

ESTTA Tracking number: **ESTTA763503**

Filing date: **08/09/2016**

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

Proceeding	91221325
Party	Plaintiff Red Bull GmbH
Correspondence Address	MARTIN R GREENSTEIN TECHMARK A LAW CORPORATION 4820 HARWOOD ROAD, 2ND FLOOR SAN JOSE, CA 95124 UNITED STATES MRG@TechMark.com, AMR@TechMark.com, LZH@TechMark.com, DMP@TechMark.com, NDG@TechMark.com
Submission	Motion for Summary Judgment
Filer's Name	Angelique M. Riordan
Filer's e-mail	MRG@TechMark.com, AMR@TechMark.com, DMP@TechMark.com, PTO-Mail@techmark.com
Signature	/Angelique M. Riordan/
Date	08/09/2016
Attachments	RB v. Jordi Nogues - Cons. Proc. No. 91-221,325 - MSJ Final.pdf(613462 bytes )

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being filed electronically with the Trademark Trial and Appeal Board via ESTTA, on the date below:

August 9, 2016

/Angelique M. Riordan/  
Angelique M. Riordan

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

<p><b>RED BULL GMBH,</b></p> <p style="text-align: center;"><b>Opposer/Petitioner</b></p> <p style="text-align: center;">v.</p> <p><b>JORDI NOGUES<sup>1</sup>/JORDI NOGUES, S.L.,</b></p> <p style="text-align: center;"><b>Applicant/Registrant</b></p>	<p>)</p>	<p><b>Consolidated Proceeding No. 91-221,325</b></p> <p>Opposition No.: 91-221,325</p> <p>Serial No.: 86/324,277</p> <p>Trademark:</p> <div style="text-align: center;"></div> <p>Cancellation No.: 92-061,202</p> <p>Registration No.: 4,471,520</p> <p>Trademark:</p> <div style="text-align: center;"></div>
---	--	---

**RED BULL’S MOTION FOR SUMMARY JUDGMENT AND REQUEST FOR  
BOARD-ISSUED SUSPENSION ORDER**

Pursuant to the Federal Rules of Civil Procedure (“Fed. R. Civ. P.”) Rule 56 and 37 Code of Federal Regulations (“C.F.R.”) Section 2.127(e), Opposer<sup>2</sup>, RED BULL GMBH (“Red Bull” or “Opposer”), hereby moves for entry of summary judgment<sup>3</sup> in its favor based on lack of bona fide intent to use and false declaration, and a detrimental non-correctable error on the initial application, as laid out in Opposer’s Notice of Opposition (“Notice”)<sup>4</sup>. As discussed herein, based on the trademark rules clearly laid out in the Trademark Manual of Examining Procedure (“TMEP”) and Code and Federal Regulations (“C.F.R.”)<sup>5</sup>, and based on JORDI NOGUES/JORDI NOGUES, S.L.’s (“Applicant”) admissions in its Answer to Opposer’s Notice of Opposition (“Answer”)<sup>6</sup> and

<sup>1</sup> Improperly amended to Jordi Nogues, S.L.

<sup>2</sup> Despite the consolidation of Opposition No. 91-221,325 and Cancellation No. 92-061,202, for the purposes of this motion for summary judgment and for clarity, Red Bull GmbH will be referred to as “Opposer” and Jordi Nogues/Jordi Nogues, S.L. will be referred to as “Applicant.”

<sup>3</sup> The Board’s March 10, 2016 Order provides Opposer with 30 days to file an amended notice of opposition and motion for summary judgment. Since the Board’s Order, Opposer has filed two extensions with Applicant’s consent, both of which have been granted by the Board.

<sup>4</sup> See Notice of Opposition (“Notice”), Opposition No. 91-221,325, Docket No. 1 (April 1, 2015).

<sup>5</sup> See TMEP Section 803.06, TMEP Section 1201.02, 37 C.F.R. Section 2.71.

<sup>6</sup> See Answer to Notice of Opposition (“Answer”), Opposition No. 91-221,325, Docket No. 5 (April 22, 2015).

