Breaking Up in Business: A Valentine’s Day Guide to Dissolving Your Business

Category: Business Law,Corporate and Business Law,Tax
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Romantic break-ups are never pleasant. In the business world, parting ways with a company or partnership can feel just as uncomfortable and potentially as emotionally complex. Whether dissolution marks the happy ending of a successful chapter or a complete blindside, following the proper steps can help ensure an amicable separation.

Before the Breakup: Think of Your Operating Agreement as a Business Prenup

Just like personal relationships benefit from a well-crafted prenup, business relationships benefit from comprehensive operating agreements that outline how to handle a potential “uncoupling.”

A prenuptial agreement prepares partners for the unexpected. An operating agreement (or partnership agreement or bylaws, depending on your business structure) should outline how to navigate a potential breakup in accordance with applicable law.

Here are key “prenup style” provisions that help ensure a smooth dissolution:

1. **Dissolution Triggers –** spell out what events automatically or optionally allow for dissolution such as retirement, death, deadlock, bankruptcy, or mutually agreed upon business milestones.
2. **Voting Requirements** – decide in advance what vote is needed to dissolve. This may be a simple majority, supermajority, or unanimous consent.
3. **Buyout Procedures** – include formulas or valuation methods for buying out departing members so no one has to argue about the math during an emotional time.
4. **Distribution of Assets** – clarify how assets (including intellectual property and client lists) will be distributed once debts are paid.
5. **Wind Up Responsibilities** – identify who handles creditor notifications, final tax filings, contract terminations, and other “post breakup chores.”

The Amicable Separation: Steps to Dissolving a Business

Dissolution doesn’t need to be dramatic. With the right guidance, the process can be as smooth as a respectful parting.

1. **Review Your Governing Documents** – your operating agreement, partnership agreement, or corporate bylaws often outline the process for dissolution. This is your business prenup at work.
2. **Vote to Dissolve the Entity** – most business types require a formal written vote or unanimous consent. This ensures everyone is on the same page before moving forward.
3. **File Articles of Dissolution** – this is your official breakup letter to the state. Filing dissolves your business as a legal entity and prevents additional fees, penalties, or annual report requirements.
4. **Notify Creditors and Settle Debts** – before you can divide assets, you must address liabilities. Proper notice gives creditors a chance to make claims and limits future disputes.
5. **Wrap Up Business Affairs** – this may include cancelling licenses and permits, closing business bank accounts, ending contracts or leases, and filing final tax returns.
6. **Distribute Remaining Assets** – once obligations are met, owners can distribute the remaining assets in accordance with the law and the operating agreement.

A Thoughtful Dissolution

Protects Everyone

Regardless of the emotions behind the need for dissolution, a structured business breakup avoids future conflict. It gives owners closure, protects personal liability, and ensures the business ends with dignity.

And just like a healthy personal breakup, the right legal support can make all the difference.

Ready for a Fresh Start? We’re Here to Help.

If this Valentine’s season has you thinking about the future of your business, whether dissolving it, restructuring it, or revisiting an outdated operating agreement, our firm is here to guide you compassionately and efficiently through the next chapter.

About the Author

Erin Bocinsky is an attorney at Widerman Malek, where she focuses her practice on business law matters, including entity formation, operating agreements, partnership disputes, and business dissolution. She regularly advises closely held businesses at all stages of their lifecycle, guiding business owners through complex transitions with clarity and practical insight. Erin is committed to helping clients plan proactively, resolve issues efficiently, and protect their long-term interests.

From Landlocked to Legally Protected: A Major Easement Victory Along I-95

Category: Business Litigation,Land Use and Zoning
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When longtime billboard parcels along Interstate 95 were suddenly challenged nearly three decades after their creation, potentially millions of dollars in property rights and revenue were put at risk.

What followed was a complex land use dispute that tested not only technical documentation, but also fundamental principles of Florida property law.

