

ESTTA Tracking number: **ESTTA40211**

Filing date: **07/27/2005**

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

Proceeding	92043516
Party	Defendant Stich, Willi Lorenz Stich, Willi Lorenz 950 Jennings Street Bethlehem, PA 18017
Correspondence Address	GREGORY RICHARDSON LAW OFFICES OF GREGORY RICHARDSON, ESQ. 3890 11TH STREET, SUITE 210 RIVERSIDE, CA 92501 UNITED STATES GREGORY@GREGORYRICHARDSONESQ.COM
Submission	Motion for Summary Judgment
Filer's Name	Gregory Richardson
Filer's e-mail	gregory@gregoryrichardsonesq.com, becky@billlawrence.com
Signature	/gregoryrichardson/
Date	07/27/2005
Attachments	noticemotion.moredefinite.072705.pdf (7 pages)

1 Gregory Richardson
2 Law Offices of Gregory Richardson, Esq.
3 3890 11th Street, Suite #210
4 Riverside, California 92501
5 Tel.: (951) 680-9388

6 Attorney for Bill Lawrence

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

9 JZCHAK N. WAJCMAN dba BILL
10 LAWRENCE PRODUCTS and dba BILL
11 LAWRENCE GUITAR PICKUPS,

12 Petitioner,

13 vs.

14 WILLI LORENZ STICH a/k/a BILL
15 LAWRENCE,

16 Registrant/Respondent.

) Cancellation No.: 92043516
) Serial Number: 76594437
) Registration Number: 2,303,676
)
)

) **In the matter of Registration No. 2,303,676**
) **Mark: BILL LAWRENCE**
) **Date Registered: December 28, 1999**
)

) **NOTICE OF MOTION AND MOTION;**
) **POINTS AND AUTHORITIES IN**
) **SUPPORT OF WILLI STICH aka BILL**
) **LAWRENCE'S 12(E) MOTION FOR MORE**
) **DEFINITE STATEMENT IN MOTION FOR**
) **RULE 56(F) DISCOVERY;**
) **DECLARATION OF GREGORY**
) **RICHARDSON.**
)
)
)
)

21 1. PLEASE TAKE NOTICE that Registrant/Respondent Bill Lawrence hereby moves the
22 Trademark Trial and Appeal Board for an Order, pursuant to Federal Rule of Civil Procedure
23 12b(e) for a more definite statement on who the Plaintiff/Petitioner is in order to permit the
24 Registrant/Respondent to prepare a response to a pending Motion for Rule 56(f) Discovery and
25 for further litigation, trial, and discovery. This motion is supported by the following:

**NOTICE OF MOTION AND MOTION; POINTS AND AUTHORITIES IN SUPPORT OF WILLI STICH aka BILL
LAWRENCE'S 12(E) MOTION FOR MORE DEFINITE STATEMENT IN MOTION FOR RULE 56(F) DISCOVERY**

1 2. The Plaintiff/Petitioner is titled JZCHAK N. WAJCMAN d/b/a BILL LAWRENCE
2 PRODUCTS and BILL LAWRENCE GUITAR PICKUPS. The name and legal status of the
3 Plaintiff/Petitioner is unclear and ambiguous.

4 3. Counsel for the Plaintiff/Petitioner signed the NOTICE OF MOTION AND MOTION
5 FOR RULE 56(F) DISCOVERY: “Attorneys for Petitioner JZCHAK N. WAJCMAN d/b/a
6 BILL LAWRENCE PRODUCTS and BILL LAWRENCE PICKUPS.” This signature is for a
7 single “Petitioner”.

8 4. The Plaintiff appears to be a single entity, an individual JZCHAK N. WAJCMAN, doing
9 business as (dba) BILL LAWRENCE PRODUCTS and BILL LARENCE GUITAR PICKUPS.
10 But Registrant/Respondent has found no evidence of a dba under the title d/b/a BILL
11 LAWRENCE PRODUCTS and BILL LAWRENCE GUITAR PICKUPS, so the
12 Plaintiff/Petitioner has no legal capacity to sue or to file and serve motions.

13 5. Registrant/Respondent Bill Lawrence should not be forced to provide information
14 through discovery to an unknown plaintiff or petitioner because he may suffer irreparable harm
15 through the disclosure of personal information and confidential business information and trade
16 secrets to an unknown or legal non-entity.

17 6. This motion is based on the accompanying memorandum of points and authorities, the
18 declaration of Gregory Richardson, as well as the records of this case and the file herein.

19 Dated: July 25, 2005.

20
21 Respectfully submitted by:
22 Law Offices of Gregory Richardson

23 _____
24 Gregory Richardson
25 3890 11th St., Suite 210
Riverside, California 92501
(951) 680-9388
Attorney for Bill Lawrence

1 Gregory Richardson
2 Law Offices of Gregory Richardson, Esq.
3 3890 11th Street, Suite #210
4 Riverside, California 92501
5 Tel.: (951) 680-9388

6 Attorney for Bill Lawrence

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

9 JZCHAK N. WAJCMAN dba BILL
10 LAWRENCE PRODUCTS and dba BILL
11 LAWRENCE GUITAR PICKUPS,

12 Petitioner,

13 vs.

