

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Law Office:	117	Examiner:	Tina Hsin Mai
Serial No.:	88/198,619	Filed:	November 19, 2018
Attorney Docket No.:	117544.00001	Mark:	HYDROFLOW
Applicant:	NetForce One, LLC		

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

RESPONSE TO OFFICE ACTION NO. 1 AND AMENDMENT

Dear Commissioner:

In response to the Office Action No. 1 dated February 24, 2019, please amend the application in accordance with the disclaimer and the description of the goods as set forth below and consider the remarks in favor of publication and registration of this application.

Identification of Goods – Class 19

Please amend the identification of the goods as follows:

Class 19 (based on intent-to-use) agricultural systems for soil permeability, water mitigation and management, namely perforated or slotted inner plastic tubes, each surrounded by a permeable mesh filter and having a head at one end and a cap at the opposite end for increased capillary action, hydraulic conservancy, soil permeability, and delivery and management of liquids, fertilizers and biologics in agricultural applications, as well as enhanced soil stabilization

REMARKS

In the most recent Office Action, the Trademark Examining Attorney identified the following issues that Applicant was instructed to address in response to the latest Office Action:

- Likelihood of Confusion Refusal
- Potential Section 2(d) Refusal Advisory
- Identification of Goods and/or Services Amendment Requirement
- Declaration Requirement

Applicant is submitting this Response and Amendment to the first Office Action as a means of addressing each of these issues.

I. Likelihood of Confusion Refusal

A. Introduction

U.S. Trademark Registration No. 4,250,134 ('134 mark) is for the mark HYDRO FLOW. The mark is used for hoses made of rubber or plastic for indoor gardening.

U.S. Trademark Registration No. 4,253,748 ('748 mark) is for the mark HYDRO FLOW and Design:



The mark is used for hoses made of rubber or plastic for indoor gardening.

U.S. Trademark Registration No. 4,144,315 ('315 mark) is for the mark HYDRO FLOW. The mark is used for non-metal hose fittings.

The present application is for the mark HYDROFLOW. The mark is used for wholesale/retail agriculture products: soil permeability, water mitigation.

B. Controlling Law

In re DuPont de Nemours & Co. established the following factors for consideration to determine whether there is a likelihood of confusion:

1. The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
2. The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
3. The similarity or dissimilarity of established, likely-to-continue trade channels.
4. The conditions under which and buyers to whom sales are made, *i.e.* “impulse” versus careful, sophisticated purchasing.
5. The fame of the prior mark (sales, advertising, length of use).
6. The number and nature of similar marks in use on similar goods.
7. The nature and extent of any actual confusion.
8. The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.
9. The variety of goods on which a mark is or is not used (house mark, “family” mark, product mark).
10. The market interface between applicant and the owner of a prior mark:
 - a. a mere “consent” to register or use.
 - b. agreement provisions designed to preclude confusion, *i.e.*, limitations on continued use of the marks by each party.

- c. assignment of mark, application, registration and goodwill of the related business.
 - d. laches and estoppel attributable to owner of prior mark and indicative of lack of confusion.
11. The extent to which applicant has a right to exclude others from use of its mark on its goods.
 12. The extent of potential confusion, *i.e.*, whether *de minimis* or substantial.
 13. Any other established fact probative of the effect of use.

In re E.I. DuPont De Nemours & Co., 476 F.2d 1357 (C.C.P.A. 1973).

In setting forth the factors, the court cautioned that, with respect to determining likelihood of confusion, “[t]here is no litmus rule which can provide a ready guide to all cases.” *Id.* at 1361, 177 U.S.P.Q. at 567. Not all of the factors are relevant and only those relevant factors for which there is evidence in the record must be considered. *Id.* at 1361-62, 177 U.S.P.Q. at 567-68; *see also In re Mighty Leaf Tea*, 601 F.3d 1342, 1346, 94 U.S.P.Q.2d 1257, 1259 (Fed. Cir. 2010) (“Not all of the *DuPont* factors are relevant to every case, and only factors of significance to the particular mark need be considered.”); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 U.S.P.Q.2d 1201, 1204 (Fed. Cir. 2003) (citing *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1406-07, 41 U.S.P.Q.2d 1531, 1533 (Fed. Cir. 1997)); *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 946, 55 U.S.P.Q.2d 1842, 1845 (Fed. Cir. 2000). Furthermore, the significance of a particular factor may differ from case to case. *See DuPont*, 476 F.2d at 1361-62, 177 U.S.P.Q. at 567-68; *Dixie Rests.*, 105 F.3d at 1406-07, 41 U.S.P.Q.2d at 1533 (noting that “any one of the factors may control a particular case”).