Leading the defense was partner John M. Frazier, Jr. of Widerman Malek, who successfully secured summary judgment protecting the client's longstanding easement rights and commercial interests.

A Dispute Nearly 30 Years in the Making

The case traced back to a 1999 land transaction involving a large tract of property that was subdivided into multiple parcels. Two smaller parcels containing existing billboards were retained by the original owner, while the surrounding land was sold.

As a result of that subdivision, the billboard parcels became landlocked. From the beginning, access and utility easements were intended to allow continued operation of the billboards. For nearly 29 years, all parties treated those easements as valid, and billboard operations continued without issue.

That changed in 2024, when the current owner of the surrounding property challenged the easement rights altogether.

The new owner alleged that no valid easements existed, claimed trespass, and sought to cut off access to the billboard parcels. The complaint also attempted to recover damages through the trespass claim which could have potentially included hundreds of thousands of dollars in lease payments tied to billboard advertising, other forms of compensatory damages, claims of diminution in value of property, claims of lost opportunities to develop land which may have included lost profits, and “irreparable harm”, to name a few – placing not only past income but also future revenue at risk. Over the billboards’ lifespan and utilization of easement rights, the financial exposure could have reached into the millions.

Turning a Technical Defect Into a Legal Victory

Early in the case, the court found that the original written easement documents contained technical defects that made them unenforceable. It was after this ruling that

John Frazier and Widerman Malek were retained by the client and entered the case.

For many property owners, that type of ruling could have been the end of the road.

Instead, Frazier advanced a strategic legal argument grounded in longstanding Florida property law. He demonstrated that when land is subdivided in a way that creates landlocked parcels intended for continued use, the law recognizes easements, even when written documents may be flawed.

In this case, the evidence clearly showed the billboard parcels were created with the expectation of ongoing access and utility service. Without those easements, the parcels would have been less useful and desirable impacting use and marketability.

The court agreed.

The Result

The judge granted summary judgment in favor of Widerman Malek's client, confirming that easement rights for both access and utilities have existed since the original land conveyance in 1999.

The ruling:

- Preserved nearly three decades of established property rights
- Protected substantial historical and future revenue
- Rejected claims of trespass
- Blocked any potential efforts to claw back lease payments or other related damages

Most importantly, it ensured that the billboard parcels could continue operating as they had for almost 30 years.

Why This Matters for Property Owners and Developers

This case serves as an important reminder that property rights are not determined solely by paperwork.

Longstanding use, intent at the time of subdivision, and fundamental land use principles can play a critical role in protecting valuable assets, particularly in complex commercial and legacy property situations.

For landowners, developers, and businesses operating on subdivided or landlocked parcels, experienced land use counsel can make the difference between losing access and preserving millions in long-term value.

Key Takeaways for Property Owners and Developers

- Longstanding land use and intent may matter, even when original documents contain technical defects
- Landlocked parcels created through subdivision may still carry legal access and utility rights under Florida law
- Easements can protect valuable commercial property interests decades after land is conveyed
- Early legal strategy is critical when access rights or historical use are challenged
- High-stakes land use disputes can place millions in revenue and property value at risk if not handled properly

Protecting Your Property Rights

Disputes involving easements, access, land use, and legacy properties can quickly become complex and financially significant.

If you are facing challenges related to property access, subdivision issues, or longstanding land use rights, working with experienced land use counsel can make all the difference.

Partner John M. Frazier, Jr. and the team at Widerman Malek have extensive experience protecting property owners, developers, and commercial interests in high-stakes land use litigation.

Contact us today to discuss how we can help protect your property rights and long-term investments at 321-255-2332.

Common Law vs. Federal

Trademarks: Understanding The Difference And Why Federal Registration Matters

Category: Intellectual Property Law,Trademark
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As you build your business, your brand name, logo, and identity are some of your most valuable assets. Many business owners don’t realize that you can get trademark rights just by using your brand, even if you haven’t registered it. These are called common law trademark rights. While they offer some protection, they are much more limited than the protection you get from federal trademark registration.