14 WILLI LORENZ STICH a/k/a BILL
15 LAWRENCE,

16 Registrant/Respondent.

) Cancellation No.: 92043516
) Serial Number: 76594437
) Registration Number: 2,303,676
)
)

) **In the matter of Registration No. 2,303,676**
) **Mark: BILL LAWRENCE**
) **Date Registered: December 28, 1999**
)

) **POINTS AND AUTHORITIES IN**
) **SUPPORT OF WILLI STICH aka BILL**
) **LAWRENCE'S 12(E) MOTION FOR MORE**
) **DEFINITE STATEMENT IN MOTION FOR**
) **RULE 56(F) DISCOVERY;**
) **DECLARATION OF GREGORY**
) **RICHARDSON.**
)
)
)
)
)

20 **POINTS AND AUTHORITIES IN SUPPORT OF BILL LAWRENCE'S**
21 **MOTION FRO MORE DEFINITE STATEMENT IN PETITIONER'S**
22 **MOTION FOR RULE 56(F) DISCOVERY.**

23 1. Registrant/Respondent Bill Lawrence, his attorney, hereby moves for a more definite
24 statement in the motion of Petitioner Jzchak Wajcman d/b/a Bill Lawrence Products and Bill
25 Lawrence Guitar Pickups for an Order, pursuant to Federal Rule of Civil Procedure 56(f) and

**NOTICE OF MOTION AND MOTION; POINTS AND AUTHORITIES IN SUPPORT OF WILLI STICH aka BILL
LAWRENCE'S 12(E) MOTION FOR MORE DEFINITE STATEMENT IN MOTION FOR RULE 56(F) DISCOVERY**

1 Trademark Trial and Appeal Board Manual of Procedure Section 528.06 refusing or continuing
2 Registrant/Respondent Bill Lawrence's motion for summary judgment.

3 **2. Federal Rules of Civil Procedures, 12(e) Motion For A More Definite Statement**

4 provides:

5 If a pleading to which a responsive pleading is permitted is so vague or
6 ambiguous that a party cannot reasonably be required to frame a responsive
7 pleading, the party may move for a more definite statement before
8 interposing a responsive pleading. The motion shall point out the defects
9 complained of and the details desired. If the motion is granted and the order
10 of the court is not obeyed within 10 days after notice of the order or within
11 such other time as the court may fix, the court may strike the pleading to
12 which the motion was directed or make such order as it deems just.

13 3. The Petitioner's motion to deny or continue Bill Lawrence's motion for summary
14 judgment is subject to a motion for a more definite statement because it is unclear, vague, and
15 ambiguous as to whom the real party in interest is. Hence, Respondent/Registrant Bill Lawrence
16 cannot be reasonably required to frame an answer to the Petitioner/Plaintiff's motion.

17 4. The Petitioner's current statement of who the Petitioner/Plaintiff is cannot support the
18 jurisdiction of this Court.

19 5. No additional discovery is required by the Petitioner to respond this motion for a more
20 definite statement by Respondent/Registrant Bill Lawrence because the Respondent/Registrant
21 has no documents that are admissible or whose discovery would be reasonably calculated to lead
22 to the discovery of admissible evidence regarding the legal capacity of the Petitioner herein.

23 6. The Respondent/Registrant has substantial justification for not responding to discovery
24 because the Petitioner has not met its burden of making a short and concise statement of who the
25 Plaintiff(s)/Petitioner(s) (are or) is.

7. In the event that the Board denies this motion for a more definite statement,
Respondent/Registrant requests that the time for filing a response to Petitioner/Plaintiff's motion
be reset.

1 Respectfully submitted by:
2 Law Offices of Gregory Richardson

3 Gregory Richardson
4 3890 11th St., Suite 210
5 Riverside, California 92501
6 (951) 680-9388
7 Attorney for Bill Lawrence
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DECLARATION OF GREGORY RICHARDSON

I, Gregory Richardson, declare as follows:

1. I am the attorney for Respondent/Registrant Willi Stich a/k/a Bill Lawrence.
2. Respondent/Registrant has no documents as to who or what the Petitioner is or is not and has no evidence pertaining to the legal capacity of the Petitioner to sue and file motions.
3. I find the Petitioner's statement of who the petitioner is to be confusing, vague, and ambiguous because of the potential for multiple legal entities to be involved.
4. After consulting with the records kept by the Country Recorder of San Diego County, I found no evidence of a dba as named by the Petitioner.

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct. Executed this 25th day of July, 2005 at Riverside, California.

Gregory Richardson

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a copy of:

3 **NOTICE OF MOTION AND MOTION; POINTS AND AUTHORITIES IN SUPPORT**
4 **OF WILLI STICH aka BILL LAWRENCE'S 12(E) MOTION FOR MORE DEFINITE**
5 **STATEMENT IN MOTION FOR RULE 56(F) DISCOVERY; DECLARATION OF**
6 **GREGORY RICHARDSON.**

7 on the following attorney of record for Petitioner, by depositing same with
8 the United States Postal Service on this 25th Day of July, 2005, addressed as
9 follows:

10 Jay S. Kopelowitz
11 Kopelowitz & Associates
12 12702 Via Cortina, Suite 700
13 Del Mar, California 92014
14 Attorney for Petitioner

15
16
17
18
19
20
21
22
23
24
25

Gregory Richardson

**NOTICE OF MOTION AND MOTION; POINTS AND AUTHORITIES IN SUPPORT OF WILLI STICH aka BILL
LAWRENCE'S 12(E) MOTION FOR MORE DEFINITE STATEMENT IN MOTION FOR RULE 56(F) DISCOVERY**