Applicant's discovery responses, Appln. No. 86/324,277 is void *ab initio* and, as such, the initial application did not have the requisite bona fide intent to use the applied-for mark at the time of filing and the instant opposition should be sustained. This motion is timely as the pleading period for this consolidated proceeding has closed, and the first testimony period has not yet opened.<sup>7</sup>

Pursuant to 37 C.F.R. Section 2.127(d) and TBMP Section 510.03(a), the instant consolidated proceeding will be suspended as to all matters not germane to this Motion for Summary Judgment<sup>8</sup>, including suspending any and all deadlines relating to discovery, and Red Bull respectfully requests that the Board issue an order to that effect.

### **Introduction**

A motion for summary judgment is appropriate where there is “no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”<sup>9</sup> The purpose of the motion is “to avoid an unnecessary trial where there is no genuine issue of material fact and more evidence than is already available in connection with the summary judgment motion could not reasonably be expected to change the result in the case.”<sup>10</sup> The summary judgment procedure is regarded as “a salutary method of disposition,” and the Board does not hesitate to dispose of cases on summary judgment when appropriate.<sup>11</sup> Here, summary judgment is proper where there is no genuine issue of material fact - the trademark rules are clear, and Applicant's Answer and discovery responses provide all admissions necessary to support a finding, that Appln. No. 86/324,277 was void *ab initio* and that, at the time of filing, the initial application did not have the requisite bona fide intent to use the applied-for mark. As such, this Motion for Summary Judgment should be granted, sustaining the instant opposition and denying registration of Appln. No. 86/324,277.

### **Argument**

The trademark rules specify that an applicant may file a trademark application based on

---

<sup>7</sup> 37 C.F.R. Section 2.127(e)(1); TBMP Section 528.02.

<sup>8</sup> See *DAK Industries Inc. v. Daiichi Kosho Co.*, 35 USPQ2d 1434 (TTAB 1995).

<sup>9</sup> See FRCP Rule 56 and TBMP Section 528.01.

<sup>10</sup> See TBMP Section 528.01.

<sup>11</sup> See *Id.* and cases cited therein.

the applicant's bona fide intent to use the applied-for mark in commerce in connection with the applied-for goods or services where a verified statement, attesting to the applicant's bona fide intent to use, is included in support of this application.<sup>12</sup> Where an applicant files a trademark application based on bona fide intent to use, which necessarily includes this verified statement, but does not, at the time of filing, actually possess the requisite bona fide intent to use the applied-for mark in connection with the applied-for goods and services, the resulting application or registration is subject to opposition or cancellation.<sup>13</sup> Additionally, while certain errors made as to an applicant's name in an original trademark application are correctable, an error, such as the one made in the filing of Appln. No. 86/324,277, is a non-correctable error that renders the application void *ab initio*.

While an application can be amended to correct an inadvertent error in the manner in which an applicant's name is set forth, an application cannot be amended to substitute another entity as the applicant.<sup>14</sup> An application filed in the name of the wrong party is void and cannot be corrected by amendment.<sup>15</sup>

The trademark rules distinguish two types of errors, correctable errors and non-correctable errors. Where an error is made and an individual is named in the original application instead of the correct business entity, as is the case with Application No. 86/324,277, this is a non-correctable error and the application is void *ab initio*.<sup>16</sup> "A void application cannot be cured by amendment or assignment."<sup>17</sup> Where the listing of the initial applicant was the result of a non-correctable error, it is clear that the initial applicant did not possess the requisite bona fide intent to use the applied-for mark at the time of filing Application No. 86/324,277.

## **I. Opposer Sufficiently Alleged Standing in Its Notice of Opposition.**

---

<sup>12</sup> See TMEP Section 1101; 15 U.S.C. Section 1051(b)(3)(B), 1126E, 1141f(a); 37 C.F.R. Section 2.33(b)(2), 2.33(e)(1), 2.34(a)(2), 2.34(a)(3)(o), 2.34(a)(4)(ii), 2.34(a)(5).

<sup>13</sup> See TBMP Section 309.03(c); 15 U.S.C. Section 1051(b).

<sup>14</sup> See TBMP Section 803.06; 37 C.F.R. Section 2.71.