Knowing the difference between common law and federal trademarks helps business owners make better choices about protecting their brand.

What Is a Common Law Trademark?

A common law trademark starts when a business uses a name, logo, or slogan in the marketplace. You don't need to apply or register. The rights come from actually using the mark in commerce with your products or services.

These rights only cover the geographic area where your business operates and where sales are made. For example, a local restaurant that's used a name for years may have rights to that name in its city or region, but not outside that area.

Since there's no official government record, it can be hard to enforce common law trademark rights. If there's a dispute, you have to prove when you first used the mark, where you've used it, and that customers connect it to your business. This can take a lot of evidence and may be expensive.

What Is a Federal Trademark?

A federal trademark is created when you register your mark with the United States Patent and Trademark Office. This gives you a public record of ownership across the country and much stronger legal protection.

After registration, you get exclusive rights to use your mark anywhere in the United States for the goods or services you listed, even in places where your business hasn't reached yet.

Federal registration also gives you key legal advantages. A legal presumption that you own the mark, entitlement to request attorney's fees and statutory damages and placing others on notice that your mark is protected.

Key Differences Between Common Law and Federal Trademarks

Common law trademarks happen automatically when you use your brand, but they only offer limited, local protection. Federal trademarks need to be registered, but they give you rights across the country and better ways to enforce them.

With common law, there’s no central list of who owns what, so another business might use a similar name somewhere else. If you register federally, your trademark is listed in the USPTO database, which helps stop others from using or registering similar marks.

It’s usually easier and more effective to enforce a federal trademark. Courts give registered trademarks stronger legal standing, so you don’t have to work as hard to prove your rights.

Feature	Common Law Trademark	Federal Trademark
How rights are created	Automatically through use in commerce	Through registration with the USPTO
Geographic scope	Limited to areas of actual use	Nationwide
Public record of ownership	No	Yes
Legal strength	Limited	Strong
Enforcement	More difficult and evidence-heavy	Clearer and more efficient
Business value	Lower	Higher

Why Federal Trademark

Registration Is Often the Better Choice

While common law rights might be enough for very small, local businesses, they often aren't enough as your company grows. If you invest in marketing, expand into new markets, sell online, or want to franchise, you face more risks without federal protection.

Federal trademark registration helps:

- Secure exclusive nationwide rights
- Discourage competitors from adopting similar marks
- Strengthen legal remedies in infringement disputes
- Increase brand value as a business asset
- Enhance credibility with customers and partners

Often, the cost to register your trademark is much less than what you might spend on rebranding or legal disputes if you only have limited protection.

Choosing the Right Approach for Your Business

Every business has its own needs. If you're running a local business with no plans to expand, common law rights might be enough for now. But if you want to grow, federal trademark registration provides greater security and long-term legal certainty.

Working with an experienced intellectual property attorney can help ensure that your mark is properly searched, filed, and maintained, reducing the risk of conflicts and strengthening your rights.

Building a Brand With Long-Term Protection in Mind

Your trademark represents the goodwill and reputation you build with customers over time. Relying solely on common law rights can leave coverage gaps and expose your business to unnecessary risk.

Federal trademark registration provides a broader reach, clearer ownership, and stronger enforcement tools. For many businesses, it is one of the most important steps in building a brand that can grow with confidence.

About the Author

Mark Warzecha is an intellectual property and trademark attorney at Widerman Malek, where he advises businesses on trademark selection, clearance, registration, and enforcement. His practice focuses on helping clients secure strong trademark rights and develop long-term intellectual property strategies that support business growth. Mark works with companies across a wide range of industries, guiding them through the trademark process with a practical and business-focused approach.

Why You Should Trademark Your Business Name

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You’ve invested your time, money, and creativity into building your brand. But have you truly protected it? Just as you would not skip homeowners’ insurance, especially in coastal Florida, where hurricanes are common, your business name should be protected from potential storms like copycats, competitors, and brand confusion.