Applicant will address the factors that require reconsideration in this matter, and which establish that registration of Applicant's mark will not create any likelihood of confusion with the '134, '748 and '315 marks.

C. Dissimilarity of the Marks

In determining likelihood of confusion, it is necessary that the marks in question be considered in their entireties. *H. Sichel Shone, GMBH v. John Gross & Co.*, 204 U.S.P.Q. 257 (T.T.A.B. 1979). Conflicting composite marks are to be compared by looking at them as a whole, rather than breaking the marks up into their component parts for comparison. This is the "anti-dissection" rule. As the Supreme Court observed: "The commercial impression of a trademark is derived from it as a whole, not from its element separated and considered in detail. For this reason, it should be considered in its entirety." *O&W Thum Co. v. Dickinson*, 245 F. 609 (6th Cir. 1917), *cert. denied*, 246 U.S. 664, 62 L. Ed. 928, 38 S. Ct. 334 (1918). It has been held to be a violation of the anti-dissection rule to focus upon the "prominent" feature of a mark and decide likely confusion solely upon that feature, ignoring all other elements of the mark. *Massey Junior College, Inc. v. Fashion Institute of Technology*, 492 F.2d 1399, 181 U.S.P.Q. 272 (C.C.P.A. 1974). It should be noted that under the overall impression analysis, there is no rule that confusion is automatically likely if a junior user has a mark that contains in part the whole of another's mark. *See, e.g., Colgate-Palmolive Co. v. Carter-Wallace, Inc.*, 432 F.2d 1400, 167 U.S.P.Q. 529 (C.C.P.A. 1970) (PEAK PERIOD not confusingly similar to PEAK).

1. Difference in Appearance

Applicant's mark is different in visual impact and spacing from the '134, '748 and '315 marks. Applicant's mark HYDROFLOW is one word only which is different in appearance from the two-word HYDRO FLOW of the '134 and '315 marks, as well as the two-word

HYDRO FLOW design of the '748 mark. Applicant's mark HYDROFLOW has a distinctive spelling which is different in appearance from the two word "HYDRO FLOW" of the '134, '748 and '315 marks. In addition, the '748 mark has a distinctive design element that is different in appearance from Applicant's mark. When the marks in question are fairly considered in their entireties, Applicant's mark is sufficiently different in appearance from the '134, '748 and '315 marks. Therefore, any similarity in appearance between Applicant's mark and the '134, '748 and '315 marks is not sufficient to bar registrability on this basis alone.

2. Difference in Sound

Applicant's mark sounds different from the '766 and '697 marks. Applicant's mark HYDROFLOW is one word which is pronounced differently from the two word "HYDRO FLOW" of the '134, '748 and '315 marks. These marks are not phonetically identical and are dissimilar in their actual pronunciation. Applicant's mark HYDROFLOW a single word pronounced without any pause between syllables. These word marks are not pronounced the same because of the space between the two words in the '134, '748 and '315 marks. These marks when pronounced with all the words are not sufficiently phonetically similar and are not pronounced the same. Therefore, there is a difference in sound between Applicant's mark and the '134, '748 and '315 marks.

Marks, when analyzed for confusing similarity, must be considered in the way they are used and perceived, and, since marks tend to be perceived in their entireties, all components of the mark must be given equal weight. *In re Hearst Corp.*, 25 U.S.P.Q.2d 1238 (C.A.F.C. 1992). In *Hearst*, the U.S. Court of Appeals for the Federal Circuit held that "Varga Girl" and "Vargas", both for calendars, are sufficiently different in sound, appearance, connotation, and commercial impression to negate likelihood of confusion. The court determined that the Board, when

analyzing the marks for confusing similarity, erred in finding that “varga” was the dominant element of the VARGA GIRL mark and that “girl” was merely descriptive and thus could not be afforded substantial weight in comparing VARGA GIRL with VARGAS.