<sup>15</sup> See TBMP Section 1201.02(c); 37 C.F.R. Section 2.71(d).

<sup>16</sup> An example of a non-correctable error is if, for example, "the president of a corporation is identified as the owner of the mark when in fact the corporation owns the mark, and there is no inconsistency in the original application between the owner name and the entity type (such as a reference to a corporation in the entity section of the application), the application is void as filed because the applicant is not the owner of the mark." *Id.*

<sup>17</sup> TBMP Section 803.06.

Standing is a threshold issue that must be proven by a plaintiff in every *inter partes* case.<sup>18</sup> Pursuant to Trademark Act Section 13(a) and 15 U.S.C. Section 1063, “[a]ny person who believes that he would be damaged by the registration of a mark upon the principal register ... may, upon payment of the prescribed fee, file an opposition in the Patent and Trademark Office, stating the grounds therefor.” A pleading must only plead factual content that allows the Board to draw a reasonable inference that the plaintiff has standing and that a valid ground for the opposition or cancellation exists.<sup>19</sup> To have standing, a plaintiff must have a *real interest* in the outcome of the proceeding – the plaintiff must have a direct and personal stake in the outcome.<sup>20</sup> In its Notice of Opposition, Opposer alleges that it has a real interest in the outcome of the proceeding by citing its Federal and common law trademark rights, the overlap between Applicant’s business and Opposer’s business, and that Opposer has a reasonable belief that it will be damaged by registration of Application No. 86/324,277.<sup>21</sup> It is indisputable that Opposer has sufficiently alleged standing for the purposes of the above-captioned opposition.

## **II. Applicant Filed a Preliminary Amendment, Just Days After Filing Appln. No. 86/324,277, Purporting to Correct a Non-Correctable Error.**

In the Answer, Applicant expressly admits that the TSDR records accurately reflect a preliminary amendment, filed on July 8, 2014, purporting to change Applicant’s name from Jordi Nogues, the individual, to Jordi Nogues, S.L., the limited liability company.<sup>22</sup> The portions of Applicant’s Answer that admit and confirm that the TSDR records are an accurate reflection of the preliminary amendment filed read as follows (in relevant part):

---

<sup>18</sup> See *Ritchie v. Simpson*, 170 F.3d 1092, 50 USPQ2d 1023 (TTAB 1999); *Lipton Industries v. Ralston Purina Co.*, 670 F.2d 1024, 213 USPQ 1851 (C.C.P.A. 1982).

<sup>19</sup> See *Bell Atlantic Corp v. Twombly*, 550 U.S. 544, 556 (2007).

<sup>20</sup> See *Ritchie*, 170 F.3d 1092.

<sup>21</sup> See Notice of Opposition (“Notice”), Docket No. 1 (April 1, 2015), ¶¶ 1-6, and 17-19.

<sup>22</sup> For clarity, Jordi Nogues, S.L. is a Spanish entity equivalent to a limited liability company in the United States, not a corporation. The preliminary amendment, filed July 8, 2014, incorrectly lists Jordi Nogues, S.L. as a corporation organized under the laws of Spain. This is later corrected by an Examiner’s Amendment, entered on October 28, 2014, to correctly reflect the fact that S.L., a Spanish entity, is legally equivalent to a limited liability company in the United States. The Jordi Nogues, S.L. listed in the record for Application No. 86/324,277 is the same as the listed registrant of Registration No. 4,471,520, which is the subject of related Cancellation No. 92-061,202.

