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Filing date: **11/17/2015**

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

|                        |   |
|------------------------|---|
| Proceeding             | 91224067  |
| Party                  | Plaintiff<br>Larry Paletz   |
| Correspondence Address | LARRY PALETZ<br>1493 CAMINITO SOLIDAGO<br>LA JOLLA, CA 92037<br>UNITED STATES<br>lifegoodinca@outlook.com, lpaletz@wellmann.com |
| Submission             | Opposition/Response to Motion   |
| Filer's Name           | LARRY PALETZ  |
| Filer's e-mail         | lpaletz@wellmann.com, lifegoodinca@outlook.com  |
| Signature              | /larrypaletz/   |
| Date                   | 11/17/2015  |
| Attachments            | 2015-11-17 Motion To Oppose Extension.pdf(2421918 bytes )   |

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

In the matter of Application Serial Number: 79143534  
Filed: September 11, 2013  
For the mark: Tielsa  
Published in the *Trademark Official Gazette* on May 26, 2015

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**Larry Paletz,**

**Opposer,**

v.

Proceeding Number 91224067

**Tielsa GmbH,**

**Defendant**

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**MOTION TO OPPOSE**

1. On November 5, 2015, Defendant Tielsa GmbH filed a Motion To Extend Time To Answer, pursuant to Fed. R. Civ. P. 6(b), made applicable to TTAB proceedings by 37 C.F.R. § 2.116(a), and T.B.M.P. §§ 310.03© and 509.

In support of this, Defendant asserts that good cause for this extension is as follows:

- 1.1. On September 28, 2015, Opposer filed its Notice of Opposition to the Trademark application made by Defendant for the Trademark **Tielsa** (Serial No. 79143534).
- 1.2. The due date for Defendant to file its Answer was Thursday, November 05, 2015. At the time of the filing of the Motion, the time for Defendant to file its Answer had not yet expired, and this was the first extension requested in this case.

- 1.3. Some of the events referred to in Opposer's Pleadings took place before 2005 - more than 10 years ago. Defendant claims that it must perform extensive research in the archives and search for former employees to verify the facts as stated in Opposer's Pleadings. Defendant asserts that this was not possible in the time allowed.
  - 1.4. Defendant claims that negotiations are ongoing between the Parties hereto in order to reach a settlement, but negotiations are in an early stage.
  - 1.5. Defendant claims that their Motion is not necessitated by a lack of diligence or unreasonable delay by Defendant.
  - 1.6. Defendant claims that it attempted to confer with Opposer regarding this stipulation, but did not receive a response as to whether Opposer would consent by the time of Defendant's filing.
- 
2.
    - 2.1. Re: 1.1. Above Opposer acknowledges that the statements made in Paragraph 1.1. are correct.
    - 2.2. Re: 1.2. Above Opposer acknowledges that the statements made in Paragraph 1.2. are correct.
  3.
    - 3.1. Re: 1.3. Above Opposer acknowledges that some of the events listed by Opposer in its Pleadings which were filed on September 28, 2015 ("Pleadings") took place before 2005. In Paragraph (11) of its Pleadings, Opposer placed on record that Defendant is Tielsa GmbH, Company Registration Number

728636, which was incorporated in November 2012 in Pfullendorf, Germany. The date of incorporation of Defendant is 3 (three) years ago, which is long after events which took place more than 10 (ten) years ago.

3.2. It therefore follows that Defendant could not possibly have any archives which date back more than 10 (ten) years.

3.3. Similarly, it follows that Defendant could not possibly have employed anyone more than 10 (ten) years ago.

4. 4.1. Re 1.4. Above Opposer has never entered into any settlement negotiations with Defendant in this matter.

4.2. In Paragraph (28) of its Pleadings, Opposer recorded that in June 2015, Opposer was contacted by the company **ALNO (United Kingdom) Limited** regarding two of Opposer's Trademarks and Internet Domain names. The person representing ALNO (United Kingdom) Limited is Jonathon Wagstaff, its Managing Director. This title in the United Kingdom is equivalent to the title of President in the USA. **Exhibit 101** hereto is a copy of Mr. Wagstaff's business card. **Exhibit 102** hereto is a copy of Page 8 of the German Trade Publication "Küchen News" (Kitchen News) dated November 6, 2015, in which it was reported that Mr. Wagstaff was promoted to the position of Geschäftsführer of ALNO International GmbH. This title in Germany is equivalent to the title of President in the USA. The report is in German, and Opposer warrants that the translation is accurate. **Exhibit 10** to Opposer's Pleadings illustrates the holdings of **ALNO AG**, the kitchen

manufacturer to which Opposer refers, *inter alia*, in Paragraph (10) of said Pleadings. The eighth block in the left column of **Exhibit 10** shows that ALNO AG is a minority shareholder of Defendant Tielsa GmbH. The fourth block of the right column shows that ALNO AG owns 100% of the stock of ALNO International GmbH. Opposer acknowledges that a relationship between ALNO AG, ALNO International GmbH and Defendant Tielsa GmbH exists. However, it is important to record that each of these Corporations is a separate legal entity.

- 4.3. ALNO (United Kingdom) Limited expressed interest in purchasing Opposer's Trademarks. Opposer requested that Application Serial Number 79143534, which is the subject of these proceedings, as also Application Number 79149733 to register Opposer's Trademark "Wellmann" be withdrawn, and Mr. Wagstaff undertook to discuss this with the legal team of ALNO AG.
- 4.4. It soon became clear that neither ALNO (United Kingdom) Limited nor ALNO AG, have the funds available to purchase Opposer's Trademarks.
- 4.5. **Exhibit 103** attached hereto is an email from Mr. Wagstaff dated September 22, 2015, in which he states that he wishes to propose a potential solution to these proceedings.  
**Exhibit 104** attached hereto is an e-mail dated September 30, 2015, sent by Opposer to Mr. Wagstaff in which Opposer makes it clear that, as far as Opposer is concerned, litigation will proceed.
- 4.6. After that, Mr. Wagstaff informed Opposer in telephone conversations on October 9, 2015 and October 12, 2015, that ALNO AG recognizes Opposer is the

owner of the Trademarks “**wellmann**” and “**tielsa**”.

**Exhibit 105** attached hereto is an email sent by Opposer to Mr. Wagstaff on October 15, 2015, confirming the contents of this Paragraph.

