IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, we inform you that, unless specifically indicated otherwise, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any tax-related matter addressed herein.

Privileged and Confidential: Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this message is privileged and/or confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication or any of the information in it is strictly prohibited. If you have received this communication in error, please advise the sender by reply e-mail and then delete the message. Thank you.

From: Tang, John [<mailto:John.Tang@strasburger.com>]
Sent: Friday, September 13, 2013 4:17 PM
To: Joseph A. Probasco; Randy Sterns; Alexander Zimmer
Cc: Brockway, Michelle
Subject: RE: United Yacht Transport LLC/Dockwise Shipping BV

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

We look forward to your clients' immediate response.

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

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

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

John-

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

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

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

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

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

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

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

We looking forward to hearing from you.

Regards,

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

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 THIRD 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 58 through 67, 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

58. Admit that in 2013, United Yacht Transport LLC provided the services of transporting yachts by boat between U.S. ports and foreign ports.

59. Admit that in 2013, United Yacht Transport LLC used the mark "United Yacht Transport" in providing the services of transporting yachts by boat between U.S. ports and foreign ports.

60. Admit that in 2014, United Yacht Transport LLC provided the services of transporting yachts by boat between U.S. ports and foreign ports.

61. Admit that in 2014, United Yacht Transport LLC used the mark "United Yacht Transport" in providing the services of transporting yachts by boat between U.S. ports and foreign ports.

62. Admit that in 2015, United Yacht Transport LLC provided the services of transporting yachts by boat between U.S. ports and foreign ports.

63. Admit that in 2015, United Yacht Transport LLC used in the mark "United Yacht Transport" in providing the services of transporting yachts by boat between U.S. ports and foreign ports.

64. Admit that in 2013, 2014, 2015 and 2016, United Yacht Transport LLC did not own any yacht transport vessels.

65. Admit that in 2013, 2014, 2015 and 2016, United Yacht Transport LLC provided yacht transport services by boat by using yacht transport vessels which were not owned by United Yacht Transport.

66. Admit that in 2013, 2014, 2015 and 2016, United Yacht Transport LLC published "Sailing Schedules" online which identified the U.S. and foreign ports to which United Yacht Transport was providing the services of yacht transport by boat.

67. Admit that United Yacht Transport LLC was investigated by the Federal Maritime Commission for violating the Shipping Act of 1984 or regulations of the Federal Maritime Commission.

Date: April 22, 2016

Respectfully submitted,

/s/ Sandra I. Tart

J. Michael Pennekamp

Fla. Bar No. 983454

Email: jpennekamp@fowler-white.com

Sandra I. Tart

Fla. Bar No. 358134

Email: start@fowler-white.com

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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 Third Request for Admissions to Applicant has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 22nd day of April, 2016, by email to bhull@bushross.com.

/s/ Sandra I. Tart

Sandra I. Tart

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 SECOND REQUEST FOR PRODUCTION OF DOCUMENTS

Opposer, SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V., by and through undersigned counsel, pursuant to Rule 34 of the Federal Rules of Civil Procedure, requests the Applicant, UNITED YACHT TRANSPORT LLC., to produce the following items for review and/or copying in accordance with said Rule:

DEFINITIONS AND INSTRUCTIONS

A. The term "emails" as used herein means each and every email responsive to the Requests herein and all attachments to such emails. Emails shall be produced in native format.

B. "Applicant" as used herein means Applicant United Yacht Transport LLC, its officers, directors, employees, agents, and any other persons acting on behalf of United Yacht Transport LLC, including but not limited to Paul Haber and Michael Uhr.

C. "UYT" as used herein means Applicant United Yacht Transport LLC, its officers, directors, employees, agents, and any other persons acting on behalf of United Yacht Transport LLC, including but not limited to Paul Haber and Michael Uhr.

D. "Dockwise" as used herein means Dockwise Yacht Transport LLC, Dockwise Shipping B.V. or any other related Dockwise entity.