- Notice:** 7. The original Applicant, Jordi Nogues (“Applicant”), an individual whose address is listed as Bruc 114, pral 2<sup>a</sup>, Barcelona, Spain 08009, filed Application No. 86/324,277 on June 30, 2014, claiming a bona fide intent-to-use the [mark of Application No. 86/324,277] in U.S. commerce on or in connection with “beer,” in Int’l Class 32. Application No. 86/324,277 was published on December 2, 2014.<sup>23</sup>
- Answer:** 7. As to the information contained in paragraph 7 of the Opposition, Applicant states that the records of the U.S. Patent and Trademark Office shall speak for themselves.<sup>24</sup>
- Notice:** 8. On July 8, 2014, Nicholas Wells, attorney of record listed on Application No. 86/324,277, signed and filed a preliminary amendment, without explanation, declaration, assignment or support, purporting to change the listed owner of Application No. 86/324,277 from Jordi Nogues, the individual, to Jordi Nogues, S.L., a corporation organized under the laws of Spain.<sup>25</sup>
- Answer:** 8. As to the information contained in paragraph 8 of the Opposition, Applicant states that the records of the U.S. Patent and Trademark Office shall speak for themselves.<sup>26</sup>
- Notice:** 9. According to the Trademark Manual of Examining Procedure (“TMEP”) Section 803.06 and 1201.02(c), when an application filed in the name of the wrong party – for example, in the name of the president of a corporation as an individual when the corporation owns the mark – this is a non-correctable error and the application is void *ab initio*. As such, Application No. 86/324,277 is void *ab initio*.<sup>27</sup>
- Answer:** 9. As to the information contained in paragraph [9] of the Opposition, Applicant states that the [rules] of the U.S. Patent and Trademark Office shall speak for themselves.<sup>28</sup>

Intent-to-use Appln. No. 86/324,277 was filed in the name of Jordi Nogues, an individual living in Spain. Just eight days after this application was filed, Applicant’s experienced counsel who is presumably well-acquainted with the rules, filed a preliminary amendment, without explanation, declaration, assignment or support, purporting to change the listed owner of Application No. 86/324,277 from Jordi Nogues to Jordi Nogues, S.L., a corporation organized under the laws of Spain. This preliminary amendment attempts to *fix* the purported error of listing Jordi Nogues, individually, as the owner of the mark and the one possessing the bona fide

---

<sup>23</sup> See Notice, ¶ 7.

<sup>24</sup> See Answer to Notice of Opposition (“Answer”), Docket No. 5 (April 22, 2015), ¶ 7.

<sup>25</sup> See Notice, ¶ 8.

<sup>26</sup> See Answer, ¶ 8

<sup>27</sup> See Notice, ¶ 9.

<sup>28</sup> See Answer, ¶ 9. Note that Applicant’s Answer mistakenly references paragraph 7 in its response to paragraph 9, but it is clear that Applicant intends to provide a response to paragraph 9 and that it is acknowledging the accuracy and validity of the USPTO rules, not the USPTO records.

intent to use the mark of Appln. No. 86/324,277, instead of the correct applicant, Jordi Nogues, S.L., the limited liability company. Based on the well-settled rules and case law<sup>29</sup>, this is very clearly a non-correctable error and the initial applicant at the time of filing Application No. 86/324,277 did not possess the requisite bona fide intent to use the applied-for mark in connection with the applied-for goods.

In this case, the application was filed in error in the name of an individual, who is the founder of Jordi Nogues, S.L. The correct applicant, and the entity that allegedly possessed the bona fide intent to use the mark of Appln. No. 86/324,277 at the time of filing, was the limited liability company, Jordi Nogues, S.L., as reflected by Applicant's preliminary amendment. As the rules clearly state, errors cannot be *cured* by filing an amendment or assignment – moreover, this mistake falls under the category of non-correctable error, rendering Appln. No. 86/324,277 void *ab initio*. The initial applicant, Jordi Nogues, the individual, did not possess the requisite bona fide intent to use the applied-for mark at the time of filing Application No. 86/324,277.

### **III. It is Clear that Jordi Nogues, S.L., the Limited Liability Company, Was In Existence As Of The Filing Date Of Application No. 86/324,277.**

Filing Appln. No. 86/324,277 in the name of Jordi Nogues, the individual, rather than Jordi Nogues, S.L., the limited liability company, where this company was already in existence was clearly a non-correctable error. As such, the initial applicant, Jordi Nogues, the individual, did not possess the requisite bona fide intent to use the applied-for mark at the time of filing Application No. 86/324,277. Not only was Registration No. 4,471,520, the subject of the related cancellation action, filed in 2012 in the name of Jordi Nogues, S.L, but Applicant's discovery responses admit that Jordi Nogues, S.L. "was founded in 1995..."<sup>30</sup> Application No. 86/324,277 was not filed until 2014. In addition to Applicant's admissions in its discovery responses, Registration No. 4,471,520 for the mark BADTORO & Bull Logo, which is the subject of related

---

<sup>29</sup> See *Tracie Martyn, Inc. v. Tracy Artman*, Opposition No. 91-173,009 (May 1, 2008) [not precedential].