**Exhibit 106** attached hereto is a read receipt for the email which is Exhibit 105.

- 4.7. Mr. Wagstaff was an Officer of ALNO (United Kingdom) Limited, but not of Defendant. As such, he had no authority to enter into any Contract on behalf of, or to bind Defendant. It is, however, reasonable for Opposer to assume that the information which he provided is accurate.
- 4.8. Opposer and ALNO (United Kingdom) Limited then discussed the possibility of ALNO (United Kingdom) using Opposer’s Trademark(s) under license from Opposer.
- 4.8. The preliminary discussions between Opposer and Mr. Wagstaff regarding the purchase of Opposer’s Trademarks, alternatively using Opposer’s Trademarks under license are by no means settlement negotiations. As stated above, no negotiations whatsoever have taken place between Opposer and Defendant.
5. 5.1. Re: 1.5. Above Defendant was incorporated in November 2012. It follows that its archives date back a total of 3 (three) years.  
  
Defendant’s claim that “Applicants must perform extensive research in the archives and search for former employees to verify the allegations” in the time allotted and that its Motion is not necessitated by a lack of diligence or

unreasonable delay by Defendant is rejected.

5.2. If Defendant was serious about contacting anyone who may have knowledge of past events, then, at the first sign of Opposition to Registration, it would have immediately have done so. The vast majority of German kitchen manufacturers are concentrated in the Northern part of Germany, in the State of Nordrhein-Westfalen, and in or close to the County of Herford. ALNO AG, which has its headquarters in the State of Baden-Württemberg, and which is about 640 Km (400 miles) to the South, is an exception. As stated in Paragraph (3) of Opposer's Pleadings, there are relatively few manufacturers in the German luxury kitchen market, their employees require extensive specialized knowledge, and, as a result, they tend to stay in the industry. Germans are generally not migrant. People who work in the industry are aware where others work, and it is easy to find them. The first person whom Defendant would have contacted is **Markus Festera**, the previous CEO of the **Casawell Service Gruppe**. The Casawell Service Gruppe is explained, *inter alia*, in Paragraph (2) of Opposer's Pleadings. Markus Festera is referred to by name in Paragraph (9) of Opposer's Pleadings. It was well known that Mr. Festera was the CEO of a division of the well-known kitchen manufacturer, Nolte, which is also located in Herford, and just 11 Km (6 miles) away from a major factory in Enger which belongs to ALNO AG. However, Defendant apparently did not contact him. Upon information and belief, Mr. Festera was an honest man and would have told the truth, which would confirm Opposer's Pleadings. Unfortunately, Mr. Festera passed away unexpectedly on

October 8, 2015 at only 61 years old, and it will now not be possible for Defendant to contact him.

**Exhibit 107** attached hereto is a report dated October 9, 2015 in the German Trade Publication “**moebelnews.de**” about Mr. Ferstera’s passing. The report is in German, and Opposer warrants that the translation provided in this paragraph is accurate.

6. 6.1. Re: 1.6. Above            The contents of this paragraph are an outright lie.  
   Defendant has never contacted Opposer.
- 6.2.    Opposer became aware of Defendant’s Motion when he visited the TTAB website on October 5, 2015. Opposer immediately called Defendant’s Counsel, Daniela Füssel, for clarification, and also in an attempt to schedule a Discovery Conference. It immediately became clear that although Ms. Füssel is aware of these Proceedings, she has no knowledge whatsoever of the facts. Ms. Füssel was evasive, could not answer Opposer’s question as to exactly when and how Defendant purportedly contacted Opposer in this regard, and deliberately cut the conversation short, at the same time informing Opposer that “someone from her office” would contact Opposer in this regard by October 6, 2015.
- 6.3.    A CERTIFICATE OF SERVICE is attached to Defendant’s Motion, in which Ms. Füssel states: “I hereby certify that a true and complete copy of the foregoing Motion to Extend Time to Answer has been served on the following by mailing said copy on November 5, 2015, via electronic mail and First Class Mail, postage prepaid”. This is also not true. No email was sent

by Ms. Füssel to Opposer, and copies were not sent by Mail to Opposer on October 5, 2015. Opposer called Ms. Füssel at approximately 2:50 pm on October 5, 2015. Although she had not mailed a copy of the Documents which she Certified had been mailed, there was still plenty of time for her to mail a copy of her Motion on the same day, provided that she had it in her possession. However, if the matter is in fact being handled in Germany, which is 9 (nine) hours ahead of California time, it was too late for her to obtain a copy from Germany to send, or to send a copy from Germany on November 5, 2015, by any method.

- 6.4. The day after Opposer's call to Ms. Füssel, on November 6, 2015, a copy of the Motion was sent to Opposer from Berlin, Germany. A copy of the Mailing Label is attached hereto as **Exhibit 108**.
- 6.5. By November 10, 2015, Opposer had not heard back from Ms. Füssel, or anyone in "her office" and attempted to call her at 10:31 am. The telephone was answered by Judy, who transferred the call to Ms. Füssel. However, as soon as Ms. Füssel heard Opposer on the line, she acted as though she was unable to hear Opposer. Opposer called again at 10:33 am. Judy answered the call, and, without making any attempt to transfer the call, immediately informed Opposer that she was "unable" to transfer the call to Ms. Füssel. Judy took Opposer's name and telephone number and undertook that Ms. Füssel would return the call within one hour. However, the call was never returned. Opposer then sent an email in the early hours of November 11, 2015 to "Ms. Füssel" to ensure that it

would be received in Germany that morning. This email is attached hereto as **Exhibit 109**.

- 6.6. An answer to Opposer's email which is Exhibit 109 hereto was received at 7:11 am on November 11, 2015, by Sylvio Schiller, who is an Attorney in Berlin, Germany. In his email, Mr. Schiller states "Since I am the German Attorney handling this matter I will answer your email". Mr. Schiller admits in his email that Opposer was not contacted about Defendant's Motion, and, undertook to notify the TTAB of this if Opposer requested that he do so. Despite Opposer's confirmation that this should be done, as of November 17, 2015, no filing reflecting same appears on the TTAB website. Mr. Schiller states "So in case you are willing to find a settlement and give the negotiation more time ....."
- As stated in Paragraph 4.7 above, Opposer and ALNO (United Kingdom) Limited have engaged in exploratory discussions. However, ALNO (United Kingdom) limited this is a Legal entity which is separate from Defendant. There has been no contact between Opposer and Defendant, nor has Opposer ever expressed any intention of settling the matter.

**Exhibit 110** is the email sent by Mr. Schiller on November 11, 2015.

- 6.7. **Exhibit 111** is an email which was sent by Opposer to Mr. Schiller on November 11, 2015. Opposer confirms his belief that, although Ms. Füssel is the Attorney of record, the matter was in fact handled by Mr. Schiller from the outset. Opposer informed Mr. Schiller that as far as Opposer was able to ascertain, Mr. Schiller is

not licensed to practice Law in any State in the USA, and has no standing to represent Defendant before the TTAB.

