

ESTTA Tracking number: **ESTTA1247630**

Filing date: **11/12/2022**

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

| | |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding no. | 92078340 |
| Party | Plaintiff Festivals of Speed, LLC |
| Correspondence address | DONALD J SCHUTZ SCHUTZ LITIGATION 535 CENTRAL AVENUE ST PETERSBURG, FL 33701 UNITED STATES Primary email: don@lawus.com Secondary email(s): donschutz@netscape.net 727-823-3222 |
| Submission | Opposition/Response to Motion |
| Filer's name | Donald J Schutz |
| Filer's email | don@lawus.com, donschutz@netscape.net |
| Signature | /Donald J Schutz/ |
| Date | 11/12/2022 |
| Attachments | Pet Opposition MTD 2 Am Pet.pdf(207640 bytes) |

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

FESTIVALS OF SPEED, LLC,

Petitioner,

-against-

THE GOODWOOD ESTATE COMPANY LIMITED,

Registrant.

Cancellation No. 92078340

**PETITIONER’S OPPOSITION TO REGISTRANT’S PARTIAL MOTION TO DISMISS
PETITIONER’S SECOND AMENDED PETITION FOR CANCELLATION OF
REGISTERED TRADEMARKS**

Petitioner, Festivals of Speed, LLC (“FOS” or “Petitioner”) by and through undersigned counsel, now respectfully opposes the Registrant’s (“Goodwood” or “Registrant”) October 28, 2022 Motion to Dismiss the Second Amended Petition (the “Motion”). Petitioner is the owner of the mark “Festivals of Speed,”, Registration No. 3665425 (the “FOS Mark”) and Petitioner seeks cancellation of Goodwood’s Registrations No. 5557758 for the word mark “Goodwood Festival of Speed” and No. 6132392 for the word and design mark Festival of Speed.

I. INTRODUCTION

As set forth in the Second Amended Petition for Cancellation (the “Petition”), FOS and Goodwood host similar events featuring automobiles, motorcycles, equestrian, yachts, and aircraft, advertising to the same customers and seeking the same sponsors, with FOS operating in the United States since 2005 under its U.S. registered trademark, “Festivals of Speed,” and Goodwood operating in the United Kingdom since at least 1993 under Goodwood’s “Goodwood Festival of Speed” trademark. FOS does not contest Goodwood’s right to continue to promote in the United States Goodwood’s geographically identified event

at Goodwood House, Sussex, England, under the internationally protected trademark, "Goodwood Festival of Speed," that falls within Goodwood's first Section 66 (a) registration, Registration No. 5557758. However, Petitioner contests and seeks cancellation of Goodwood's Registration No. 5557758 in the United States for any goods and services other than Goodwood's historical geographically identified event at Goodwood House, Sussex, England, named "Goodwood Festival of Speed," and Petitioner contests and seeks cancellation of Goodwood's Second Registration, "Festival of Speed," Registration No. 6132392, in the United States for any reason.

II. STANDARD FOR MOTION TO DISMISS

On review of a motion to dismiss, the Petitioner, "need only allege such facts as would, if proved, establish that (1) [petitioner] has standing to maintain the proceedings, and (2) a valid ground exists for opposing the mark." *Fair Indigo LLC v. Style Conscience*, 85 USPQ 2d 1536, 1538 (TTAB 2007). The Motion does not contest standing. Petitioner has pled that Petitioner has priority and the Registrant's marks create a likelihood of confusion with sufficient facts to satisfy this pleading requirement:

A "plaintiff is not required to prove the likelihood of confusion at the pleading stage." (citations omitted). Instead, "[t]he likelihood of confusion is a fact-specific inquiry best left for decision after discovery." (citation omitted); see *Government Employees Ins. Co. v. Google, Inc.*, 330 F. Supp. 2d 700, 704 (E.D.Va. 2004) ("Whether defendants' uses are legitimate fair uses of the trademarks in competition, and whether they create a likelihood of confusion, are fact specific issues not properly resolved through a motion to dismiss.")

Mastro's Rests. LLC v. Dominick Grp. LLC, No. CV 11-1996-PHX-PGR, 2012 U.S. Dist. LEXIS 80200, at *13-14 (D. Ariz. June 11, 2012).