Why Registering a Federal Trademark with the USPTO Matters

Registering your trademark with the United States Patent and Trademark Office (USPTO) gives you nationwide protection that common law rights and State-specific registrations can’t match. A federal trademark registration is like an insurance policy for your brand. It’s optional, but it protects what you’ve built. While the application process may seem time-consuming, peace of mind is well worth it.

Benefits of a Federal Trademark:

- Exclusive rights to your brand name nationwide
- Stronger legal grounds to stop infringers anywhere in the U.S.
- Increased business value, since investors and buyers view registered trademarks as valuable assets
- Deterrence against copycats, because your registration is public and searchable

Common Law Rights Versus Federal Registration

When you start using your business name, logo, or slogan publicly, you automatically gain common law trademark rights. However, those rights are limited to your local area. By contrast, a federal trademark registration gives you clear, enforceable ownership and protection across all 50 states.

How Far Do Common Law Trademark Rights Extend?

Common law trademark rights typically only cover the geographic area where your business actively operates and has established recognition, rather than the entire state. For example, if you run a single shop in Melbourne, Florida, your common law protection likely extends only to Melbourne and nearby areas where customers are familiar with your brand. Another business in another state, or even right up the road in Jacksonville, could legally use the same name, as long as it doesn’t create confusion in your market.

What If Your Business Operates Throughout the State?

If your company does business across multiple cities and has established recognition statewide, such as having several locations, broad advertising, or a well-known online presence serving customers throughout Florida, your common law protection *may* extend further. Still, those rights are not automatic or clearly defined. You would have to prove the extent of your brand's reputation if a dispute arose.

Only a federal trademark registration provides clear, enforceable protection and ownership nationwide.

Example: What Happens If You Don't Register Your Trademark

Imagine "Freddie First" opens an ice cream shop called Coastal Cones in Melbourne, Florida. He never registers his business name with the USPTO, but uses it consistently for two years. Then "Sally Second" opens her own Coastal Cones shop in Myrtle Beach, South Carolina. She has never heard of Freddie nor his business, Because Freddie used the name commercially first, he holds priority rights to the trademark in Melbourne. If a legal dispute arose, Freddie's earlier use would be a strong point in his favor.

Now imagine that Sally registers the Coastal Cones trademark with the USPTO when she launches her business. Who has the stronger claim? Freddie still holds superior rights in Melbourne, where he established his brand first. However, Sally, through her federal registration, now has exclusive rights to the name throughout the rest of the United States. If Freddie wants to expand beyond Melbourne, he faces three options:

1. Negotiate with Sally to use the name outside his original territory

2. Rebrand his business for any new locations
3. Expand at the risk of being sued by Sally for trademark infringement

Even if Sally did not intend to operate outside of Myrtle Beach at the time she registered her trademark, her federal registration gives her the legal foundation to expand anywhere in the US in the event her business plans change. It also gives her the power to stop others from using the name.

What Happens If Someone Registers Your Business Name Before You Do

If another business registers your name or something similar first, you may:

- Lose the right to use it outside your local market
- Be forced to change your business name to avoid infringement
- Face legal fees or rebranding costs if you try to expand

A federal trademark is proactive protection that can prevent these costly issues from happening.

Protect The Brand You've Built

Your business identity is worth protecting. A federal trademark registration gives you confidence that your brand is genuinely yours.

At Widerman Malek, our intellectual property attorneys have extensive experience with trademark law and have helped hundreds of entrepreneurs, startups, and established companies register and enforce trademarks across the United States. Contact us for a free consultation and take the next step to protect your business name.

About The Author

Erin Bocinsky is a business and intellectual property attorney at Widerman Malek, P.L. She advises entrepreneurs, startups, and established companies on trademark registration, brand protection, and general business matters throughout Florida and nationwide.