7. Opposer asserts that although Defendant's Motion states that it was signed by Ms. Füssel, it was in fact signed by Sylvio Schiller, [See 37 CFR § 2.1 19(e)] who Opposer asserts is practicing Law in the USA without a license. [37 CFR § 11.26]. The Attorney of record is located in the State of California. California's Business and Professions Code Section 6125, states "no person shall practice law in California unless the person is an active member of the state bar". The TTAB records the IP address and time stamps Documents as they are recorded. Opposer asserts that the IP address and time stamp of Defendants Motion is consistent with a filing done from Berlin, Germany. Opposer will subpoena these records in the event Mr. Schiller and/or Ms. Füssel deny the contents of this Paragraph.

8. It is clear that Defendant has not met the requirements for the granting of an Extension Of Time To Answer. [See TMBP § 509.01(a)]. [See *SFW Licensing Corp. v. Di Pardo Packing Ltd.*, 60 USPQ2d 1372, 1373 (TTAB 2001) (*opposers had not come forward with "detailed facts" required to carry their burden explaining their inaction*)]. Opposer moves that the dates should remain as originally set. See *Baron Philippe de Rothschild S.A. v. Styl-Rite Optical Mfg. Co.*, 55 USPQ2d 1848 (TTAB 2000); *Instruments S.A. v. ASI Instruments*, 53 USPQ2d 1925 (TTAB 1999); *HKG Industries, Inc. v. Perma-Pipe, Inc.*, 49 USPQ2d 1157 (TTAB 1998); and *Atlanta-Fulton County Zoo, Inc. v. DePalma*, 45 USPQ2d 1858 (TTAB 1998).

9. Opposer asserts that there have been irregularities regarding Defendant's Counsel, and hereby gives Notice of his intention to File a Motion to Sanction and Disqualify said Counsel from these Proceedings.
10. Opposer further gives Notice that he will apply for Summary Judgement in this Matter.

Dated: November 17, 2015

LARRY PALETZ

/Larry Paletz/

Larry Paletz

1493 Caminito Solidago

La Jolla, CA 92037

858-459-1000 (Telephone)

Lpaletz@wellmann.com (Email)

Opposer

# **Exhibit 101**

**ALNO**

**Jonathon Wagstaff**  
Managing Director

Alno (United Kingdom) Ltd  
4 The Boulevard | City West One Office Park  
Gelder Road | Leeds | LS12 6NY | United Kingdom  
T +44 (0) 113 331 5120 | M +44 (0) 7968 476641  
E [jonathon.wagstaff@alnouk.com](mailto:jonathon.wagstaff@alnouk.com) | W [www.alnokitchens.co.uk](http://www.alnokitchens.co.uk)

# **Exhibit 102**

## Frank Haubold sagt der ZOW ade

Branchenkenner wussten es schon seit geraumer Zeit: Frank Haubold und sein englischer Brötchengeber Clarion Events haben eine unterschiedliche Auffassung, was das Vertragswerk und die Gestaltung von Messen angeht. Eigentlich sollte Haubold zum 1. Oktober einen Geschäftsführer-Vertrag unterzeichnen, doch das ist nicht geschehen. Nach sieben Monaten verlässt Haubold, der für die Koelnmesse erfolgreich im Bereich Wohnen war, den Messeveranstalter. „Wir haben uns nicht auf einen Vertrag einigen können. Ich habe mehr erwartet, was die Ausstattung der deutschen Firma, die messepolitische Eigenständigkeit und vieles mehr angeht“, erklärte Haubold im Gespräch mit der KüchenNews-Redaktion. Trotz aller Unstimmigkeiten sei es ihm gelungen, die ZOW auf einen akzeptablen Weg zu bringen. Die Trennung markiere für ihn den dauerhaften Abschied aus der Messeszene, wobei er wohl schon einen neuen Job in Aussicht hat. Die Nachfolge in Bielefeld bei der Clarion Events ist derweil schon geregelt. Ab sofort verantworten die langjährigen Mitarbeiter Therese Frank, Leiterin Finanzen, und Dietmar Schöner, Leiter Marketing & Operations, als Prokuristen das operative Geschäft. Beide werden von zwei Mitarbeitern mit Beraterverträgen unterstützt. Zum einen wird Udo Träger, zuletzt für Michael Rambachs Trendfairs und



Frank Haubold nahm Ende Oktober seinen Hut

davor auch für die Koelnmesse im Möbel- und Zulieferbereich tätig, als Berater für Clarion Events einsteigen. Und der frühere Nolte-Küchen-Geschäftsführer Hans-Herrmann Hagelmann, heute im Vorstand des BMK, wird ebenfalls mit seinem Beratungsunternehmen für die Bielefelder aktiv. ■

## Alno International bekommt eigenen Chef

Jonathon Wagstaff hat im September die Leitung der auf die internationalen Aktivitäten des Alno-Konzerns ausgerichteten Alno International GmbH übernommen. Wagstaff war seit März 2009 Managing Director bei der Alno UK und zuletzt auch zeitgleich CEO von Alno USA. Diese Positionen hat er mit seinem Wechsel zu Alno International abgegeben, dem Board der beiden Unternehmen gehört er aber weiterhin an. Bei Alno International soll Wagstaff die internationale Expansion weiter vorantreiben. Neuer Managing Director von Alno UK ist seit September Adinde Blacquièr, die nach verschiedenen Positionen für Saint Gobain und Owens Corning im Januar 2015 als Finance and Operations Director zu der britischen Alno-Vertriebsgesellschaft gewechselt war. Bei Alno UK war sie von Januar 2014 bis April 2015 zudem Channel Director bei der Franchisekette in-toto, die bislang mit 45 Küchenstudios in Großbritannien vertreten ist. Die über Alno UK und in-toto laufenden Einzelhandelsaktivitäten von Alno in Großbritannien werden seit September von Rosalyn Hastings geleitet. ■

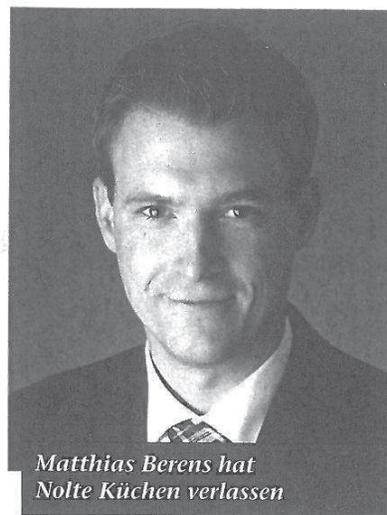
## Thomas Steinbrenner geht zu Bosch Hausgeräte