<sup>30</sup> See relevant portions of discovery responses attached as Exhibit B.

Cancellation No. 92-061,202<sup>31</sup>, was filed in the name of Jordi Nogues, S.L. two years prior to the filing of Appln. No. 86/324,277.

Clearly, Jordi Nogues, S.L., the limited liability company, was in existence when Appln. No. 86/324,277 was filed in 2014. However, by mistake, Appln. No. 86/324,277 was filed in the name of Jordi Nogues, the individual, constituting a non-correctable error and rendering Appln. No. 86/324,277 void *ab initio*. Further, not being the intended applicant, Jordi Nogues, the individual, could not have possessed the requisite bona fide intent to use the mark of Appln. No. 86/324,277 at the time of filing the intent-to-use application – the bona fide intent to use this mark, if any, was that of Jordi Nogues, S.L., the intended applicant.

**IV. At The Time Of Filing Intent-To-Use Application No. 86/324,277, The Original Applicant, Jordi Nogues, Did Not Have a Bona Fide Intent To Use the Mark of Application No. 86/324,277 on the Relevant Goods.**

At the time of filing Appln. No. 86/324,277, the original applicant listed on the application, Jordi Nogues, submitted a declaration, attesting to his bona fide intent to use the mark of Appln. No. 86/324,277. At the time of filing that declaration, Jordi Nogues did not possess a bona fide intent to use the mark of Appln. No. 86/324,277 on the relevant goods. In addition to the above, Applicant's discovery responses confirm that the mark of Appln. No. 86/324,277 "was created and designed ... in 2006 ... for [Jordi Nogues, S.L.]."<sup>32</sup> The mark of Appln. No. 86/324,277 was developed long prior to the filing of Appln. No. 86/324,277 to be used specifically by Jordi Nogues, S.L. It is clear that Jordi Nogues, the individual, could not have possessed the requisite bona fide intent to use the mark of Appln. No. 86/324,277 at the time of filing the intent-to-use application. As Jordi Nogues, the unintentional applicant, did not have a bona fide intent to use the mark of Appln. No. 86/324,277 at the time of filing, the declaration submitted simultaneously with the application constitutes a false declaration. Not

---

<sup>31</sup> See Petition to Cancel ("Cancellation"), Cancellation No. 92-061,202 (April 1, 2015). Opposition No. 91-221,325 is explicitly listed as a related opposition on the USPTO-generated cover sheet for this Cancellation.

<sup>32</sup> See relevant portions of discovery responses attached as Exhibit B.

only does the non-correctable error laid out above render Appln. No. 86/324,277 void *ab initio*, but, further, Appln. No. 86/324,277 is void based on Applicant's lack of bona fide intent to use at the time of filing and false declaration.

**Conclusion**

For the foregoing reasons, Opposer respectfully requests that the Board grant the Motion for Summary Judgment, sustaining the instant opposition and denying registration of Appln. No. 86/324,277.

Dated: August 9, 2016

Respectfully submitted,

Martin R. Greenstein  
Neil D. Greenstein  
Angelique M. Riordan  
Derek M. Palmer  
TechMark a Law Corporation  
4820 Harwood Road, 2<sup>nd</sup> Floor  
San Jose, CA 95124-5237  
Tel: 408-266-4700 Fax: 408-850-1955  
E-mail: [MRG@TechMark.com](mailto:MRG@TechMark.com)  
By: /Martin R. Greenstein/  
Martin R. Greenstein  
Attorney for Red Bull GmbH

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **RED BULL'S MOTION FOR SUMMARY JUDGMENT** is being served on August 9, 2016, by deposit of same in the United States Mail, first class postage prepaid, in an envelope addressed to counsel for Applicant/Registrant Jordi Nogues/Jordi Nogues, S.L. at:

JAMES T. BURTON  
KIRTON MCCONKIE  
60 E SOUTH TEMPLE STE 1800  
SALT LAKE CITY, UT 84111-1032  
UNITED STATES

/Angelique M. Riordan/  
Angelique M. Riordan

# **EXHIBIT A**



# **EXHIBIT B**

Nicholas D. Wells  
[nwells@kmclaw.com](mailto:nwells@kmclaw.com)  
Joshua S. Rupp  
[jrupp@kmclaw.com](mailto:jrupp@kmclaw.com)  
KIRTON | McCONKIE, P.C.  
60 East South Temple, Suite 1800  
Salt Lake City, Utah 84111  
Phone: (801) 328-3600  
Fax: (801) 321-4893

*Attorneys for Applicant*  
*Jordi Nogues, S.L.*

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

<p>RED BULL GMBH,  Opposer,  v.  JORDI NOGUES, S.L.  Applicant.</p>	<p>Opposition No. 91/221,325  <b>APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT (Nos. 1 – 14)</b>  Serial No. 86/324,277 Trademark: Bull Design</p>
---	---

**GENERAL OBJECTIONS**

Pursuant to the applicable Federal Rules of Civil Procedure and Trademark Rules, the following general objections are hereby made to each and every one of Opposer Red Bull GmbH's ("Opposer") First Set of Interrogatories to Applicant Jordi Nogues, S.L. ("Applicant"), including interrogatory numbers 1 through 14 (collectively "Interrogatories" and each individually an "Interrogatory"), as though fully set forth therein, and are made without waiver of any specific objections set forth below.

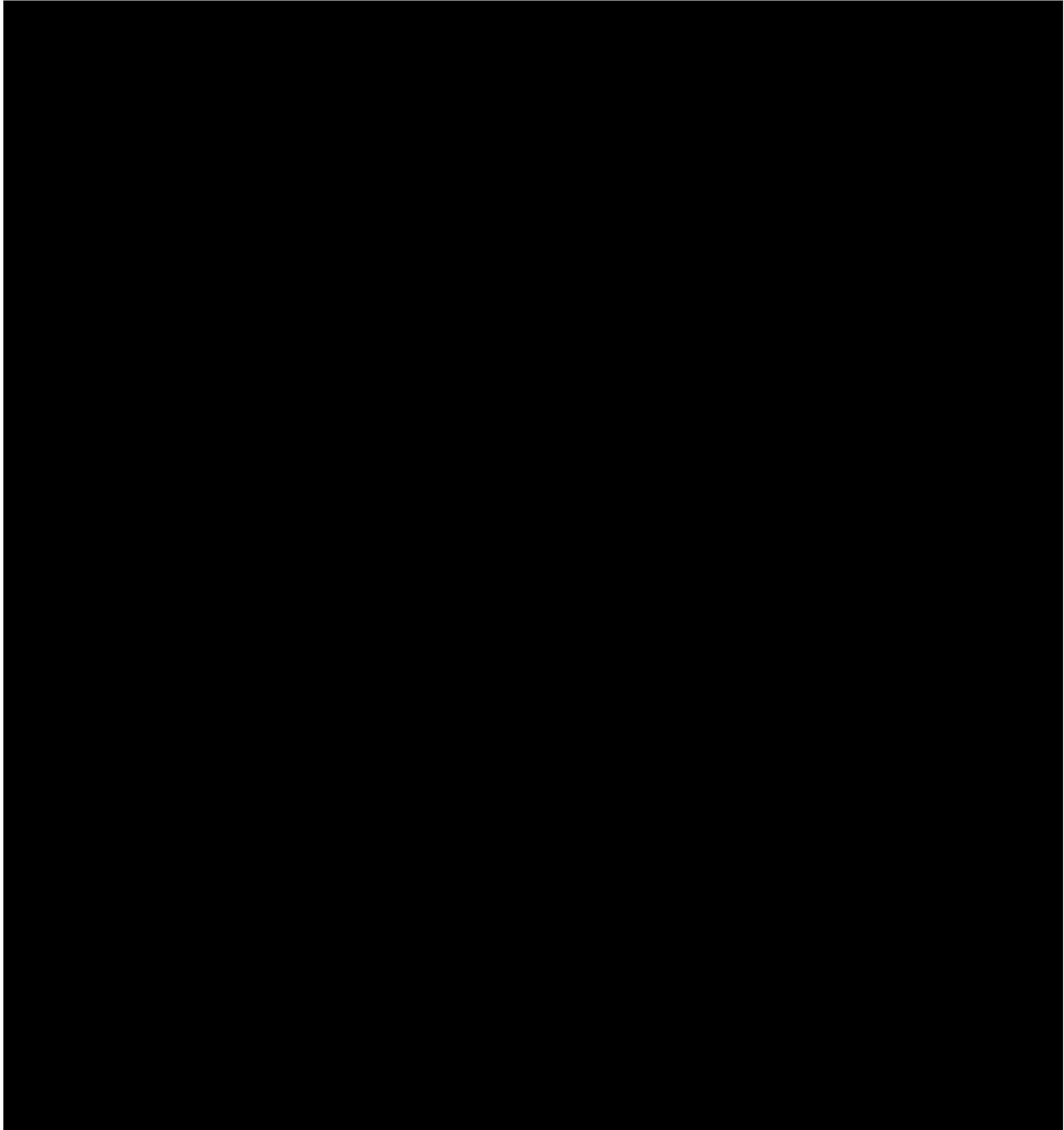
1. [REDACTED]