The Unitary Patent: A Cost-Effective Route for U.S. Companies

Protecting Innovation in Europe

Category: Intellectual Property Law,International Patent,Patents
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For many U.S. innovators, Europe is a priority market for commercialization and for preventing competitor encroachment. Historically, securing protection across multiple European countries required filing a European Patent Office (EPO) application, prosecuting the application until receiving a grant, and then validating the granted application in each country where protection was needed. This system works, but it becomes expensive and administratively heavy as the number of jurisdictions increases.

Today, the Unitary Patent, offers a streamlined alternative to the EPO application that can significantly reduce cost and administrative burden for U.S. innovators seeking broad EU protection.

What Is the Unitary Patent?

The Unitary Patent (UP), or European patent with unitary effect, simplifies European patent protection by allowing applicants to obtain uniform coverage across participating EU member states through a single post-grant request, yielding in a single patent.

Instead of managing separate validations in each country, a UP functions as one patent with consistent rights across participating EU countries.

At present, the system covers 18 EU countries, including major markets such as Germany, France, Italy, and the Netherlands (and, my dual-citizen status bias clearly showing, Luxembourg). More countries are expected to join as the system continues to mature.

This uniform approach offers strategic and financial advantages, particularly for companies seeking comprehensive and predictable coverage.

Opt-Out from the Unified Patent Court: Strategic Considerations

When the Unitary Patent system launched, it introduced the **Unified Patent Court (UPC)** as the central forum for enforcement and revocation actions. While this offers efficiency, it also creates risk: a single UPC decision can revoke your patent across all participating states.

To manage this, owners of traditional European patents have a **transitional opt-out option**. During the initial seven-year period (extendable by another seven years), patentees can **opt out of UPC jurisdiction**, keeping disputes in national courts. This is particularly relevant for U.S. companies that:

- Hold patents critical to their European commercial strategy
- Want to minimize exposure to a single court challenge to avoid the risk of centralized revocation
- Prefer familiar national litigation systems

When the Unitary Patent Makes Financial Sense for U.S. Companies

Cost is often a dominating factor for U.S. companies. Additionally, the administrative burden of obtaining quotes for validation in each individual state and comparing the total cost to the cost of a UP can be overwhelming. In general:

- If you would normally validate in **five or more EU countries**, the UP typically provides a clear cost benefit.
- If your strategy involves only one to four countries, traditional validation may still be equally or more cost-efficient.

The UP delivers the strongest value for organizations that want broad, multi-country protection without the administrative complexity of traditional systems. The Unitary Patent eliminates the administrative burden of coordinating translations, local agents, and renewal fees across multiple jurisdictions.

Unitary Patent vs. Traditional Validation

Feature	Unitary Patent	Traditional Validation
Coverage	18 EU countries through one request	Selection of individual countries
Translations	Limited single language requirement	Often requires multiple translations
Renewal Fees	One fee covering all UP countries	Separate renewal fees per country
Enforcement	Centralized litigation in the Unified Patent Court; one suit could invalidate sole patent	Litigation handled by national courts; patent in each nation asserted individually
Cost Advantage	Most beneficial for protection in five or more countries	Often competitive for one to four countries
Administrative Burden	Low	High due to multiple filings and local formalities

Why U.S. Companies Should Consider a Unitary European Patent

Streamlined Administration: A single patent covering most of the EU reduces time, lowers the burden of handling local filings and agents, minimizes coordination with foreign counsel, and lowers the risk of missed deadlines. It also reduces the administrative burden of deciding which individual states in which to file; you get protection in all member states.

Cost Efficiency: For companies seeking broad protection, validation and renewal costs are often significantly lower compared to managing multiple national patents.

Central Enforcement: The Unified Patent Court provides an opportunity to enforce patent rights across all UP countries through a single action, rather than coordinating litigation in multiple national courts.