Thomas Steinbrenner, Ende September als Geschäftsführer bei dem MHK-Fachmarktableger Magnum als Geschäftsführer ausgeschieden, hat sich wieder zurück in die Hausgeräteindustrie orientiert. Steinbrenner bereist seit dem 1. November 2015 für Bosch Hausgeräte sein ehemals bei Juno/Electrolux angestammtes Gebiet. Sein Vorgänger

bei Bosch, Christoph Jänicke, bleibt Bosch dem Vernehmen nach erhalten. Steinbrenner, der mit seiner Handelsagentur im Juni 2014 von dem Rückzug der Marken Electrolux/Juno vom deutschen Markt kalt erwischt wurde, hatte bereits anlässlich seines Abschieds von MHK betont, dass es ihn wieder in die Industrie zurückziehe, dass er ein „Produkt“ zur Vermarktung brauche. Jetzt also der neue Job im Team von Vertriebschef Antonio Terrada. ■

## Nolte Küchen: Berens geht, Spadinger kommt

Matthias Berens, seit 2014 Exportleiter bei Nolte Küchen, hat den Küchenhersteller verlassen, „um sich neuen Aufgaben zu widmen“. Berens war von Häcker Küchen zu Nolte gekommen. Sein Nachfolger wird Michael Spadinger. Michael Spadinger, der am 1. November die Exportleitung von Nolte Küchen angetreten hat, war 2011 bei der MHK Group AG auf Dr. Elmar Borchardt als Exportleiter gefolgt. Zuvor war Spadinger in der Möbelindustrie tätig. Nolte ist für Spadinger eine bekannte Adresse, sein Vater war langjährig als Vertriebschef von Nolte Germersheim tätig. Über den neuen Job von Berens ist noch nichts offiziell bekannt. Brancheninsider vermuten allerdings, dass Berens der Branche erhalten bleibt. Der Abschied von Häcker Küchen war 2013 im Einvernehmen erfolgt. Berens wohnt unverändert in Rödinghausen. ■



Matthias Berens hat Nolte Küchen verlassen

# **Exhibit 103**

Reply Reply All Forward

Tue 9/22/2015 4:22 AM



Jonathon Wagstaff <Jonathon.Wagstaff@alnouk.com>

Re: Adjustable Counters

To: Larry Paletz

Dear Larry

Sorry for the delay in getting back to you. My last visit to the USA proved a little hectic and I have since been away in Europe. I am now at our annual Hausfair and have had the chance to catch up with our legal people and propose a potential solution. Are you available to discuss by phone either later today or tomorrow?

Jonathon

Jonathon Wagstaff



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|             |                  |                      |
|-------------|------------------|----------------------|
| <b>ALL</b>  | RE: Dealers      | 8 days ago 11:53 PM  |
|             | <b>Re: Visit</b> | 15 days ago 7:53 AM  |
| WHAT'S NEW  | RE: Manuals      | 18 days ago 12:46 AM |
| MAIL        | Re: Manuals      | 19 days ago 3:34 AM  |
| ATTACHMENTS | Re: Miami        | 10/15/2015 1:31 PM   |
| MEETINGS    | RE: Miami        | 10/15/2015 10:33 AM  |
|             | RE: Manuals      | 10/15/2015 10:32 AM  |
|             | RE: U.S.A.       | 10/9/2015 4:43 AM    |

# **Exhibit 104**

## Larry Paletz

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**From:** Larry Paletz <lpaletz@wellmann.com>  
**Sent:** Wednesday, September 30, 2015 10:57 PM  
**To:** 'Jonathon Wagstaff'  
**Subject:** RE: Visit to the USA

September 30, 2015

Hi Jonathon,

Thank you for your e-mail of September 28, 2015.  
I stopped in New York after the M.O.W. , and will be on the West Coast next week.

I will say that I am a little confused:

After you informed me that your company does not have the funds available to purchase the Intellectual Property you wish to acquire, I bent over backwards to try and accommodate you. I sent you the framework of a proposal on June 30, 2015. You answered on July 1, 2015, that you were en route to Germany and would discuss this with your legal team. However, I did not hear back from you. Three months have now passed, the proposal has been withdrawn, and, as far as I was concerned, negotiations ceased.

On August 11, 2015, I left you a voice message, and sent you an email requesting information about the height-adjustable counters. You called me on August 24<sup>th</sup> and stated that you would call from the U.S. on August 27<sup>th</sup> to explain these. I am not sure why you seem to feel it is necessary for you to call from the U.S., but it is a moot point since, again, I did not hear back from you.

I was interested in the height-adjustable counters, and for this reason visited the ALNO showroom during the M.O.W., on Monday September 21, 2015. Upon arrival, I announced my presence at the front reception desk to Dorothee Rose, who has known me since the 1990's. I spoke at length with Tielsa GmbH sales manager Willy Bumiller, who explained the adjustable counters to me. Mr. Bumiller tried, without success, to find Alexander Stotz, with the intention of including him in the conversation. Since I was already in the building, I decided to look at other displays, then left to attend a meeting. It is inconceivable to me that you would not be aware of my visit. I was still in Enger on September 22, 2015, and you would have reached me immediately if you had simply called instead of sending an e-mail.

It transpires that the adjustable counters are not well suited for use by handicapped persons, that the Patent actually belongs to a well-known hardware manufacturer, and the product is available to all kitchen manufacturers.

I had purposely not driven past the showroom on Bustedter Weg since the passing of Mr. Wellmann because I knew it would upset me to see it. However, when I visited your exhibition on September 21, 2015, the absence of the elegant metal "wellmann" sign in front, and the presence of the huge ALNO billboard in it's place, somehow forced closure. It dawned on me that the recent discussions between you and I were influenced by my respect for and admiration of Hans-Dieter Wellmann. I finally accepted that Hans-Dieter Wellmann is not coming back, will not be affected by the outcome of our negotiations, and that I am dealing with ALNO AG and not Hans-Dieter Wellmann's company.

I requested during our telephone conversation On June 22, 2015, that you ask ALNO AG to withdraw their Applications to register my **wellmann** and **tielsa** Trademarks in the U.S.A. You undertook to discuss this with ALNO AG and advise me of the outcome. However, I did not hear from you again in this regard. I will vigorously protect my Trademarks, although doing so can be challenging: In addition to the time spent on the chronology for the Trademark Litigation, I spent more than 200 hours, which included nights, all-nighters, week-ends and all-weekends, searching through mountains of

correspondence dating back twenty five years to find documents. The majority of this time could otherwise have been spent productively, and the remainder should have been my leisure and resting time. The Pleadings are complete, and a Brief has been filed. There may be a few details which require attention, but, to all intents and purposes, the groundwork has been done, and the Litigation is in progress. I am concerned that now - almost three months after you stated you were en route to Germany and would discuss the matter with your legal team, then get back to me - and after all the time it took me and the expense I was put to in order that the Brief be completed and filed on time, that you sent an email the day before the deadline for filing the Brief, in which you state that you wish to propose a potential solution.