In the present application, no portion dominates the single word mark “HYDROFLOW”. The first syllable “HYDRO” shares equal weight with the second syllable “FLOW”. Applicant perceives nothing that attaches dominance of one syllable over the other syllable. On the other hand, the word “FLOW” dominates the commercial impression communicated by the marks “HYDRO FLOW” perceived in their entirety. The word “HYDRO” in the ‘134, ‘748 and ‘315 marks “HYDRO FLOW” is a mere addition having less weight than the word “FLOW”. The Applicant in each of the prior registrations was required to disclaim the word “HYDRO”. Applicant submits that by stressing the syllable “HYDRO” and diminishing the syllable “FLOW” in the present application, the mark has been inappropriately changed. When the syllable “HYDRO” is given fair weight with the word “FLOW”, any confusion with the marks HYDRO FLOW becomes less likely, and therefore, there is no likelihood of confusion. There is little similarity between Applicant’s mark and the ‘134, ‘748 and ‘315 marks and no likelihood of confusion.

3. Other Cases Support Applicant’s Assertion of Dissimilarity in the Marks

Other cases also militate toward allowing registration. In *Little Caesar Enterprises, Inc. v. Pizza Caesar, Inc.*, 4 U.S.P.Q.2d 1492, (6th Cir. 1987), the Sixth Circuit found no likelihood of confusion between the trademark LITTLE CAESARS featuring a drawing of a toga-clad man eating a piece of pizza and the trademark PIZZA CAESAR USA featuring a drawing of a horse drawn chariot in which there is a charioteer holding a pizza pie. The court held in its analysis that “the word CAESAR is frequently used with things Italian including food dressings. The

differences in sound and appearance between LITTLE CAESAR and PIZZA CAESAR are found obvious, and the addition of the acronym USA to later mark almost doubles the number of syllables and heightens the distinction.”

In *Bell Laboratories, Inc. v. Colonial Prods., Inc.*, 644 F. Supp. 542, 547 (S.D. Fla. 1986), the court found the marks FINAL FLIP and FLIP for the same product were found “ultimately different and different sounding.” In *Michael Caruso & Co., Inc. v. Estafan Enterprises, Inc. and Bongos Cuban Café, Inc.*, 994 F. Supp. 1454, (S.D. Fla. 1998), the court found the use of the word BONGO on women’s clothing and BONGOS CUBAN CAFÉ as having distinct appearances and sounds. The mere fact that both marks incorporate a form of the common word BONGO does not render the marks similar. In *Tricia Guild Associates Ltd. v. Crystal Clear Industries, Inc.*, 38 U.S.P.Q.2d 1313, (T.T.A.B. 1994), the marks DESIGNERS GUILD and THE DESIGN GUILD share similarities which were “too obvious to discuss, nevertheless, the differences, however slight, are sufficient to convey different connotations and commercial impressions.” In *re: Member Data Services, Inc. v. Blackbud, Inc.*, 1999 T.T.A.B. LEXIS 138, (T.T.A.B. 1999), the TTAB held that marks must be perceived in their entireties, and all parts thereof must be given appropriate weight. The fact that the two marks, or in these cases applicant’s marks and opposer’s trade name, share a common term (“re:”) does not necessarily mean that the marks as a whole project the same image or impression. In *Lever Bros. Co. v. Barcolene Co.*, 174 U.S.P.Q. 392, 393, (C.C.P.A. 1972), the court found “while appellant points out some similarities between the word ALL as it is used by both parties, inspection of the two marks ALL CLEAR! and ALL also have some obvious differences. Considering the appellee’s mark in its entirety, we are convinced that there is no likelihood of confusion even when both marks are used on identical products, namely, household cleaners.”

With the above teachings in mind, Applicant respectfully submits that its mark “HYDROFLOW” is not sufficiently similar to the ‘134, ‘748 and ‘315 marks “HYDRO FLOW” in sight, sound, connotation, and commercial impression such that there is insufficient similarity with respect to this factor to find a likelihood of confusion under Section 2(d). Therefore, Applicant respectfully submits that this factor favors Applicant.

