

ESTTA Tracking number: **ESTTA644449**

Filing date: **12/15/2014**

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

Proceeding	91219179
Party	Defendant United Yacht Transport LLC
Correspondence Address	ALEXANDER ZIMMER ALEXANDER J. ZIMMER, ATTORNEY AT LAW 243 E 81ST ST APT 4F NEW YORK, NY 10028-2646 alex@ajzimmerlaw.com
Submission	Answer
Filer's Name	Bryan D. Hull
Filer's e-mail	bhull@bushross.com, avianueva@bushross.com
Signature	/Bryan D. Hull/
Date	12/15/2014
Attachments	Answer_to_notice_of_opposition_(FILED).PDF(84918 bytes)

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

SPLIETHOFF'S BEVRACHTINGSKANTOOR B.V.,

Opposer,

vs.

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

UNITED YACHT TRANSPORT LLC,

Applicant.

ANSWER TO NOTICE OF OPPOSITION

Applicant, UNITED YACHT TRANSPORT LLC, answers the Notice of Opposition, as follows:

1. Admit.
2. Admit.
3. Without knowledge and therefore denied.
4. Admit.
5. Denied.
6. Without knowledge and therefore denied.
7. Without knowledge and therefore denied.
8. Admitted that the International Maritime Organization number for the *Yacht Express* is IMO 9346029. Otherwise, without knowledge and therefore denied.
9. Without knowledge and therefore denied.
10. Without knowledge and therefore denied.
11. Denied.
12. Without knowledge and therefore denied.

13. Denied.
14. Relationship of Dockwise N.V. to Opposer and any predecessors is unknown and therefore denied. Otherwise, admitted.
15. Admitted that United Yacht Transport (USA) Inc. changed its corporate name to Dockwise Yacht Transport (USA) Inc. in June 2000. Otherwise, without knowledge and therefore denied.
16. Admitted that United Yacht Transport (USA) Inc. first filed for authorization to do business in Florida on December 31, 1992. Admitted that public filings with the Florida Department of State, Division of Corporations reflect the name change from United Yacht Transport (USA) Inc. to Dockwise Yacht Transport (USA) Inc. and the respective registrations to do business in Florida. Otherwise, denied.
17. Denied.
18. Without knowledge and therefore denied.
19. Without knowledge and therefore denied.
20. Without knowledge and therefore denied.
21. Admitted that “DYT” and DYT Transportation” are registered as fictitious names of Sevenstar Yacht Transport USA Agencies LLC. Without knowledge as to corporate relationship with Opposer and therefore denied.
22. Denied.
23. Denied.
24. Denied.
25. Denied.
26. Without knowledge and therefore denied.

27. Without knowledge and therefore denied.
28. Without knowledge and therefore denied.
29. Without knowledge and therefore denied.
30. Denied.
31. Denied.
32. Denied.
33. Admitted that Applicant's first use of the mark "UNITED YACHT TRANSPORT" in US commerce was in 2013. Otherwise denied.
34. Denied.
35. Admit.
36. Denied.
37. Admit.
38. Denied.
39. Denied.
40. Denied.

AFFIRMATIVE DEFENSES

1. After the name change from United Yacht Transport (USA) Inc. to Dockwise Yacht Transport (USA) Inc., Dockwise Yacht Transport (USA) Inc. and/or Dockwise Yacht Transport LLC discontinued use of the mark "UNITED YACHT TRANSPORT" in the ordinary course of trade and intended not to resume use. No bona fide use of the mark was made in commerce for a period greater than three years, and any rights in the mark were abandoned.

2. Any alleged use by Dockwise Yacht Transport (USA) Inc. and/or Dockwise Yacht Transport LLC subsequent to abandonment was not bona fide and continuous use of the

mark in commerce but, at most, was sporadic, casual, and nominal. Opposer and its subsidiaries have never used the “UNITED YACHT TRANSPORT” mark in commerce and have never intended to use the mark in commerce. Instead, they have taken affirmative steps to denigrate the UNITED YACHT TRANSPORT name and distance themselves from the mark in email communications and Internet postings.

WHEREFORE, Applicant, UNITED YACHT TRANSPORT LLC, respectfully requests that the opposition be dismissed with prejudice, that Applicant be permitted to register the mark in U.S. Application Serial No. 86031633, and that any further relief as is just and proper be granted.

Respectfully submitted,

Dated: December 15, 2014

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

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer has been served on J. Michael Pennekamp and Sandra I. Tart by mailing said copy on December 15, 2014, via First Class Mail, postage prepaid to: J. Michael Pennekamp and Sandra I. Tart, FOWLER WHITE BURNETT, P.A., Espirito Santo Plaza, Fourteenth Floor, 1395 Brickell Avenue, Miami, Florida 33131, and by email to: jpennekamp@fowler-white.com and start@fowler-white.com.

Signature: /s/ Bryan D. Hull
Date: December 15, 2014