Bottom Line

If your European strategy involves obtaining protection in several jurisdictions, the Unitary Patent can reduce cost and complexity while offering consistent and enforceable rights across much of the EU. For companies seeking protection in only one or two countries, traditional validation may still be the more practical choice. The optimal approach depends on your commercialization plans, enforcement strategy, and risk tolerance.

About the Author

Daniel Pierron is a patent attorney and partner with Widerman Malek at the Melbourne, Florida office. He focuses his practice on helping technology companies, engineers, inventors, and emerging businesses protect their innovations in the United States and abroad. Dan has extensive experience guiding clients through the full patent process, including prosecution before the U.S. Patent and Trademark Office and the European Patent Office, where he works with foreign counsel, as well as developing filing strategies that align with business goals. His work often involves advising clients on international patent portfolios and maximizing the benefit to his clients on their legal spend.

Majeed Named Citizen of the Year at 2025 Florida

Today Volunteer Recognition Awards

Category: News
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We are proud to celebrate former judge Alli "A.B." Majeed, who was named Citizen of the Year at the 2025 Florida Today Volunteer Recognition Awards, held at Eastern Florida State College in Cocoa. The honor recognizes Judge Majeed's decades of public service, civic leadership, and deep commitment to the Brevard County community.

This year marked the 32nd annual Volunteer Recognition Awards, hosted by *Florida Today* and presented by Parrish Medical Center. The Citizen of the Year award was newly renamed the Michael J. Coleman Citizen of the Year Award, honoring the late *Florida Today* publisher who founded the event in 1992 to spotlight individuals and organizations working to strengthen the Space Coast.

A.B., the first person of color elected to a countywide office in Brevard County, served as a county judge for 27 years, earning widespread respect for his ability to connect with people from all walks of life. Known to many for his inspiring jury orientation speeches at the Moore Justice Center, he consistently reminded citizens of the importance of civic duty and the responsibilities that come with democracy.

Born abroad to parents who could not read, A.B. often speaks about the opportunities he found in the United States and the generosity he experienced along the way. Upon accepting the award, he reflected on that journey with gratitude, thanking the community and the country that shaped his life and career.

Now serving as Senior Counsel at Widerman Malek, he continues his lifelong dedication to service through public speaking and charitable efforts. Along with his wife, he sponsors an annual free community meal during Ramadan and has been honored locally with both a street and a cricket field bearing his name.

A.B.'s recognition is a powerful reminder that leadership extends far beyond the courtroom. Congratulations!

WM Welcomes

Retired Brevard County Court Judge Alli B. Majeed

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Retired Brevard County Court Judge Alli B. “A.B.” Majeed joins full-service law firm Widerman Malek (WM) to help advance its strategic growth initiatives and expand its mediation services.

A.B. brings more than 27 years of judicial service and decades of legal experience to the firm. He is also the longest-serving judge in the history of the Brevard County Court. First appointed in 1993, he later won a countywide election defeating two opponents at Primary elections. During his tenure, A.B. was elected by his statewide peers President of all the County Judges in the State of Florida. He made history the first person of color elected to a countywide office in Brevard.

A.B. joins WM equity partners and Florida certified mediators Mark Warzecha and Scott Widerman as part of the firm’s strong and steadily expanding mediation practice. His extensive judicial experience and balanced, practical approach will help the team serve the rising demand for dispute-resolution throughout Florida.

“Having A.B. join us is an extraordinary moment for our firm,” said Widerman. “His experience, relationships, and deep connection to the community will expand our mediation services and help introduce more individuals and businesses to the full range of support we provide."

A.B. will also support firmwide business development efforts and contribute to the continued growth of several key practice areas, including business litigation, estate planning and guardianship, real estate, intellectual property, and tax.

A.B. has long been recognized for his leadership and service to Brevard County. Throughout his career, he has presided over thousands of cases, supported legal and civic initiatives, and mentored generations of lawyers. Majeed has been associated with the National Judicial College in Reno, Nevada for 25 years during which time he has trained and mentored over a hundred judges.