E. The term "document" as used herein includes documents existing only in digital or electronic form, as well as documents which exist in physical, i.e. paper form.

F. The term "document" as used herein includes paper or digital photographs.

G. Unless otherwise stated, the time period for each Request herein is January 1, 2013 to date.

DOCUMENTS TO BE PRODUCED

1. All documents that Applicant may use to support its claims in this proceeding.
2. All documents that Applicant may use to support its defenses in this proceeding.
3. All emails and other documents reflecting communications between Applicant and Dockwise relating to the purchase or proposed purchase of Dockwise yacht transport assets by UYT.
4. All emails and other documents reflecting communications between Applicant's attorneys and Dockwise's attorneys relating to use of the mark UNITED YACHT TRANSPORT.
5. All emails and other documents reflecting communications between Applicant and Dockwise relating to use of the mark UNITED YACHT TRANSPORT.
6. All documents which reflect the first date that any yacht was transported by boat in commerce pursuant to a contract for yacht transport entered into with Applicant.
7. All documents which reflect the first date of transport of any yacht by boat in commerce for a UYT customer.
8. Documents reflecting or relating to the date that the yacht in the August 22, 2013 UYT contract was transported by boat in commerce. (*see* UYT_000053 - UYT_000064).
9. All documents which reflect the first date that any yacht was transported by boat in commerce on behalf of a UYT customer in connection with the October 3, 2013 Charter Party entered into by UYT for the MV PAC ATHENA. (*see* UYT_0000065 - UYT_0000077).
10. All documents reflecting the names and destinations of the yachts of UYT customers transported on the MV PAC ATHENA pursuant to the October 3, 2013 Charter Party entered into by UYT for that vessel. (*see* UYT_0000065 - UYT_0000077).

11. All documents which reflect the first date that any yacht was transported by boat in commerce on behalf of a UYT customer in connection with the October 24, 2013 Charter Party entered into by UYT for the M/V CLIPPER ANITA. (*see* UYT_0000078 - UYT_0000100).
12. All documents which reflect the names and destinations of the yachts of UYT customers transported on the M/V CLIPPER ANITA pursuant October 24, 2013 Charter Party entered into by UYT for that vessel. (*see* UYT_0000078 - UYT_0000100).
13. All emails or other documents reflecting any inquiries or investigation made by or on behalf of Applicant of any use after December 1, 2011 by Dockwise of the mark UNITED YACHT TRANSPORT.
14. All emails or other documents reflecting any inquiries or investigation made by or on behalf of Applicant as to whether Dockwise had used the mark UNITED YACHT TRANSPORT at any time after December 1, 2011 in connection with the transport of yachts by boat in commerce.
15. All emails or other documents reflecting any inquiries or investigation made by or on behalf of Applicant as to whether Dockwise had used the mark UNITED YACHT TRANSPORT at any time after December 1, 2011.
16. All emails or other documents reflecting any inquiries or investigation made by or on behalf of Michael Uhr as to whether Dockwise had used the mark UNITED YACHT TRANSPORT at any time after December 1, 2011 in connection with the transport of yachts by boat in commerce.
17. All emails or other documents reflecting any inquiries or investigation made by or on behalf of Paul Haber as to whether Dockwise had used the mark UNITED YACHT TRANSPORT at any time after December 1, 2011 in connection with the transport of yachts by boat in commerce.
18. All emails sent by Applicant (including by Michael Uhr and Paul Haber) to any person(s) relating to use of the mark UNITED YACHT TRANSPORT by Dockwise or the availability of the mark UNITED YACHT TRANSPORT for use by Applicant.
19. All emails received by Applicant (including by Michael Uhr and Paul Haber) from any person(s) relating to use of the mark UNITED YACHT TRANSPORT by Dockwise or the availability of the mark UNITED YACHT TRANSPORT for use by Applicant.
20. All emails sent by Applicant (including by Michael Uhr and Paul Haber) to any person(s) relating to "abandonment" or non-use of the mark UNITED YACHT TRANSPORT by Dockwise.