The Petition pleads that Goodwood made false representations in Goodwood's application, which are actionable, *Bart Schwartz International Textiles, Ltd. v. The Federal Trade Commission*, 289 F.2d 665, 129 USPQ 258, 260 (CCPA 1961) ("[T]he obligation which the Lanham Act imposes on an applicant is that he will not make knowingly inaccurate or

knowingly misleading statements in the verified declaration forming a part of the application for registration."). Petitioner alleges fraud that is a basis to cancel registrations in any classes relying on fraud, *G&W Laboratories Inc. v. GW Pharma Ltd.*, 89 USPQ2d 1571, 1574 (TTAB 2009) (a finding of fraud as to one class in a multiple-class registration does not require cancellation of all classes in a registration), and in multi-class registrations, the likelihood of confusion may be based on evidence relevant to some classes but not others, *Research in Motion Limited v. Defining Presence Marketing Group Inc.*, 102 USPQ2d 1187, 1194 (TTAB 2012). Also, cancellation can be based on bad faith in adopting the mark, *DC Comics v. Pan American Grain Manufacturing Co.*, 77 USPQ 2d 1220, 1228 (TTAB 2005). Other than in conjunction with Goodwood's historical use of its Goodwood Festival of Speed mark to identify Goodwood's historical U.K. event, Goodwood has not used its marks in the United States.

Goodwood's assertion that the factual allegations are insufficient were previously disposed of by the Order of the United States Patent and Trademark Office Trademark Trial and Appeal Board dated August 1, 2022, (the "TTAB Order of Dismissal") that dismissed the fraud counts of FOS with leave to amend. The TTAB Order of Dismissal determined that FOS had failed to plead the "intent to deceive" element. However, the TTAB Order of Dismissal also rejected Respondent's argument that Petitioner's allegations were rote and unsupported:

Notwithstanding, as for Respondent's argument that "Petitioner makes rote, unsupported conclusory allegations that [Respondent] has no bona fide intent to use its registered marks in the U.S." (11 TTABVUE 11), the Board found above that Petitioner sufficiently pleaded a claim of no bona fide intent. **Thus, the factual allegations pertaining to that claim are adequate to support the fraud claim.** TTAB Order of Dismissal, P.. 14. (Emphasis Added).

In the Second Amended Petition, the Petitioner cured the deficiency by including allegations of both intent to deceive and the predicate for the fraud claims in the Second Amended Complaint.

Intent May Be Pled Generally.

Fed.R.Civ.P. 9 (b) provides that “[m]alice, intent, knowledge, and other conditions of a person’s mind may be alleged generally.” Allegations that a party, “acted with knowledge and intent to deceive is sufficient to meet Rule 9(b)’s requirement since scienter may be alleged generally,” *Amphastar Pharm. Inc. v. Aventis Pharma SA*, No. EDCV-09-0023 MJG, 2012 U.S. Dist. LEXIS 162900, at *36 (C.D. Cal. Nov. 14, 2012).

III. GOODWOOD’S MOTION IS LIMITED TO THE NON-USE CLAIM IN COUNT TWO AS TO REGISTRATION NO. 6132392 AND THE FRAUD CLAIMS IN COUNTS ONE AND TWO AS TO BOTH REGISTRATION NO. 6132392 REGISTRATIONS NO. 5557758.

This Second Amended Petition is the result Petitioner’s effort to comply with a very detailed and specific Order of the United States Patent and Trademark Office, Trademark Trial and Appeal Board, dated August 1, 2022, (the “TTAB Order of Dismissal”) rendered on Goodwood’s Motion to Dismiss the First Amended Petition that dismissed the fraud counts and Petitioner was granted leave to replead. In the Second Amended Petition, FOS attempted to carefully comply with the TTAB Order of Dismissal by eliminating reference to dilution and misclassification, reorder the petition in counts and grounds, and replead the fraud counts to allege an intent to deceive. Goodwood’s motion to dismiss is limited to (1) the fraud claims in Count One and Count Two and (2) the non-use claim in Count Two.

A. FOS hereby withdraws and dismisses without prejudice the Non-Use Claim for Registration No. 6132392 in Count Two.

FOS' allegations as to Registration No. 6132392 are within Count Two beginning on Page 28, and on Page 36 subparagraph E includes non-use.