I am perfectly happy with my Trademarks and Domains . It is you who approached me in this regard. You and I have spent 3 ½ months getting nowhere. I do not spend time with people who put me on a back burner, delay replying to my correspondence, provide non-replies, and do not get back to me with details which they undertake to provide. I am not certain that I would agree to meet with you at this point. You will no doubt realize my frustration in dealing with you from this letter. As far as I was concerned, the matter was closed and I moved on. If this were not the case, I would have asked for you in Enger last week, or contacted you on your cell phone. I had no intention of contacting you, and did not expect to hear from you. However, the Courts in the U.S.A. encourage Alternative Dispute Resolution. if you wish to send me your proposal in an e-mail, then I will read it and reply to you. If you wish to call, then I will speak with you. You are obviously free to answer me at any time which suits you. However, please understand that, I will not be a part of your gamesmanship, and in the event you fail to communicate promptly, you will not receive a reply from me.

Kind Regards,  
Larry

The information contained in this electronic mail message is intended solely for the addressee stated above and may contain information that is confidential, privileged, or otherwise protected from disclosure under applicable law. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this electronic mail transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail to [lpaletz@wellmann.com](mailto:lpaletz@wellmann.com) and delete the original message

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**From:** Jonathon Wagstaff [mailto:Jonathon.Wagstaff@alnouk.com]  
**Sent:** Monday, September 28, 2015 1:38 PM  
**To:** Larry Paletz <lpaletz@wellmann.com>  
**Subject:** Visit to the USA

Hi Larry

I will be in the USA next week. Visiting Canada on the 5<sup>th</sup> and 6<sup>th</sup> and then New York on the 7<sup>th</sup> – 9<sup>th</sup>. Is there any chance you will be on the East Coast?

Kind regards

Jonathon

**Jonathon Wagstaff**

**ALNO**

Alno (United Kingdom) Limited  
4 The Boulevard, Gelderd Road

Leeds | West Yorkshire | LS12 6NY | United Kingdom

**T** +44 (0) 113 331 5120 | **M** +44 (0) 7968 476641

**E** [jonathon.wagstaff@alnouk.com](mailto:jonathon.wagstaff@alnouk.com) | **W** [www.alnokitchens.co.uk](http://www.alnokitchens.co.uk) | **W** [www.intoto.co.uk](http://www.intoto.co.uk)

# **Exhibit 105**

## Larry Paletz

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**From:** Larry Paletz <lpaletz@wellmann.com>  
**Sent:** Thursday, October 15, 2015 3:02 PM  
**To:** 'Jonathon Wagstaff'  
**Subject:** License Agreement

|                  |                     |                           |
|------------------|---------------------|---------------------------|
| <b>Tracking:</b> | <b>Recipient</b>    | <b>Read</b>               |
|                  | 'Jonathon Wagstaff' | Read: 10/16/2015 12:11 AM |

October 15, 2015

Hi Jonathon,

I would like to summarize the main points of our discussions of October 9, 2015 and October 12, 2015:

1. ALNO AG recognizes my ownership of the **tielsa** and **wellmann** Trademarks.
2. ALNO AG would like to use these Trademarks under license from me, and hopes to reach an Agreement with me to do so.
3. It is envisaged that under the proposed license Agreement, ALNO AG will pay a percentage of revenue to me for all articles sold bearing these Trademarks. The actual percentage was not agreed upon.
4. You and I will meet at the beginning of November 2015 to discuss details of the proposed Agreement.
5. ALNO AG is interested in pursuing a business relationship with me in which I purchase products from them for resale. This is independent of the proposed license Agreement

I look forward to meeting with you, and to view your products in detail.

Kind Regards,  
Larry

The information contained in this electronic mail message is intended solely for the addressee stated above and may contain information that is confidential, privileged, or otherwise protected from disclosure under applicable law. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this electronic mail transmission is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail to [lpaletz@wellmann.com](mailto:lpaletz@wellmann.com) and delete the original message

# **Exhibit 106**

## Larry Paletz

---

**From:** Jonathon Wagstaff <Jonathon.Wagstaff@alnouk.com>  
**To:** Larry Paletz  
**Sent:** Friday, October 16, 2015 12:11 AM  
**Subject:** Read: License Agreement

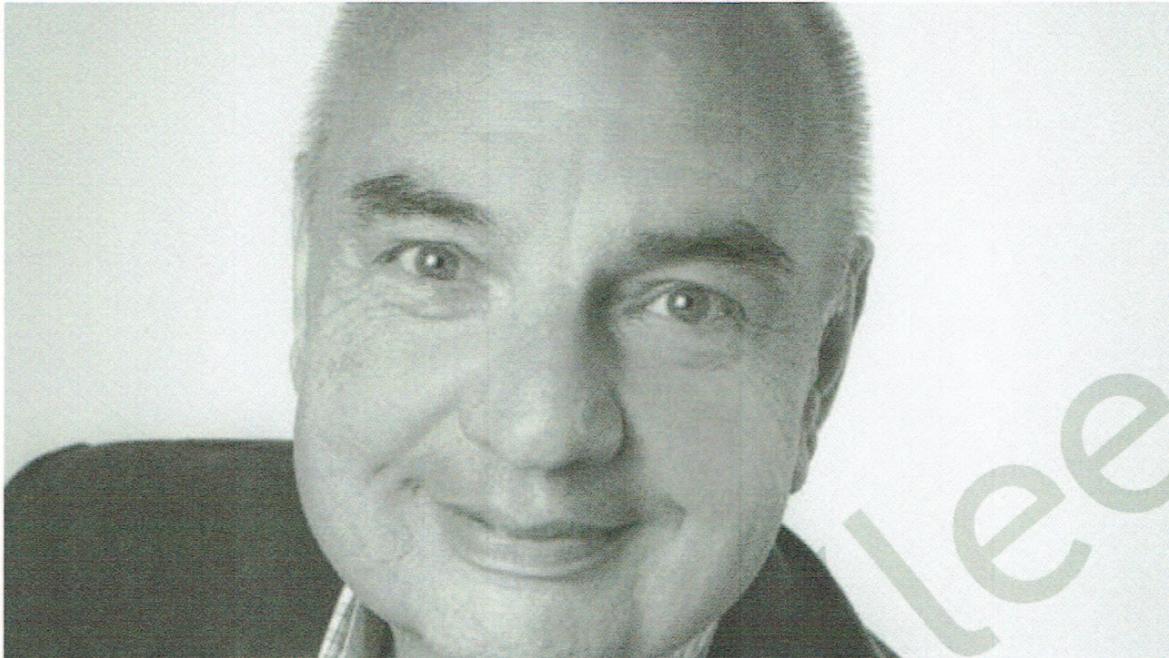
Your message

To: Jonathon Wagstaff  
Subject: License Agreement  
Sent: Thursday, October 15, 2015 11:02:20 PM (UTC) Dublin, Edinburgh, Lisbon, London

was read on Friday, October 16, 2015 8:10:41 AM (UTC) Dublin, Edinburgh, Lisbon, London.

