

No. 07-659

In the Supreme Court of the United States

PHOENIX OF BROWARD, INC., PETITIONER

v.

McDONALD'S CORPORATION, RESPONDENT

**On Petition For A Writ Of Certiorari
To The United States Court of Appeals
For The Eleventh Circuit**

BRIEF IN OPPOSITION

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QUESTION PRESENTED

Whether, in a suit involving a claim for false advertising under section 43(a) of the Lanham Act, the Eleventh Circuit correctly determined that an allegation that the plaintiff was the defendant's "direct competitor" was not *per se* sufficient to confer prudential standing and that—given the attenuated and speculative injury alleged and the potential for duplicative damages under the particular facts of the case—the plaintiff should be denied prudential standing to press a claim.

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