FOS hereby withdraws and dismisses without prejudice the Non-Use Claim alleged in Subparagraph Paragraph E on Page 36 only as to Registration No. 6132392. The withdrawal is without prejudice as the date of this Registration is August 25, 2020 and there may exist a reasonable basis to re-file this claim on and after August 24, 2023.

B. The Fraud Claims State a Cause of Action and the Motion Should be Denied.

(1) The Second Amended Petition cures the pleading deficiencies as to Registration No. 5557758.

The allegations of fraud as to Registration No. 5557758, are in Count One, Subparagraph D, Ground 4, Page 24. In summary and in pertinent part, the allegations are:

- (i) The registration is a word mark.
- (ii) Goodwood made a § 66 (a) declaration containing knowingly false statements “with the intention to deceive the USPTO, as follows” P. 25, Subparagraph E (5), and then pleads the following facts:
 - a. Goodwood made the knowingly false statement that Goodwood had the bona fide intention to use the mark in commerce;
 - b. Goodwood had no bona fide intention to use the mark and made the false statement to gain the advantage of registration on the Principal Register from the constructive use date without bona fide intention to use the mark for the purpose of waiting five years and then competing with Petitioner head to head using Petitioner’s mark while claiming a constructive use date more than five years prior to eliminate the ability of FOS to challenge the claim on the basis of a likelihood of confusion.

c. Subparagraph (c) expressly states that the false representation “with intent to deceive” is that no other person has the right to use the mark in the identical form or in such near resemblance, to cause confusion, mistake, or deception. Again, this is a standard character mark in block letters, allowing Goodwood to use whatever fonts, size, placement, or design it deems appropriate.

"[i]f the registrant . . . obtains a standard character mark without claim to any particular font, style, size or color, the registrant is entitled to depictions of the standard character mark regardless of font style, size, or color." *Citigroup Inc. v. Capital City Bank Group Inc.*, 637 F.3d 1344, 1353 (Fed. Cir. 2011). In other words, if the registration does not limit the appearance of the mark to certain trade dress, stylization, trade channels of distribution, the markholder can change such uses at any time.

Combe Inc. v. August Wolff GMBH & Co. KG Arzneimittel, 382 F. Supp. 3d 429, 445-46 (E.D. Va. 2019).

Here, although Registration No. 5557758 includes the word, “Goodwood,” which is a geographic identifier of Goodwood’s event in the United Kingdom, there is no requirement that the word “Goodwood” be displayed with any particular size of font or distinguishing characteristic. “The addition of a geographically descriptive word or phrase does not avoid confusion with a senior mark.” *Buffets, Inc. v. LVDC II Inc.*, No. 8:11-cv-00035-T-30MAP, 2011 U.S. Dist. LEXIS 91265, at *17-18 (M.D. Fla. Aug. 16, 2011), citing *Foxtrap, Inc. v. Foxtrap, Inc.*, 217 U.S. App. D.C. 130, 671 F.2d 636 (1982) (“where registrant owns exclusive rights to mark, second comer cannot gain rights in substantially same mark by merely adding geographic identifier”). Accordingly, for purposes of the analysis of Petitioner’s allegations, Registration No. 5557758 should be viewed as functionally identical to the FOS mark.

The Second Amended Petition alleges that Goodwood made a false declaration with intent to deceive the USPTO. The Section 66 (a) application requires a “declaration of bona

bona fide intention to use the mark in commerce that is verified by the applicant for, or holder of, the international registration,” 15 U.S.C. § 1141f, but 15 U.S.C. § 1141k (a) (1) and (b) does not require an affidavit of use until the “1-year period immediately preceding the expiration of 6 years following the date of issuance of the certificate of extension of protection.” The Second Amended Petition alleges that Goodwood knew exactly what it was doing— Goodwood’s intention all along was to claim, falsely and with the intent to deceive the USPTO, that Goodwood had the bona fide intention to use the trademark “Goodwood Festival of Speed” and that no other person has the right to use the mark in the identical form or in such near resemblance, to cause confusion, mistake, or deception. ““Use” of a mark means the bona fide use of such mark made in the ordinary course of trade, and not made merely to reserve a right in a mark.” 15 U.S.C. § 1127. Goodwood knew at the time of the filing of its false declaration that Goodwood had no actual bona fide intent of using the trademark in the ordinary course of trade and, in fact, has not used the trademark. Instead, Goodwood was establishing a constructive use date to reserve a right in the mark as of the registration date without use and without a bona fide intent of use.