# **Exhibit 107**

## Nolte Delbrück trauert um Markus Ferstera



Markus Ferstera.

Der Schlafraummöbel-Spezialist Nolte Delbrück trauert um seinen Geschäftsführer Markus Ferstera. Er ist in der Nacht zum 8. Oktober 2015 unerwartet nach kurzer, schwerer Krankheit im Alter von nur 61 Jahren gestorben. Er war seit 1. September 2012 als Geschäftsführer für Vertrieb und Marketing tätig.

Geschäftsführer Werner Farke: „Wir sind zutiefst betrübt und bestürzt über das unerwartete Ableben von Herrn Ferstera und trauern um unseren verdienten Geschäftsführer. Er hat uns in den vergangenen Jahren viele neue Impulse gegeben und neue Geschäftsfelder entwickelt. Herr Ferstera war ein hoch engagierter Manager mit einer einzigartigen Persönlichkeit, der stets die Nähe zu seinen Mitarbeitern und unseren Kunden suchte. Unser tiefes Mitgefühl gilt seiner Familie und Freunden, denen wir unser aufrichtiges Beileid aussprechen.“

Markus Ferstera war ein erfahrener Branchenkenner. Er war lange Jahre als Geschäftsführer beim Büromöblier Wilkhahn in Bad Münde, in der Wellmann-Gruppe und bei Geba-Küchen tätig, wo er auch eine Minderheits-Beteiligung hielt. Nach deren Insolvenz im Jahr 2010 war er in führender Position beim Glashersteller Scholl in Barsinghausen aktiv, bevor er im September 2012 zu Nolte Delbrück gekommen war. Zur diesjährigen Hausmesse im September war er schon krankheitsbedingt abwesend.

[www.nolted.de](http://www.nolted.de)

(Otmar Kamp) Freitag, 09. Oktober 2015 - 11:30

# **Exhibit 108**

# intertrex

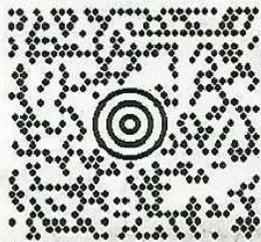
send without limits

WWW.INTERTREX.COM - SHIPPING  
+493028093490  
INTERTREX GMBH  
10/11 SCHOENHAUSER ALLEE  
10119 BERLIN  
GERMANY

ENV 1 OF 1 ui.  
SHP#: ER44 10JB KJS  
DATE: 6 NOV 2015

**SHIP TO:**

XXX  
(000) 000-0000  
LARRY PALETZ  
1493 CAMINITO SOLIDAGO  
**LA JOLLA CA 92037**  
**UNITED STATES**



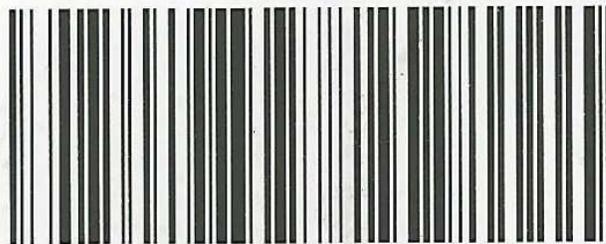
**CA 921 9-17**



**UPS SAVER**

TRACKING #: 1Z ER4 410 04 5123 0331

**1P**



BILLING: P/P  
DESC: DOCUMENTS

**EDI-DOC**

Unse

Rechnungsnr.: 2686e  
Bestellnr.: asg

WS 18 0 34 Eltron TLP284 69 0A 10/2015

A su servicio desde hace más de 100 años  
A votre service depuis plus de 100 ans  
Świadczy my usługi od ponad 100 lat

# **Exhibit 109**

## Larry Paletz

---

**From:** Larry Paletz <lpaletz@wellmann.com>  
**Sent:** Wednesday, November 11, 2015 12:12 AM  
**To:** 'schiller@f-200.com'  
**Cc:** 'office@f-200.com'  
**Subject:** USPTO OPPOSITION NUMBER 91224067

November 10, 2015

Dear Ms. Füssel,

**Re: UNITED STATES PATENT AND TRADEMARK OFFICE (“USPTO”)  
OPPOSITION NUMBER 91224067 - TRADEMARK “Tielsa”  
MOTION TO EXTEND TIME TO ANSWER DATED NOVEMBER 5, 2015 (“Motion”)**

I called you on Thursday November 5, 2015, at 2:50 pm, shortly after I read your Motion on the United States Patent and Trademark website [www.uspto.gov](http://www.uspto.gov)

In this communication, I have addressed only Paragraph (6) of your Motion for the sake of brevity, and reserve the right to peruse and answer the other statements and allegations made therein.

Paragraph (6) of your Motion is an outright lie. No one has ever contacted me regarding an extension of time to reply. I specifically asked you exactly which person purportedly contacted me regarding an extension of time for you to answer and also the method by which said purported contact was made. You were evasive, were clearly unaware of the facts of these Opposition proceedings, did not answer the question, and finally stated that “someone from (your) office” would call me in this regard by Friday November 6, 2015. As of today, Tuesday November 10, 2015, I had not received a call, and called you at 10:31 am. The telephone was answered by Judy, who transferred the call to you. However, when you heard it was me on the line, you acted as though you were unable to hear me. I hung up and called again at 10:33 am. Judy answered the call, and, without making any attempt to transfer the call, immediately informed me that she was “unable” to transfer the call to you. Judy took my name and telephone number and undertook that you would return my call within one hour. However, you failed to return the call.

You Certify in your Motion that a copy “**has been served**” by mailing a copy to me on November 5, 2015, by electronic mail and First Class Postage prepaid. Your email addresses of record, [schiller@f-200.com](mailto:schiller@f-200.com) and [office@f-200.com](mailto:office@f-200.com), are those of a legal firm in Germany. Our servers are extremely reliable, and process email within minutes. No email has ever been received from you on our servers. I hereby request that you provide a copy of the outgoing email which you state was sent by you on or before November 5, 2015, together with all headers. When I spoke to you on November 5, 2015, you were in California. Even if you had not mailed a copy of the Motion to me, you had time to do so after we spoke and before the Post Office closed. However, if someone in Germany is the actual lawyer handling this matter, then it would not have been possible for him or her to mail the document to me until November 6, 2015. I did not receive a copy of the Motion by mail. However, on November 9, 2015, I received a copy of the Motion under cover of a letter sent per UPS on

November 6, 2015. You were in The U.S on November 5, 2015 and also on November 10, 2015. It is, therefore, curious that the letter, sent from Germany on November 6, 2015, contains a signature which purports to be yours. I request you confirm whether you actually signed this letter.