His dedication to fairness, mentorship, and expanding access to justice reflects Widerman Malek's people-centered mission.

"Widerman Malek shares my belief in collaboration, community, and practical solutions," said A.B. "Joining the firm feels like a natural next step in my dedication to strengthening the justice system and serving the community I have spent my life supporting. I am genuinely excited for what we can accomplish together."

A.B. is a member of the bar in FL, PA, NY, and Washington DC. Welcome!

Fifth DCA Affirms Fee Award and Clarifies Rule 1.530(a): A Procedural Shift Every Litigator Should Know

Category: Appeals,Business Litigation
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Procedural rules can make or break an appeal. A recent decision from Florida's Fifth District Court of Appeal, *Platt v. Cape Marine Services, Inc.*, underscores that reality. Our firm, Widerman Malek, successfully defended a trial court's attorneys' fee award that the appellant sought to overturn based on missing factual findings.

The Fifth DCA's opinion confirms that under the 2023 amendment to Florida Rule of

Civil Procedure 1.530(a), failing to raise that issue in a motion for rehearing means it is not preserved for appeal. This case provides clarity and an essential reminder for every trial and appellate practitioner in Florida.

The Background: Understanding "Rowe Findings"

In *Florida Patient's Compensation Fund v. Rowe* (1985), the Florida Supreme Court established that when awarding attorney's fees, trial courts must include specific findings of fact:

- The reasonable hourly rate
- The number of hours reasonably expended
- Any applicable enhancement or reduction factors

These requirements, known as "Rowe findings," were intended to ensure meaningful appellate review. Historically, if a judgment lacked those findings, appellate courts would often reverse and remand.

The Rule Change and What It Means

In October 2023, the Florida Supreme Court amended Rule 1.530(a), adding the following key language:

"To preserve for appeal a challenge to the failure of the trial court to make required findings of fact in the final judgment, a party must raise that issue in a motion for rehearing under this rule."

In plain terms, if a trial court's order/judgment lacks the necessary factual findings, a party must first file a motion for rehearing to give the court a chance to correct it before filing an appeal. Without that motion, the issue is considered waived.

This change represents a significant shift in procedure and places a new responsibility on trial counsel to protect the record for appeal.

The Case: *Platt v. Cape Marine Services, Inc.*

In *Platt*, the trial court awarded Cape Marine attorney's fees in defense of the lawsuit and a dismissal of Plaintiff's case just days before a summary judgment hearing. The appellant argued that the order did not include the required *Rowe* findings and should, therefore, be reversed.

However, the appellant never filed a Rule 1.530 motion for rehearing to raise that issue. The Fifth DCA affirmed the judgment by agreeing with the Fourth DCA's decision in *Jones v. Bank of America* (2024).

The court held that:

- The *Rowe* findings are "findings of fact" under Rule 1.530(a).
- The rule change now supersedes earlier Fifth DCA cases..
- Because the appellant did not file a motion for rehearing, the issue was not preserved for appeal.

This outcome confirms that Florida appellate courts are enforcing the preservation requirement under the amended rule.

Why This Decision Matters

This decision goes a long way to bringing greater consistency to appellate practice across Florida's districts.

- No rehearing means no appeal.
- The change applies to fee awards, alimony orders, damages judgments, and any ruling requiring factual findings.
- Trial lawyers must act quickly after a final judgment to preserve those findings.

The takeaway is simple: missing a Rule 1.530 rehearing motion can have a significant effect on a client's right to appeal, even when there are valid substantive arguments to make.

What Florida Litigators Should Take Away

The *Platt* decision underscores that civil procedure preserves rights. A timely rehearing motion is essential if a final judgment lacks the perceived required findings of fact. Giving the trial judge a chance to correct or clarify the order protects the client and strengthens the record for potential appellate review.

