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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 Protective Order From Further Discovery under FRCP 26(c)
Filer's Name	Gregory Richardson
Filer's e-mail	gregory@gregoryrichardsonesq.com,becky@billlawrence.com
Signature	/gregoryrichardson/
Date	08/15/2005
Attachments	noticemotion.protectiveorder.081505.1.notice.pdf (24 pages)

Gregory Richardson
Law Offices of Gregory Richardson, Esq.
3890 11th Street, Suite #210
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Tel.: (951) 680-9388

Attorney for Bill Lawrence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

JZCHAK N. WAJCMAN dba BILL LAWRENCE PRODUCTS and BILL LAWRENCE GUITAR PICKUPS, Petitioner, vs. WILLI LORENZ STICH a/k/a BILL LAWRENCE, 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 FOR** **) PROTECTIVE ORDER FROM FURTHER** **) DISCOVERY; POINTS AND** **) AUTHORITIES IN SUPPORT OF WILLI** **) STICH aka BILL LAWRENCE'S MOTION** **) FOR A PROTECTIVE ORDER FROM** **) FURTHER DISCOVERY; DECLARATION** **) AND CERTIFICATION OF GREGORY** **) RICHARDSON**)))))

1. PLEASE TAKE NOTICE that Registrant/Respondent Bill Lawrence hereby moves the Trademark Trial and Appeal Board for an Order, pursuant to Federal Rule of Civil Procedure FRCP 26(c) for a protective order from further discovery from Petition, whose legal capacity to

sue is subject to a specific negative averment, until the Petitioner proves a legal capacity to sue under d/b/a BILL LAWRENCE PRODUCTS and BILL LAWRENCE GUITAR PICKUPS.

2. The Plaintiff/Petitioner is titled JZCHAK N. WAJCMAN d/b/a BILL LAWRENCE PRODUCTS and BILL LAWRENCE GUITAR PICKUPS. The name and legal status of the Plaintiff/Petitioner is unclear and ambiguous. Hence, the information sought in the discovery of the Petitioner may be going to a legal non-entity or to an unknown third party.

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

4. The Plaintiff appears to be a single entity, an individual JZCHAK N. WAJCMAN, doing business as (dba) BILL LAWRENCE PRODUCTS and BILL LARENCE GUITAR PICKUPS. But Registrant/Respondent has found no evidence of a dba under the title d/b/a BILL LAWRENCE PRODUCTS and BILL LAWRENCE GUITAR PICKUPS, so the Plaintiff/Petitioner is unaware of any legal capacity to sue or to file and serve motions under a dba. The Petitioner is suing based on events going back 20 years, yet has not demonstrated any valid dbas for such a long period of time.

5. Registrant/Respondent Bill Lawrence should not be forced to provide information through discovery to an unknown plaintiff or petitioner because he may suffer irreparable harm through the disclosure of personal information and confidential business information and trade secrets to an unknown or legal non-entity. The Respondent's counsel has requested that the Petitioner's counsel clarify the status of the dbas sued under, but no such clarification has been forthcoming.

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

Dated: August 15, 2005.

Respectfully submitted by:
Law Offices of Gregory Richardson

_____

Gregory Richardson
3890 11th St., Suite 210
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(951) 680-9388
Attorney for Bill Lawrence

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

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GOOD CAUSE EXISTS FOR, AND JUSTICE REQUIRES THAT, THE COURT GRANT THE REQUESTED PROTECTIVE ORDER UNDER FRCP 26(C).

1. Registrant/Respondent Bill Lawrence, his attorney, hereby moves for a protective order under FRCP 26(c) until Petitioner Jzchak Wajcman d/b/a Bill Lawrence Products and Bill

Lawrence Guitar Pickups clarifies his capacity to sue. Registrant/Respondent Bill Lawrence's motion for summary judgment and Specific Negative Averments directly address the issue of Petitioner's capacity to sue, and these motions may be heard and decided without any further discovery because Bill Lawrence has no information regarding the Petitioner's dba or dbas. Without a proven legal capacity to sue, Petitioner is not entitled to any discovery responses.

2. Respondent/Registrant also seeks information of who will ultimately end up with the information sought in discovery, since Bill Lawrence is also a defendant in a lawsuit filed in Federal Court in San Diego. Without an explanation of any relationship between the Petitioner's counsel and Darren Quinn, counsel for the Petitioner in the other lawsuit in Federal Court, Bill Lawrence should not be forced to divulge trade secrets and other confidential commercial information, at least not without conditions on use.