By all accounts, your Law practice is that of Immigration matters and not that of Patents and Trademarks. The immediate impression is that you have allowed, and continue to allow, Silvio Schiller, a lawyer in Germany who is not licensed to practice law in any State in the United States of America, to use your license for the purpose of acting on behalf of the Applicant in this matter. If this is correct, I trust that you are aware of the implications. I intend to request the USPTO to provide all of the IP addresses which were used when communicating with their servers in this matter as also the Application to register Trademark Wellmann, Application Number of all communications with the

The contents of this letter are not intended to address all of the things and matters which affect the issues, or of my rights, all of which remain expressly reserved, and will be addressed in the appropriate forum should this become necessary.

Very Truly Yours,  
Wellmann Kitchens

Larry Paletz

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# **Exhibit 110**

## Larry Paletz

---

**From:** Sylvio Schiller Rechtsanwalt [f200] ASG Rechtsanwälte GmbH <Schiller@f-200.com>  
**Sent:** Wednesday, November 11, 2015 7:11 AM  
**To:** lpaletz@wellmann.com  
**Cc:** Daniela Füssel  
**Subject:** WG: USPTO OPPOSITION NUMBER 91224067

Dear Mr. Paletz

Since I am the German attorney regarding this matter I will answer your email.

Honestly, I am surprised by your allegations, which I reject in the strongest way possible. I don't think, they are helpful to find a reasonable settlement in this matter either.

Our colleague Mrs. Fuessel is part of our team and an attorney in our Law firm for more than 5 years and dealing with a lot of cases that involved the USA and Germany and this includes trademark cases as well. You will find her on our webpage as well. Specifically trademark cases we are preparing together and she is using our infrastructure in our Berlin office. As you probably aware, through the internet is not necessary to be physically present in a specific location to use the infrastructure in this location.

But back to the case: In so far it seems the communication between our client and us wasn't the best possible. We now know you were not contacted about the possibility to extend our time to answer. It seems our request to contact you about this point had gone lost and was apparently not done. I sincerely apologize for this and if you like we will send a notice to the USPTO to clarify this point.

Otherwise you probably know that the USPTO will grant the first extension without any substantiation in detail unless you oppose.

So in case you are willing to find a settlement and to give the negotiation more time, I would assume you agree with the extension?

Yours sincerely

Sylvio Schiller  
Fachanwalt für  
gewerblichen Rechtsschutz

(f200) ASG Rechtsanwaltsgesellschaft mbH

Berlin Mitte  
Friedrichstrasse 200  
10117 Berlin  
Tel.: 0049 (30) – 200 5072-0  
Fax.: 0049 (30) – 200 5072-10

Geschäftsführer: Felix Ginthum, Sylvio Schiller

Web: [www.f-200.com](http://www.f-200.com)  
Blog: [www.blog.f-200.com](http://www.blog.f-200.com)

Registergericht: AG Charlottenburg  
Registernummer: HRB 109761 B  
Steuernummer: 37/486/21169

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---

**Von:** Andrea Maria Wallner | [f200] ASG Rechtsanwaltsgesellschaft mbH | Büro Berlin **Im Auftrag von** [f200] ASG Rechtsanwälte GmbH  
**Gesendet:** Mittwoch, 11. November 2015 11:02  
**An:** Sylvio Schiller Rechtsanwalt [f200] ASG Rechtsanwälte GmbH <Schiller@f-200.com>  
**Betreff:** WG: USPTO OPPOSITION NUMBER 91224067

---

**Von:** Larry Paletz [[mailto:lpaetz@wellmann.com](mailto:lpaletz@wellmann.com)]  
**Gesendet:** Mittwoch, 11. November 2015 09:12  
**An:** Sylvio Schiller Rechtsanwalt [f200] ASG Rechtsanwälte GmbH  
**Cc:** [f200] ASG Rechtsanwälte GmbH  
**Betreff:** USPTO OPPOSITION NUMBER 91224067

November 10, 2015

Dear Ms. Füssel,

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OPPOSITION NUMBER 91224067 - TRADEMARK “Tielsa”  
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time for you to answer and also the method by which said purported contact was made. You were evasive, were clearly unaware of the facts of these Opposition proceedings, did not answer the question, and finally stated that “someone from (your) office” would call me in this regard by Friday November 6, 2015. As of today, Tuesday November 10, 2015, I had not received a call, and called you at 10:31 am. The telephone was answered by Judy, who transferred the call to you. However, when you heard it was me on the line, you acted as though you were unable to hear me. I hung up and called again at 10:33 am. Judy answered the call, and, without making any attempt to transfer the call, immediately informed me that she was “unable” to transfer the call to you. Judy took my name and telephone number and undertook that you would return my call within one hour. However, you failed to return the call.

You Certify in your Motion that a copy “**has been served**” by mailing a copy to me on November 5, 2015, by electronic mail and First Class Postage prepaid. Your email addresses of record, [schiller@f-200.com](mailto:schiller@f-200.com) and [office@f-200.com](mailto:office@f-200.com), are those of a legal firm in Germany. Our servers are extremely reliable, and process email within minutes. No email has ever been received from you on our servers. I hereby request that you provide a copy of the outgoing email which you state was sent by you on or before November 5, 2015, together with all headers. When I spoke to you on November 5, 2015, you were in California. Even if you had not mailed a copy of the Motion to me, you had time to do so after we spoke and before the Post Office closed. However, if someone in Germany is the actual lawyer handling this matter, then it would not have been possible for him or her to mail the document to me until November 6, 2015. I did not receive a copy of the Motion by mail. However, on November 9, 2015, I received a copy of the Motion under cover of a letter sent per UPS on November 6, 2015. You were in The U.S on November 5, 2015 and also on November 10, 2015. It is, therefore, curious that the letter, sent from Germany on November 6, 2015, contains a signature which purports to be yours. I request you confirm whether you actually signed this letter.

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Very Truly Yours,  
Wellmann Kitchens

Larry Paletz

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# **Exhibit 111**

## Larry Paletz

---

**From:** Larry Paletz <lpaletz@wellmann.com>  
**Sent:** Wednesday, November 11, 2015 11:00 PM  
**To:** 'Sylvio Schiller Rechtsanwalt [f200] ASG Rechtsanwälte GmbH'  
**Subject:** RE: USPTO OPPOSITION NUMBER 91224067  
**Attachments:** 2015-11-06 Küchen News.pdf

November 11, 2015

Dear Mr. Schiller,

This will confirm receipt of your e-Mail of this morning.