D. Dissimilarity and Nature of the Goods

If the goods or services in question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, even if the marks are identical, confusion is not likely. *See, e.g., Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1371, 101 U.S.P.Q.2d 1713, 1723 (Fed. Cir. 2012) (affirming the Board’s dismissal of opposer’s likelihood-of-confusion claim, noting “there is nothing in the record to suggest that a purchaser of test preparation materials who also purchases a luxury handbag would consider the goods to emanate from the same source” though both were offered under the COACH mark); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1244-45, 73 U.S.P.Q.2d 1350, 1356 (Fed. Cir. 2004) (reversing TTAB’s holding that contemporaneous use of RITZ for cooking and wine selection classes and RITZ for kitchen textiles is likely to cause confusion, because the relatedness of the respective goods and services was not supported by substantial evidence); *Local Trademarks, Inc. v. Handy Boys Inc.*, 16 U.S.P.Q.2d 1156, 1158 (T.T.A.B. 1990) (finding liquid drain opener and advertising services in the plumbing field to be such different goods and services that confusion as to their source is unlikely even if they are offered under the same marks); *Quartz Radiation Corp. v. Comm/Scope Co.*, 1 U.S.P.Q.2d 1668, 1669 (T.T.A.B. 1986) (holding QR for coaxial cable and QR for various apparatus used in connection with photocopying, drafting, and

blueprint machines not likely to cause confusion because of the differences between the parties' respective goods in terms of their nature and purpose, how they are promoted, and who they are purchased by).

The facts in each case vary and the weight to be given each relevant *DuPont* factor may be different in light of the varying circumstances; therefore, there can be no rule that certain goods or services are *per se* related, such that there must be a likelihood of confusion from the use of similar marks in relation thereto. *See, e.g., In re White Rock Distilleries Inc.*, 92 U.S.P.Q.2d 1282, 1285 (T.T.A.B. 2009) (regarding alcoholic beverages); *Info. Res. Inc. v. X*Press Info. Servs.*, 6 U.S.P.Q.2d 1034, 1038 (T.T.A.B. 1988) (regarding computer hardware and software); *Hi-Country Foods Corp. v. Hi Country Beef Jerky*, 4 U.S.P.Q.2d 1169, 1171–72 (T.T.A.B. 1987) (regarding food products); *In re Quadram Corp.*, 228 U.S.P.Q. 863, 865 (T.T.A.B. 1985) (regarding computer hardware and software); *In re British Bulldog, Ltd.*, 224 U.S.P.Q. 854, 855-56 (T.T.A.B. 1984) (regarding clothing); *see also M2 Software, Inc. v. M2 Commcns, Inc.*, 450 F.3d 1378, 1383, 78 U.S.P.Q.2d 1944, 1947–48 (Fed. Cir. 2006) (noting that relatedness between software-related goods may not be presumed merely because the goods are delivered in the same media format and that, instead, a subject-matter-based mode of analysis is appropriate).

The registrant's goods as described in the '134 and '748 registrations are hoses made of rubber or plastic for indoor gardening, while the registrant's goods as described in the '315 registration are non-metal hose fittings. Each of these registrations are owned by the same entity – HGCI, Inc. Presumably, the goods associated with each of these marks are related to indoor gardening, for example, indoor plants maintained by individuals at their residences or, at most, greenhouses.

The Applicant's goods as described in the present application are agricultural systems for soil permeability, water mitigation and management, namely perforated or slotted inner plastic tubes, each surrounded by a permeable mesh filter and having a head at one end and a cap at the opposite end for increased capillary action, hydraulic conservancy, soil permeability, and delivery and management of liquids, fertilizers and biologics in agricultural applications, as well as enhanced soil stabilization.

The nature of Applicant's goods is very different from the nature of the services of the '134, '748 and '315 marks because the nature of Applicant's goods are systems used in connection with commercial agricultural operations and water and soil management projects. The nature of the goods associated with the '134, '748 and '315 applications have nothing in common with these systems.