A Section 66(a) registration gives the registrant a power in the United States to obtain the benefits of registration on the Principal Register without use. Indeed, Section 66(a) grants constructive use of a trademark dating back to the registration date without use for up to one day shy of six years after registration. This power results from the fact that many foreign jurisdictions, including the United Kingdom, register trademarks without use. Under Section 66 (a), a registrant is only required to have a foreign registered trademark, and if that can be obtained in the foreign jurisdiction without use, the Section 66 (a) registrant obtains all of the benefits of registration on the Principal Register without use for up to one day shy of six years because an affidavit of use is not required until the 1 year period preceding the sixth year

after registration, 15 U.S.C. § 1141k. In *Lodestar Anstalt v. Bacardi & Co.*, 31 F.4th 1228 (9th Cir. 2022), the Court articulated that a Section 66 (a) registration has priority from the registration date over subsequent use by a competitor, stating that “the amendments to the Lanham Act implementing the Madrid Protocol modify the priority of trademark rights that might otherwise flow from the parties’ various uses of their respective marks. Under those amendments, Lodestar’s post-November 2013 bona fide use of the Untamed Word Mark, coupled with the earlier “constructive use” date afforded to Lodestar under the Madrid Protocol, is sufficient to give it priority of rights.” *Id.*, 31 F.4th at 1246. The *Lodestar* Court continues:

[w]e therefore conclude that, under the Madrid Protocol, as under § 44 in SCM, a foreign applicant who obtains a registration without showing actual use in the U.S. has a right of priority, as of the relevant “constructive use” date, over another company who first uses the mark in the U.S. See SCM, 539 F.2d at 199-200. And once that registrant begins actually using the mark in the U.S.—and does so even after the competing user has begun using the mark—the registrant may bring an infringement action (subject to any applicable defense) based on that superior right of priority. *Id.*, at *38.

Goodwood’s Registration No. 5557758 has a registration date of September 11, 2018. Upon actual use, Goodwood’s constructive use date will relate back to September 11, 2018, and Goodwood may bring infringement actions against FOS alleging priority for any use FOS had not implemented before September 11, 2018. To declare a bona fide intention to use the foreign registered trademark, the registrant must have the current intention to use the mark in commerce when the declaration was made. A declaration that is made to simply reserve a right to use the mark in the future is not a true statement of bona fide intent, and is therefore a false statement with intent to deceive. A Section 66 (a) application is particularly susceptible to abuse by foreign registrants who, without a bona fide intent to use the mark, file the Section 66 (a) as a “placeholder” and if competing uses arise after the registration,

the Section 66 (a) registrant can use the mark thereby activating the earlier constructive use date and jump back in time before the alleged infringing use, and sue for infringement.

The Petitioner alleges that Goodwood is attempting to enter the U.S. market with the mark “Festival of Speed” by first obtaining an extension for protection under the Madrid Protocol through a fraudulent declaration of both a bona fide intent to use the mark and the false claim that Goodwood is unaware of any use of the mark in the identical form or in such near resemblance, to cause confusion, mistake, or deception.

The Second Amended Petition alleges that Goodwood never had any bona fide intention to use “Festival of Speed” in the U.K. and intends to enforce both marks in the United States through the Madrid Protocol without any use of “Festival of Speed” in the U.S and without a bona fide intention to use “Goodwood Festival of Speed” for anything other than its U.K. event. Goodwood’s intention, which is not “bona fide,” is to usurp Petitioner’s “Festivals of Speed” mark by reserving broad classes of goods and services to itself without any bona fide intent to use, and instead, just obtaining a placeholder, in I.C. classes 9 (“appliances”), 25 (“clothing”), 35 (“business management”) and Class 41 without either actual use or a bona fide intention to use its mark for those goods and services, but instead, to enter the U.S. market, to drop the geographic identifier, “Goodwood,” from its “Goodwood Festival of Speed” mark, and compete head to head in the United States with the Petitioner, FOS, using Petitioner’s own name and trademark.

Accordingly, the addition of the “intent to deceive” allegations cure the pleading deficiencies and the Motion to Dismiss should be denied.

(3) The Second Amended Petition cures the pleading deficiencies as to Registration No. 6132392.