21. All emails or other documents which refer or relate to "goodwill" in the mark UNITED YACHT TRANSPORT or recognition in the yacht transport industry or among yacht owners of the mark UNITED YACHT TRANSPORT.
22. All emails received by Applicant (including by Michael Uhr and Paul Haber) from any person(s) relating to "abandonment" or non-use of the mark UNITED YACHT TRANSPORT by Dockwise.
23. All emails or other documents which refer, evidence or relate to any use by Dockwise after December 1, 2011 of the mark UNITED YACHT TRANSPORT on the M/V YACHT EXPRESS.
24. All emails or other documents which refer, evidence or relate to any investigation or inquiries made by or on behalf of Applicant concerning any use by Dockwise after December 1, 2011 of the mark UNITED YACHT TRANSPORT on the M/V YACHT EXPRESS.
25. All emails or other documents which refer, relate to or evidence the first date that Applicant had knowledge of Dockwise's use of the mark UNITED YACHT TRANSPORT after December 1, 2011 on the M/V YACHT EXPRESS.
26. All emails, or other documents which refer, evidence or relate to any use by Dockwise after December 1, 2011 of the mark UNITED YACHT TRANSPORT on the M/V SUPER SERVANT 4.
27. All emails or other documents which refer, evidence or relate to any investigation or inquiries made by or on behalf of Applicant concerning any use by Dockwise after December 1, 2011 of the mark UNITED YACHT TRANSPORT on the M/V SUPER SERVANT 4.
28. All emails or other documents which refer, relate to or evidence the first date that Applicant had knowledge of Dockwise's use of the mark UNITED YACHT TRANSPORT after December 1, 2011 on the M/V SUPER SERVANT 4.
29. All emails or other documents which refer, relate to or evidence the first date that Applicant had knowledge of Dockwise's listing using the mark UNITED YACHT TRANSPORT in any Port Everglades Guide and Directory.
30. All emails or other documents which refer or relate to Dockwise's listing using the mark UNITED YACHT TRANSPORT in any Port Everglades Guide and Directory.

31. All emails or other documents reflecting, referencing, or relating to any investigation or inquiries of Dockwise's use of the mark UNITED YACHT TRANSPORT which were made by or on behalf of Applicant after receipt of the August 20, 2013 letter from Attorney John Tang. (*see* UYT_0000124 – UYT_0000131).
32. The document accessed or obtained from following the link in the August 25, 2013 email from Paul Haber to ir@boskalis.com. (*see* UYT_0000014, attached hereto as Exhibit "A.").
33. All documents evidencing the first date that a website for Applicant appeared online.
34. All documents relating to the Wix.com account under which any website for Applicant was published online.
35. All emails or other documents reflecting communications which relate to, reference or evidence the first date of publication of any website for Applicant.
36. All emails or documents reflecting communications which relate to, reference or evidence that a UYT website was online on August 2, 2013.
37. All emails or documents reflecting communications which relate to, reference or evidence that Applicant had a website online on August 2, 2013.
38. The document published in the online Superyacht News accessible or obtained by the link in John Tang's email dated September 6, 2013 to Alexander Zimmer, Joseph A. Probasco and Randy Sterns (*see* UYT_0000138).
39. All documents related to whether any officer, employee or agent of Applicant went to Port Everglades after September 13, 2013 to investigate whether or not the M/V Yacht Express displayed the mark UNITED YACHT TRANSPORT.
40. All emails or documents reflecting communications between Applicant and Dockwise after the receipt of Attorney John A. Tang's August 13, 2013 letter. (*see* UYT_0000124 – UYT_0000131).
41. All emails or documents reflecting communications between Paul Haber and Dockwise after the receipt of Attorney John A. Tang's August 13, 2013 letter. (*see* UYT_0000124 – UYT_0000131).
42. All emails or documents reflecting communications between Michael Uhr and Dockwise after the receipt of Attorney John A. Tang's August 13, 2013 letter. (*see* UYT_0000124 – UYT_0000131).