Based on the above, the goods are dissimilar because Applicant's goods are agricultural systems for soil permeability, water mitigation and management, namely perforated or slotted inner plastic tubes, each surrounded by a permeable mesh filter and having a head at one end and a cap at the opposite end for increased capillary action, hydraulic conservancy, soil permeability, and delivery and management of liquids, fertilizers and biologics in agricultural applications, as well as enhanced soil stabilization. Registrant's goods are rubber or plastic hoses and fittings for indoor gardening. In this regard, there is no evidence in the record that the goods allegedly provided under the competing marks would be encountered by the same persons in situations that would create the incorrect assumption that they originated from the same source. However, and based on the evidence of record in this case, Applicant respectfully submits that the nature of Applicant's goods is dissimilar from the nature of registrant's goods. Therefore, this factor favors Applicant that there is no likelihood of confusion.

E. Dissimilarity of Established, Likely-to-Continue Trade Channels

The registrant for the '134, '748 and '315 marks is HGCI, Inc., which is a company that sells consumer lawn and garden products.

Applicant's goods for the mark HYDROFLOW are agricultural systems for soil permeability, water mitigation and management, namely perforated or slotted inner plastic tubes, each surrounded by a permeable mesh filter and having a head at one end and a cap at the opposite end for increased capillary action, hydraulic conservancy, soil permeability, and delivery and management of liquids, fertilizers and biologics in agricultural applications, as well as enhanced soil stabilization.

The nature of Applicant's goods is very different from the nature of the goods of the '134, '748 and '315 marks. Generally, Applicant's customers are those engaged in commercial agriculture or who are in need of underground water and soil management. Applicant's goods and registrant's goods are not marketed the same way and not sold to the same class of purchasers. The respective goods of Applicant and the registrant are not competitive (either directly or indirectly). Applicant does not sell consumer lawn and garden products. Registrant does not provide agricultural systems for soil permeability, water mitigation and management, such as perforated or slotted inner plastic tubes, each surrounded by a permeable mesh filter and having a head at one end and a cap at the opposite end for increased capillary action, hydraulic conservancy, soil permeability, and delivery and management of liquids, fertilizers and biologics in agricultural applications, as well as enhanced soil stabilization. As a result, there is dissimilarity of established, likely-to-continue trade channels. Therefore, this factor favors Applicant that there is no likelihood of confusion.

F. The Sophistication of the Purchaser

As noted above, Applicant is in the business of selling agricultural systems for soil permeability, water mitigation and management. Applicant's target customers are those engaged in the field of agriculture (farmers and scientists), environmental and civil engineers, as well as those in need of a water management solution. The Applicant's systems are not inexpensive and require professional installation. Given the cost associated with these systems, they are not subject to any "impulse" purchases. Rather, Applicant's systems are sought out by sophisticated purchasers having particular water management, distribution, stability and related agricultural issues. It is extremely unlikely, and there is no evidence in support of the contention, that prospective customers of Registrant's law and garden products would be confused to believe that they originated with Applicant or vice versa.

G. The Number and Nature of Similar Marks in Use on Similar Goods

Based on a review of the records kept at the U.S. Trademark Office, there appears to be at least sixteen (16) registered marks including the term "HYDROFLOW"; "HYDRO FLOW"; "HYDRO-FLOW"; and "HYDROFLO". The number and nature of these marks indicates that no single entity has the exclusive right to the term "HYDROFLOW" or any of its permutations. Rather, in view of the amendment of the description of the goods made by Applicant in response to the Office Action such that they are specifically identified herein supports Applicant's contention that its mark "HYDROFLOW" can coexist with other, similar marks directed toward different goods sold to different consumers using different channels of commerce.

H. General Case Law Favors Applicant

While the Applicant acknowledges that a review of prior decisions in trademark cases may not be binding on this case because they are each fact specific, the reasoning and results of

other courts, which have dealt with these issues, are nevertheless quite relevant. The 7th Circuit provided an instructive example in *Zazu Designs v. L'Oreal S.A.*, 979 F.2d 499, 24 U.S.P.Q.2d 1828 (1992), finding that there was no likelihood of confusion between the marks “Zazu” for a hair salon and the identical mark “Zazu” for hair care products.