Although in Goodwood’s Opposition Goodwood refers to Registration No. 6132392 as “Goodwood’s Logo Mark,” the registration does not disclaim the phrase “festival of speed,” but instead, the Registration is for the Word Mark “Festival of Speed” and a design. Goodwood acknowledges this on Page 1 of the Opposition in defining U.S. Trademark Registration No. 6132392 for FESTIVAL OF SPEED & Design as “Goodwood’s Logo Mark.” The significance of this is that Registration 6132392 can be enforced as a word mark without regard to the design, *Bos. Duck Tours, LP v. Super Duck Tours, LLC*, 531 F.3d 1, 9 (1st Cir. 2008) (disclaimers for terms incorporated into design mark mean that the registrant “does not possess exclusive rights to use either term separate and apart from its full, registered mark”). As set forth at page 6 of the Second Amended Complaint, Goodwood’s historical design mark is:



and Registration No. 6132392 is



Registration No. 6132392 consists of a Word Mark and a Design Mark and the phrase “festival of speed” is not disclaimed.

The allegations of fraud as to Registration No. 6132392, are in Count Two, Subparagraph D, Ground 4, Page 32. In summary and in pertinent part, the allegations are:

- (i) The mark is a Word Mark registration “Festival of Speed” coupled with a mark drawing of an historical Goodwood Festival of Speed design that deletes the words “Good: and “Wood.”
- (ii) Petitioner alleges that Goodwood falsely represented to the USPTO with the intent to deceive the USPTO that Goodwood had the bona fide intention to use the mark in commerce in the United States, and in fact, Goodwood had no bona fide intention to use the mark in commerce in the United States for the five year period beginning on the constructive use date of the § 66 (a) extension of protection and made the false statement to gain the advantages of registration on the Principal Register without use.
- (iii) Goodwood knew of the existence of FOS and the use by FOS of the FOS trademark “Festivals of Speed” and knew that the intention Goodwood was to obtain an extension of protection under § 66 (a) with no bona fide intention to use the mark for the five year period following the constructive use date

afforded by § 66 (a) and then compete head to head with Petitioner using Petitioner's own trademark while claiming that the five year period following the § 66 (a) constructive use date eliminated the ability of FOS to challenge Goodwood's registration on the basis of likelihood of confusion.

- (iv) In Goodwood's § 66 (a) Declaration Goodwood falsely represented the material fact to the USPTO with the intent to deceive the USPTO that no other person, firm, corporation, or association, to the best of his or her knowledge and belief, has the right to use such mark. Goodwood had actual knowledge of Petitioner FOS and the use of Petitioner's registered trademark, "Festivals of Speed," and Goodwood was implementing the § 66 (a) Declaration and request for extension of protection pursuant to § 66 (a) specifically for the purpose of obtaining an extension of protection under § 66 (a) with no bona fide intention to use the mark for the five year period following the constructive use date afforded by § 66 (a) and then compete head to head with Petitioner using Petitioner's own trademark while claiming that the five year period following the § 66 (a) constructive use date eliminated the ability of FOS to challenge Goodwood's registration on the basis of likelihood of confusion.

C. Fraud is Pled with Specificity.

As stated above, the TTAB Dismissal Order on the First Amended Petition stated that the, "factual allegations pertaining to that claim are adequate to support the fraud claim." TTAB Order of Dismissal, P.. 14. Goodwood's citation to *Intellimedia Sports, Inc. v. Intellimedia Corp.*, 43 U.S.P.Q.2d 1203, 1207 (T.T.A.B. 1997) does not alter that outcome because that opinion held:

[A]n applicant's failure to disclose to the PTO the asserted rights of another person is not fraudulent unless such other person was known by applicant to possess a superior or clearly established right to use the same or a substantially identical mark for the same or substantially identical goods or services as those in connection with which registration is sought. If the parties' respective marks and goods or services are not substantially identical, then the applicant has a reasonable basis for believing that contemporaneous use of such marks by the parties, on or in connection with their respective goods or services, is not likely to cause confusion. *Intellimedia Sports, Inc. v. Intellimedia Corp.* , 43 U.S.P.Q.2D (BNA) 1203, 1207 (Trademark Trial & App. Bd. May 20, 1997)