43. All emails or documents reflecting any and all actions taken by or on behalf of Applicant to make inquiries or investigate the facts stated Attorney John A. Tang's August 13, 2013 letter relating to priority and continuing use of the mark UNITED YACHT TRANSPORT by Dockwise. (*see* UYT_0000124 – UYT_0000131).

Date: November 4, 2015

Respectfully submitted,

/s/ Sandra I. Tart

J. Michael Pennekamp

Fla. Bar No. 983454

Email: jpennekamp@fowler-white.com

Sandra I. Tart

Fla. Bar No. 358134

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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 Second Request for Production of Documents has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 4th day of November 2015, by email to bhull@bushross.com .

/s/ Sandra I. Tart

Sandra I. Tart

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 THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

Opposer, SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V., by and through undersigned counsel, pursuant to Rule 34 of the Federal Rules of Civil Procedure, requests the Applicant, UNITED YACHT TRANSPORT LLC., to produce the following items for review and/or copying in accordance with said Rule:

DEFINITIONS AND INSTRUCTIONS

A. The term "emails" as used herein means each and every email responsive to the Requests herein and all attachments to such emails. Emails shall be produced in native format.

B. "Applicant" as used herein means Applicant United Yacht Transport LLC, its officers, directors, employees, agents, and any other persons acting on behalf of United Yacht Transport LLC, including but not limited to Paul Haber and Michael Uhr.

C. "UYT" as used herein means Applicant United Yacht Transport LLC, its officers, directors, employees, agents, and any other persons acting on behalf of United Yacht Transport LLC, including but not limited to Paul Haber and Michael Uhr.

D. "Dockwise" as used herein means Dockwise Yacht Transport LLC, Dockwise Shipping B.V. or any other related Dockwise entity.

E. The term "document" as used herein includes documents existing only in digital or electronic form, as well as documents which exist in physical, i.e. paper form.

F. The term "document" as used herein includes paper or digital photographs.

G. Unless otherwise stated, the time period for each Request herein is January 1, 2013 to date.

DOCUMENTS TO BE PRODUCED

1. All documents reflecting communications between (a) Applicant, Applicant's counsel (including but not limited to Alexander Zimmer) and any person acting on behalf of Applicant and (b) the USPTO, or any Examining Attorney of the USPTO, relating to U.S. Trademark Application Serial No. 86031633 filed by United Yacht Transport, LLC or to the Office Action Request issued by the USPTO relating to such Application.
2. All online, automated or paper applications submitted by United Yacht Transport, LLC, its counsel or anyone acting on behalf of United Yacht Transport LLC to the Federal Maritime Commission relating to obtaining a license as an Ocean Transport Intermediary, including but not limited to Online FMC-18. (This request includes all attachments or exhibits to the requested applications, as well as the applications themselves).
3. All applications submitted by United Yacht Transport, LLC, its counsel or anyone acting on behalf of United Yacht Transport LLC, to the Federal Maritime Commission to obtain any licenses, including but not limited to the paper form FMC-18 relating to licensure as an Ocean Transport Intermediary. (This request includes all attachments or exhibits to the requested applications, as well as the applications themselves).
4. All applications and other documents submitted by United Yacht Transport LLC, its counsel or anyone acting on behalf of United Yacht Transport LLC, to the Federal Maritime Commission or any federal agency office or division to obtain License No. 025897 shown in Exhibit "A" hereto and any and all renewals of said License.
5. All documents relating to any online postings by Opposer (or its predecessor Dockwise) referring to the UNITED YACHT TRANSPORT mark or services provided under or in connection with the mark in a critical or negative manner.
6. All documents relating to any online postings by Opposer (or its predecessor Dockwise) referring to United Yacht Transport LLC or any aspect of the services provided by United Yacht Transport LLC in a critical or negative manner.