For attorneys and clients alike, this case serves as a reminder that successful appeals start long before the notice of appeal is filed – they begin with careful attention to trial-level procedure.

Why This Matters to

Businesses and Clients

This case does not just affect lawyers; it impacts every business and individual who relies on them.

- **Protecting appeal rights:** If an attorney misses a procedural step, a company could lose the ability to challenge an improper judgment or a costly attorney's fee award. That could mean tens of thousands of dollars at stake.
- **Hiring experienced counsel:** This decision highlights the critical importance of hiring lawyers who understand the law's substance and the procedural rules that protect your interests.
- **Preventing financial risk:** Many commercial disputes involve contracts with fee-shifting provisions. If your attorney fails to act under Rule 1.530 when a judgment lacks findings, your right to appeal the fees is lost entirely.
- **Ensuring accountability:** Firms like Widerman Malek monitor procedural changes closely and take proactive steps to protect clients at every stage of litigation. That diligence provides absolute financial and legal security for businesses navigating complex disputes.

This decision is a clear reminder for business owners, executives, and in-house counsel that procedural experience is a form of protection and choosing the right legal team can make all the difference.

About the Author

Eric L. Hostetler is a litigation attorney at **Widerman Malek, P.L.** in Melbourne, Florida. His practice focuses on commercial disputes, appellate work, and complex trial support. Eric represents businesses and individuals in state and federal courts throughout Florida and is dedicated to ensuring clients are protected at every stage of the litigation process.

Pierron Featured in MLex Following Insights on USPTO’s New Streamlined Claim Set Pilot Program

Category: Intellectual Property Law,Patents
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When the U.S. Patent and Trademark Office (USPTO) announced its new Streamlined Claim Set Pilot Program, Widerman Malek partner and patent attorney **Dan Pierron** quickly shared his analysis with the IP community. His LinkedIn article outlining the program’s details and implications sparked attention across the industry. It even caught the eye of *MLex*, who later featured him as an expert source in their announcement coverage.

About the USPTO’s New Pilot Program

The Streamlined Claim Set Pilot Program is designed to accelerate examination for pending utility patent applications that contain a simplified claim set, specifically one independent claim and ten or fewer total claims. Applications that meet these criteria and file the required petition form can be advanced out of turn for their first Office Action, potentially reducing overall pendency.

As Dan explained in his LinkedIn article, this program provides applicants with a cost-effective alternative to the Track One prioritized examination. It offers faster examiner feedback and potential time savings for inventors and businesses. Petition fees range from $150 for large entities to just $30 for micro entities, making the program both accessible and strategic.

“Early examiner feedback can inform prosecution strategy and support business timelines,” Pierron noted. “The program offers a convenient option for applicants seeking to expedite prosecution without having filed a Track I request at filing.”

Dan’s Commentary Featured in MLex

Following his LinkedIn post, *MLex* interviewed Dan for their article *“USPTO rolls out accelerated examination for simple patent applications.”* In the piece, he discussed how some applicants may **intentionally simplify their claims** to qualify for the pilot, a practical trade-off between broad coverage and quicker turnaround times.

“Sometimes you can adequately protect an invention without needing multiple independent claims,” he told *MLex*. “The benefit of quicker turnaround can outweigh the need for extra claim variations.”

Dan also highlighted how the USPTO’s approach aligns the interests of examiners and applicants alike, improving efficiency while maintaining strong protection for inventors.

What This Means for Applicants

The program will accept up to **200 applications per technology center** through **October 2026**, so early participation is encouraged. For inventors, startups, and companies managing complex IP portfolios, this new pathway may offer a valuable opportunity to streamline prosecution and bring innovations to market faster.

For more information or to read Dan's full article, visit his LinkedIn post: USPTO Introduces Streamlined Claim Set Pilot Program to Accelerate Examination

And to see his commentary featured in *MLex*, check out: *"USPTO rolls out accelerated examination for simple patent applications."*