It was my belief from the outset that you are the Attorney who is handling this matter. The information which I have about you confirms that you are an extremely competent Attorney. However, this matter is before the United States Patent and Trademark Office, you are not the Attorney of record, and as far as I have been able to ascertain, you are not licensed to practice Law in any State in the USA. It is for these reasons that my communications with you must be limited, and furthermore it is a condition that all communications with you will be without prejudice to any of my rights. Mrs. Füssel has been most uncooperative, and has frustrated my attempts to communicate with her by cutting the conversation very short when I managed to reach her, and by her subsequent refusal to accept or return my calls.

It would be proper for your client to notify the USPTO that Paragraph (6) of your Motion is not correct, and that I was never contacted regarding an extension of time for you to reply. I therefore request that this be done.

It appears that you are correct regarding the communication between yourself and your client. Since June 2015, I have been dealing with Jonathon Wagstaff, who is the new President (Geschäftsführer) of Alno International GmbH. In the event that you do not know Mr. Wagstaff, I have attached a copy of "Küchen News" dated November 6, 2015, and you can read about him in the middle of page 8. Mr. Wagstaff confirmed to me during our telephone conversations on October 9, 2015 and October 12, 2015, that ALNO AG recognize that the **tielsa** and **wellmann** Trademarks are Intellectual Property which belong to me. Mr. Wagstaff informed me further during our meetings in Miami on November 2, 2015 and November 3, 2015, that ALNO AG has no intention of litigating these matters.

I was, therefore, surprised that you filed a Motion to Extend Time To Answer on November 5, 2015 .

In light of Mr. Wagstaff's undertaking, I request that you clarify this with your client and advise me whether they will honor Mr. Wagstaff's undertaking not to further litigate these matters. I previously informed Mr. Wagstaff that I am not amenable to litigate with your client on the one hand, and simultaneously explore methods to work together with your client to sell kitchens on the other. Mr. Wagstaff and I made progress during our meetings at the beginning of this month. However, this was with the understanding that your client would cease and desist from pursuing any Applications to register any of my Trademarks as their own. In the matter of the "**tielsa**" Trademark which is the subject of these proceedings, your client, Tielsa GmbH is well aware that I began using the Trademark in 1999, which is more than 13 years before the date your client was incorporated.

I will not comment at this time on the other statements and allegations made in your email under reply. Kindly be advised that all of my rights in this matter remain strictly reserved, and I reserve the right to reply at a future time.

Yours Sincerely,  
Wellmann Kitchens

Larry Paletz

---

**From:** Sylvio Schiller Rechtsanwalt [f200] ASG Rechtsanwälte GmbH [mailto:Schiller@f-200.com]  
**Sent:** Wednesday, November 11, 2015 7:11 AM  
**To:** lpaletz@wellmann.com  
**Cc:** Daniela Füssel <fuessel@f-200.com>  
**Subject:** WG: USPTO OPPOSITION NUMBER 91224067

Dear Mr. Paletz

Since I am the German attorney regarding this matter I will answer your email.  
Honestly, I am surprised by your allegations, which I reject in the strongest way possible. I don't think, they are helpful to find a reasonable settlement in this matter either.

Our colleague Mrs. Fuessel is part of our team and an attorney in our Law firm for more than 5 years and dealing with a lot of cases that involved the USA and Germany and this includes trademark cases as well. You will find her on our webpage as well. Specifically trademark cases we are preparing together and she is using our infrastructure in our Berlin office. As you probably aware, through the internet is not necessary to be physically present in a specific location to use the infrastructure in this location.

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Yours sincerely

Sylvio Schiller  
Fachanwalt für  
gewerblichen Rechtsschutz

(f200) ASG Rechtsanwaltsgesellschaft mbH

Berlin Mitte  
Friedrichstrasse 200  
10117 Berlin  
Tel.: 0049 (30) – 200 5072-0  
Fax.: 0049 (30) – 200 5072-10

Geschäftsführer: Felix Ginthum, Sylvio Schiller

Web: [www.f-200.com](http://www.f-200.com)  
Blog: [www.blog.f-200.com](http://www.blog.f-200.com)

Registergericht: AG Charlottenburg

Registernummer: HRB 109761 B  
Steuernummer: 37/486/21169

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**Von:** Andrea Maria Wallner | [f200] ASG Rechtsanwaltsgesellschaft mbH | Büro Berlin **Im Auftrag von** [f200] ASG Rechtsanwälte GmbH  
**Gesendet:** Mittwoch, 11. November 2015 11:02  
**An:** Sylvio Schiller Rechtsanwalt [f200] ASG Rechtsanwälte GmbH <[Schiller@f-200.com](mailto:Schiller@f-200.com)>  
**Betreff:** WG: USPTO OPPOSITION NUMBER 91224067

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**Von:** Larry Paletz [[mailto:lpaetz@wellmann.com](mailto:lpaletz@wellmann.com)]  
**Gesendet:** Mittwoch, 11. November 2015 09:12  
**An:** Sylvio Schiller Rechtsanwalt [f200] ASG Rechtsanwälte GmbH  
**Cc:** [f200] ASG Rechtsanwälte GmbH  
**Betreff:** USPTO OPPOSITION NUMBER 91224067

November 10, 2015

Dear Ms. Füssel,

**Re: UNITED STATES PATENT AND TRADEMARK OFFICE (“USPTO”)  
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Very Truly Yours,  
Wellmann Kitchens

Larry Paletz

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

In the matter of Application Serial Number: 79143534

Filed: September 11, 2013

For the mark: Tielsa

Published in the *Trademark Official Gazette* on May 26, 2015

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Larry Paletz

Opposer,

v.

Proceeding Number 91224067

Tielsa GmbH,

Applicant

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**CERTIFICATE OF SERVICE BY MAIL**

STATE OF CALIFORNIA     )

) ss.

COUNTY OF SAN DIEGO    )

Larry Paletz, of the City of La Jolla, County of San Diego, in the State of California,  
hereby certifies under penalty of perjury of the laws of the State of California, that on the 17<sup>TH</sup>  
day of November, 2015, he mailed a true and correct copy of Opposer's:

**MOTION TO OPPOSE**

**EXHIBITS 101 - 111**

in the above-captioned action to the last known address of Counsel, to-wit:

DANIELA FUESSEL

Fuessel Law

475 Washington Blvd

Marina Del Rey, CA 90292



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November 17, 2015