Goodwood's mark is identical to the FOS Mark and the Second Amended Petition alleges that Goodwood's registration was for the purpose of waiting five years following the constructive use date afforded by § 66 (a) to then compete head-to-head with Petitioner FOS using Petitioner's own trademark while claiming that the five year period following the § 66 (a) constructive use date eliminated the ability of FOS to challenge Goodwood's registration on the basis of likelihood of confusion. Goodwood knew FOS had a right to the Festivals of Speed mark, Goodwood knew that Festival of Speed and Goodwood Festival of Speed were substantially identical because both registrations included the word mark for Festival of Speed, and the goods and services are substantially identical. Goodwood's actions, as alleged in the Second Amended Petition, therefore show that Goodwood's cited authority actually supports Petitioner's contentions. Since Goodwood's authority is that "[i]f the parties' respective marks and goods or services are not substantially identical, then the applicant has a reasonable basis for believing that contemporaneous use of such marks by the parties, on or in connection with their respective goods or services, is not likely to cause confusion," *Id.*, the converse is that if the respective marks and goods or services are substantially identical, then the applicant has no reasonable basis for believing that contemporaneous use is not likely to cause confusion.

Also, intent to deceive is pled generally, and is found by surrounding circumstances.

"[I]ntent to deceive is generally inferred from the facts and circumstances surrounding the applicant's overall conduct." *Id.* at 1375. "[D]irect evidence of intent is unavailable in most cases and unnecessary in any event." *Frazier v. Roessel Cine Photo Tech, Inc.*, 417 F.3d 1230, 1235 (Fed. Cir. 2005). Because such direct, "smoking gun" evidence may rarely be found, "intent may be inferred from the surrounding circumstances."

Eisai Co. v. Teva Pharm. USA, Inc., 629 F. Supp. 2d 416, 425-26 (D.N.J. 2009) (internal citations omitted).

The *Eisai* Court also stated, "[w]hile Rule 9(b) requires the "circumstances constituting fraud" to be pled with particularity, the Rule also states that "intent ... and other conditions of a person's mind may be alleged generally." *Eisai Co. v. Teva Pharm. USA, Inc.*, 629 F. Supp. 2d 416, 427 (D.N.J. 2009).

CONCLUSION

In conclusion, FOS hereby withdraws and dismisses without prejudice the Non-Use Claim alleged in Subparagraph Paragraph E on Page 36 only as to Registration No. 6132392. The withdrawal is without prejudice as the date of this Registration is August 25, 2020 and there may exist a reasonable basis to re-file this claim on and after August 24, 2023. Petitioner has properly pled the fraud counts and the motion should be dismissed. Fed.R.Civ.P. 9 (b) provides that "[m]alice, intent, knowledge, and other conditions of a person's mind may be alleged generally." Goodwood attempts to fold into fact pleading the assertion that intent must be plead specifically, and disregards the specific language of the TTAB Order of Dismissal of Petitioner's First Amended Petition finding the factual allegations sufficient to support a fraud claim. The Second Amended Petition sufficiently pleads that Goodwood conceived and implemented a plan make fraudulent representations to the USPTO with the intent to deceive in order to induce the extension of protection under the Madrid Protocol and thereby obtain the rights of a holder of a trademark on the Principal Register without use, and did so through false representations and the intent to deceive, with

the intention of waiting five years to then compete head-to-head with Petitioner with Petitioner's own trademark in the United States with the constructive use date jumping back in time to the date of registration. For the reasons stated herein, the Motion should be denied.

Dated: November 12, 2022 at St. Petersburg, Florida

Certificate of Service: I hereby certify that on this 12th day of November 2022, the foregoing PETITIONER'S OPPOSITION to REGISTRANT'S MOTION TO DISMISS THE SECOND AMENDED PETITION FOR CANCELLATION OF REGISTERED TRADEMARKS was sent by e-mail to Respondent's counsel of record Craig Mende, Esq., at cmende@fzlz.com, and Daniel Nuzzaci at dnuzzaci@fzlz.com.

/s/Donald J. Schutz
Donald J. Schutz, Esq.
Fla. Bar No. 382701
535 Central Avenue
St. Petersburg, FL 33701
727-823-3222
727-895-3222 Telefax
don@lawus.com – Primary
donschutz@netscape.net – Secondary
Attorney for Petitioners