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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	Reply in Support of Motion
Filer's Name	Gregory Richardson
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Signature	/gregoryrichardson/
Date	07/27/2005
Attachments	noticemotion.moredefinite.072705.1.pdf (7 pages)

1 Gregory Richardson
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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 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**
) **PETITIONER'S NOTICE OF MOTION**
) **AND MOTION TO COMPEL ANSWERS**
) **TO INTERROGATORIES AND**
) **PRODUCTION OF DOCUMENTS [37**
) **C.F.R. Section 2.120]**
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22 1. PLEASE TAKE NOTICE that Registrant/Respondent Bill Lawrence hereby moves the
23 Trademark Trial and Appeal Board for an Order, pursuant to Federal Rule of Civil Procedure
24 12b(e) for a more definite statement on who the Plaintiff/Petitioner is in order to permit the
25 Registrant/Respondent to prepare a response to a pending Motion to Compel Answers to

Interrogatories and Production of Documents. 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 PETITIONER'S NOTICE OF MOTION
AND MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS [37
C.F.R. Section 2.120]**

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.

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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

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) **TO INTERROGATORIES AND**
) **PRODUCTION OF DOCUMENTS [37**
) **C.F.R. Section 2.120]; DECLARATION OF**
) **GREGORY RICHARDSON.**
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22 **MOTION FOR MORE DEFINITE STATEMENT IN PETITIONER'S**
23 **NOTICE OF MOTION AND MOTION TO COMPEL ANSWERS TO**
24 **INTERROGATORIES AND PRODUCTION OF DOCUMENTS IS**
25 **JUSTIFIED.**

**NOTICE OF MOTION AND MOTION; POINTS AND AUTHORITIES IN SUPPORT OF WILLI STICH aka BILL
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AND MOTION TO COMPEL ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS [37
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1 1. Registrant/Respondent Bill Lawrence, his attorney, hereby moves for a more definite
2 statement in the motion of Petitioner Jzchak Wajcman d/b/a Bill Lawrence Products and Bill
3 Lawrence Guitar Pickups for an Order, pursuant to Federal Rule of Civil Procedure 56(f) and
4 Trademark Trial and Appeal Board Manual of Procedure Section 528.06 refusing or continuing
5 Registrant/Respondent Bill Lawrence's motion for summary judgment. Respondent/Registrant
6 also seeks a more definite statement on who the real party in interest is from the Petitioner in his

7 **NOTICE OF MOTION AND MOTION TO COMPEL ANSWERS TO**
8 **INTERROGATORIES AND PRODUCTION OF DOCUMENTS.**

9 2. **Federal Rules of Civil Procedures**, 12(e) Motion For A More Definite Statement
10 provides:

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

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

23 4. The Petitioner's motion to compel answers to interrogatories and production of
24 documents is similarly vague as to who the real party in interest is. Hence,
25 Respondent/Registrant Bill Lawrence cannot be reasonably required to frame an answer to the
Petitioner/Plaintiff's motion.

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

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

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

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

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12 Respectfully submitted by:
13 Law Offices of Gregory Richardson

14 _____
15 Gregory Richardson
16 3890 11th St., Suite 210
17 Riverside, California 92501
18 (951) 680-9388
19 Attorney for Bill Lawrence
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23
24
25

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 PETITIONER'S NOTICE OF MOTION AND MOTION TO COMPEL**
6 **ANSWERS TO INTERROGATORIES AND PRODUCTION OF DOCUMENTS [37**
7 **C.F.R. Section 2.120]**

8 on the following attorney of record for Petitioner, by depositing same with
9 the United States Postal Service on this 27th Day of July, 2005, addressed as
10 follows:

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

16 _____
17 Gregory Richardson
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21
22
23
24
25

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