In ruling that the defendant’s use of the mark Zazu in connection with hair cosmetics, i.e. hair coloring that is easily washed out, was not an infringement of plaintiff’s use of the mark Zazu in connection with hair salons, the 7th Circuit reasoned that “(plaintiff) made first use of ZAZU in connection with hair services in Illinois, but this does not translate to a protectable right to market hair products nationally.” (24 U.S.P.Q.2d at 1832, emphasis in original).

Other cases also militate toward allowing registration. In the identical context of ex parte examination of a mark, the Federal Circuit in *In Re Mars, Inc.*, 741 F.2d 395, 222 U.S.P.Q. 938, ruled that there was no substantial doubt in the court’s mind that confusion is unlikely between the mark “Canyon” for fresh citrus fruits and the identical mark for another class of goods namely candy bars. In *Kiekhäfer Corp. v. Willys-Overland Motors, Inc.*, 236 F.2d 423, 111 U.S.P.Q. 105 (1956), the CCPA ruled that there was no likelihood of confusion for the identical mark ‘Hurricane’ in connection with the respective goods of outboard motors and auto engines. The mark “Mini Cinema” for erotic movie theaters was held not to be confusingly similar to the identical mark for family movie theaters in *Modular Cinemas of America, Inc. v. Mini Cinemas Corp.*, 348 F.Supp. 578, 175 U.S.P.Q. 355 (S.D.N.Y. 1972). The mark “Astra” was held not to be confusingly similar in association with the respective goods of a computerized blood analyzer machine and a local anaesthetic preparation in *Astra Pharmaceutical Products, Inc. v. Beckman Instruments, Inc.*, 718 F.2d 1201, 220 U.S.P.Q. 786 (1st Cir. 1983). The mark “Bravo’s” for

crackers was held not to be confusingly similar to the mark “Bravos” for tortilla chips in *Vitarroz Corp. v. Borden, Inc.*, 644 F.2d 960, 209 U.S.P.Q. 969 (2d Cir. 1981).

Based on a survey of the law and analysis set forth in the above cases, registration favors Applicant in finding no likelihood of confusion between the services of Applicant’s mark and the ‘134, ‘748 and ‘315 marks.

II. Potential Section 2(d) Refusal Advisory

In addition, the Examining Attorney has identified a potentially conflicting mark in a prior-filed pending application that may present a bar to registration. U.S. Trademark Application Serial No. 88/140,914 for the mark HYDROFLOW was filed on October 3, 2018 on an intent-to-use basis for metal pipes being parts of fire sprinkler and fire suppression systems; metal tubes being parts of fire sprinkler and fire suppression systems; all of foregoing not for use with heating equipment.

Applicant respectfully contends that there is no potential for conflict with this prior-filed, pending application for all of the same reasons that there is no conflict with the marks associated with the three registrations identified by the Examiner in support of the refusal to register the Applicant’s mark on the basis of a likelihood of confusion. Because the same basic arguments apply, Applicant will not restate them here, except to assert that Applicant is entitled to registration of its mark “HYDROFLOW” over the currently pending prior-filed application.

III. Identification of Goods and/or Services Amendment Requirement

The Examining Attorney maintains the identification of the goods as “Wholesale/retail agriculture products: soil permeability, water mitigation” in international class 031 is indefinite and too broad. Thus, the Examining Attorney has required that the identification of the goods

should be amended to recite more specific goods in class 19. Accordingly, the Applicant has amended the identification of the goods in the amendment above.

IV. Declaration Requirement

The Examining Attorney notes that the application was unsigned, and therefore unverified. Thus, the Examining Attorney has required that a person properly authorized to verify facts and sign on behalf of the Applicant sign and verify the application in an affidavit or signed declaration under 37 C.F.R. §2.20. Accordingly, Applicant submits the properly executed declaration with this response.

In view of the amendments set forth herein and the remarks that follow these amendments, Applicant respectfully submits that it has addressed the issues identified in the February 24, 2019 Office Action. Accordingly, Applicant submits this application is in appropriate order to pass to publication in the Official Gazette.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

Dated: August 23, 2019

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