7. All documents evidencing, reflecting or relating to any statements by Opposer (or its predecessor Dockwise) to third parties referring to the UNITED YACHT TRANSPORT mark or services provided under or in connection with the mark in a critical or negative manner.
8. All documents evidencing, reflecting or relating to any statements by Opposer (or its predecessor Dockwise) to third parties referring to United Yacht Transport LLC or any aspect of the services provided by United Yacht Transport LLC in a critical or negative manner.
9. All documents evidencing or relating to Applicant's assertion that in 2013 Opposer's predecessor Dockwise altered any Dockwise website to display the "United Yacht Transport" name for a brief time period and then removed the name.
10. All screenshots, or other documents relating to, evidencing or reflecting that any Dockwise website during the time period of January 1, 2011 – 2013 displayed, referred to or mentioned "United Yacht Transport" or "UYT."

Date: March 25, 2016

Respectfully submitted,

/s/ Sandra I. Tart

J. Michael Pennekamp

Fla. Bar No. 983454

Email: jpennekamp@fowler-white.com

Sandra I. Tart

Fla. Bar No. 358134

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Facsimile: (305) 789-9201

Counsel for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Third Request for Production of Documents has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 25th day of March 2016, by email to bhull@bushross.com.

/s/ Sandra I. Tart

Sandra I. Tart



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[NVOCCs](#)

[Click for News Alert Regarding Foreign-Based, Unlicensed Non-Vessel Operating Common Carriers \(NVOCC\).](#)

Note:

Commission regulations permit foreign-based NVOCCs to be licensed, or unlicensed, providing certain regulatory requirements are met (See 46 CFR §515.11 and 46 CFR §515.21 by clicking on the [Statutes and Rules](#)). Unlicensed (Registered) foreign-based NVOCCs are designated below by ** in the Lic. No. field.

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#	Business	China Bond Rider Effective Date	Phone / International Phone	Distance (mi)
1	UNITED YACHT TRANSPORT LLC FT. LAUDERDALE, FL 33312 Organization No. : 025897 License No. : 025897 Trade Name(s) : N/A Full Address : 2830 MARINA MILE BLVD. SUITE 118 FT. LAUDERDALE, FL 33312 UNITED STATES		(954) 417-7853	10.4

UNITED YACHT TRANSPORT LLC

Organization No. : 025897
 License No. : 025897
 Trade Name(s) : N/A
 Full Address : 2830 MARINA MILE BLVD.
 SUITE 118
 FT. LAUDERDALE, FL 33312
 UNITED STATES

[http://www.fmc.gov/otil/Eng](#)

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 FOURTH REQUEST FOR PRODUCTION OF DOCUMENTS

Opposer, SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V., by and through undersigned counsel, pursuant to Rule 34 of the Federal Rules of Civil Procedure, requests the Applicant, UNITED YACHT TRANSPORT LLC., to produce the following items for review and/or copying in accordance with said Rule:

DEFINITIONS AND INSTRUCTIONS

A. The term "emails" as used herein means each and every email responsive to the Requests herein and all attachments to such emails. Emails shall be produced in native format.

B. "Applicant" as used herein means Applicant United Yacht Transport LLC, its officers, directors, employees, agents, and any other persons acting on behalf of United Yacht Transport LLC, including but not limited to Paul Haber and Michael Uhr, and Applicant's attorneys.

C. "UYT" as used herein means Applicant United Yacht Transport LLC, its officers, directors, employees, agents, and any other persons acting on behalf of United Yacht Transport LLC, including but not limited to Paul Haber and Michael Uhr.

D. "Dockwise" as used herein means Dockwise Yacht Transport LLC, Dockwise Shipping B.V. or any other related Dockwise entity.