[REDACTED]

**INTERROGATORY NO. 11:**

*Explain the origin of Applicant's Bull Device Mark and why this was chosen over other potential marks.*

**APPLICANT'S RESPONSE TO INTERROGATORY NO. 11:**



Subject to the foregoing objections and without waiving the same, Applicant responds

as follows: Applicant was founded in 1995 with the goal of providing modern souvenir products, among other various goods and/or services. [REDACTED]

[REDACTED]

[REDACTED] The design used for Applicant's U.S. Trademark Application No. 86/324,277, as well as Applicant's U.S. Trademark Registration No. 4,471,520, was created and designed by Mr. Jordi Nogues in 2006 as one of many designs or symbols used by Applicant. [REDACTED]

[REDACTED]

**INTERROGATORY NO. 12:**

[REDACTED]

**APPLICANT'S RESPONSE TO INTERROGATORY NO. 12:**

[REDACTED]

Respectfully submitted on November 5<sup>th</sup>, 2015.

By: /Nicholas D. Wells/

KIRTON MCCONKIE, PC  
1800 World Trade Center  
60 E. South Temple  
Salt Lake City, Utah 84111  
Tel: (801) 328-3600  
Email: nwells@kmclaw.com

*Attorney for Applicant*  
*JORDI NOGUES, S.L.*

**VERIFICATION FOR INTERROGATORY NOS. 1 – 14**

I hereby certify that I have read the foregoing responses to Interrogatory Nos. 1 through 14 and that the factual statements contained therein are true to the best of my knowledge.

By: Jordi Nogues/  
Jordi Nogues

A handwritten signature in black ink, appearing to read "Jordi Nogues", is written over a horizontal line.

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 5<sup>th</sup> day of November, 2015, I served a copy of the foregoing **APPLICANT'S RESPONSES TO OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT (Nos. 1 – 14)** on the attorney for Opposer, as designated below, by placing said copy in the United States Mail, first class, postage prepaid, with an advance copy via email, addressed as follows:

Neil D. Greenstein  
[NDG@TechMark.com](mailto:NDG@TechMark.com)  
Martin R. Greenstein  
[MRG@TechMark.com](mailto:MRG@TechMark.com)  
Angelique M. Riordan  
[AMR@TechMark.com](mailto:AMR@TechMark.com)  
Leah Z. Halpert  
[LZH@TechMark.com](mailto:LZH@TechMark.com)  
**TechMark a Law Corporation**  
4820 Harwood Road, 2<sup>nd</sup> Floor  
San Jose, CA 95124-5237

By: /Nicholas D. Wells/