E. The term "document" as used herein includes emails, email attachments and all other documents existing only in digital or electronic form, as well as documents which exist in physical, i.e. paper form.

F. The term "document" as used herein includes paper or digital photographs.

G. Unless otherwise stated, the time period for each Request herein is January 1, 2013 to date.

DOCUMENTS TO BE PRODUCED

1. All emails, correspondence or other documents received by Applicant from the Federal Maritime Commission relating to licensing of Applicant by the Federal Maritime Commission.
2. All emails, correspondence or other documents received by Applicant from the Federal Maritime Commission relating to violations or alleged violations by Applicant of the Shipping Act of 1984 or regulations of the Federal Maritime Commission.
3. All emails, correspondence or other documents received by Applicant from the Federal Maritime Commission's Bureau of Enforcement relating to any investigation of Applicant by the Federal Maritime Commission relating to licensing or to violations or alleged violations by Applicant of the Shipping Act of 1984 or regulations of the Federal Maritime Commission.
4. All emails, correspondence or other documents received by Applicant from the Federal Maritime Commission's Bureau of Enforcement relating to licensing.
5. All emails, correspondence or other documents received by Applicant from the Federal Maritime Commission's Bureau of Enforcement relating to violations or alleged violations by Applicant of the Shipping Act of 1984 or any federal statutes or regulations.
6. All documents relating to investigation of Applicant by the Federal Maritime Commission relating to licensing or violations or alleged violations by Applicant of the Shipping Act of 1984 or any federal statutes or regulations.
7. All documents reflecting communications between Applicant and the Federal Maritime Commission relating to the licensing of Applicant as an ocean transport intermediary.
8. All documents reflecting communications between Applicant and the Federal Maritime Commission relating to Applicant's violation or non-compliance with any federal statutes or Federal Maritime Commission regulations, including but not limited to the Shipping Act of 1984, as amended.

9. All documents reflecting or relating to fines, penalties or other sanctions imposed on Applicant by the Federal Maritime Commission, or threatened to be imposed on Applicant by the Federal Maritime Commission, relating to any licensing issues.
10. All documents reflecting fines, penalties or other sanctions imposed on Applicant by the Federal Maritime Commission relating to licensure as an ocean transport intermediary or Applicant's failure to be licensed as an ocean transport intermediary.
11. All documents relating or referring to Applicant's submission of an application to the Federal Maritime Commission to obtain a license as an ocean transport intermediary ("OTI").
12. All documents relating or referring to Applicant's submission of an application to the Federal Maritime Commission to obtain a license as an Non-Vessel-Owning Common Carrier ("NVOCC").
13. All documents relating or referring to Applicant's submission of an application to the Federal Maritime Commission to obtain a license as an Ocean Freight Forwarder ("OFF").
14. All documents reflecting communications between Applicant and the Federal Maritime Commission relating to licensing of Applicant as an ocean transport intermediary.
15. All internal emails or documents of Applicant discussing, relating to or concerning the need for Applicant to be licensed by the Federal Maritime Commission.
16. All documents constituting, reflecting or relating to submissions or filings by Applicant (or counsel for Applicant) to the Federal Maritime Commission in connection with any investigation of Applicant by the Federal Maritime Commission.
17. All documents relating to any investigation (open or closed) of Applicant by the Federal Maritime Commission.
18. All documents that Applicant or its attorneys submitted to or filed with the Federal Maritime Commission in connection with any investigation (open or closed) of Applicant by the Federal Maritime Commission.

Date: April 22, 2016

Respectfully submitted,

/s/ Sandra I. Tart

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Counsel for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposer's Fourth Request for Production of Documents has been served upon Bryan D. Hull, Esquire, counsel for Applicant United Yacht Transport, LLC, this 22nd day of April 2016, by email to bhull@bushross.com.

/s/ Sandra I. Tart

Sandra I. Tart