3. **Federal Rules of Civil Procedures**, 26(c) Protective Orders provides:

> Upon motion by a party or by the person from whom discovery is sought, accompanied by a certification that the movant has in good faith conferred or attempted to confer with the other affected parties in an effort to resolve the dispute without court action, and for good cause shown, the court in which the action is pending . . . may make any order which justice requires to protect a party of person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:
>
> (1) that the disclosure or discovery not be had;
>
> (2) that the disclosure or discovery may be had only on specified terms and conditions, including a designation of the time or place;
>
> (5) that certain matters not be inquired into, or that the scope of the disclosure or discovery be limited to certain matters;
>
> (7) that a trade secret or other confidential research, development or commercial information not be revealed or be revealed only in a designated way:

4. The Petitioner's motion to deny or continue Bill Lawrence's motion for summary judgment is subject to the pending Specific Negative Averment regarding the Petitioner's capacity to sue because the legal status of the Petitioner's dba or dbas it is unclear, vague, and

ambiguous. Respondent/Registrant Bill Lawrence cannot be reasonably required to frame an answer to the Petitioner's discovery requests since the sought after information may be going to a legal non-entity or an unknown third person. Good cause exists for the requested protective order in that there is a real danger that the Petitioner is in fact not entitled to the information sought in the discovery requests, and that even if he may obtain the requested information, the Petitioner has not provided any assurances that Petitioner's counsel is not colluding with another attorney of Petitioner is another lawsuit filed in Federal Court in San Diego.

5. Registrant/Respondent Bill Lawrence should not be forced to provide information through discovery to an unknown plaintiff or petitioner because he may suffer irreparable harm through the disclosure of personal information and confidential business information and trade secrets to an unknown or legal non-entity. The Respondent's counsel has requested that the Petitioner's counsel clarify the status of the dbas sued under, but no such clarification has been forthcoming. Because of the lack of explanation of the status of Petitioner's dbas and the lack of proof that all statutory requirements for obtaining a dba were complied with by the Petitioner, justice requires that Bill Lawrence's application for a protective order under FRCP 26(c) to protect trade secrets and confidential commercial information, at least until the Petitioner proves a legal capacity to sue, be granted.

6. The Petitioner's pending and threatened motions to compel answers to interrogatories and production of documents is similarly put forth without any legal capacity to sue. Respondent/Registrant Bill Lawrence cannot be reasonably required to frame an answer to the Petitioner/Plaintiff's motions or discovery requests if there is doubt about the ultimate capacity of the Petitioner to sue. If the Registrant were to comply with the discovery requests, and then prevail on the motion for summary judgment and the Specific Negative Averments, then the Registrant would lose control over trade secrets and confidential commercial information, which would have fallen into the hands of a legal non-entity or unknown third party. There is a real

possibility that the Petitioner is seeking information and using discovery means that he is not entitled to, given the lack of a legal capacity to sue.

7. The Petitioner's current statement of who the Petitioner/Plaintiff is cannot support the jurisdiction of this Court because a diligent search of the records of the San Diego County Recorder has yielded no complete and valid dba or dbas in the name of the Petitioner.

8. No additional discovery is required by the Petitioner to respond the motion for summary judgment or the pending Specific Negative Averments because the Respondent/Registrant has no documents that are admissible or whose discovery would be reasonably calculated to lead to the discovery of admissible evidence regarding the legal capacity of the Petitioner herein.

9. The Respondent/Registrant has substantial justification for not responding to discovery because the Petitioner has not replied to Respondent's inquiries regarding the status of Petitioner's dbas, other than to show unofficial records that the Petitioner applied for dbas with no proof that the application was completed. Moreover, the Registrant Bill Lawrence is now a defendant in a lawsuit filed in San Diego Federal Court by Darren Quinn for the Petitioner. However, Petitioner's counsel has not explained, as requested, his relationship to Darren Quinn. Without an explanation of any relationship or that there is no relationship, there is a real danger that any information sought through discovery would in the USPTO case would end up in the hands of a legal non-entity, of an unknown third party, or of the Petitioner who is not entitled to it, for use in another case.

10. Justice requires that discovery in this USPTO proceeding be stayed pending the hearings on the motion for summary judgment and the Specific Negative Averments because Bill Lawrence should not be forced to divulge trade secrets and confidential commercial information until the legal capacity of the Petitioner is proven.

11. Good cause exists for the court to grant a protective relieving Bill Lawrence from further discovery, including motions to compel, because the legal capacity of the Petitioner to

sue is the subject of a motion for summary judgment, and Mr. Lawrence has no information that would assist the Petitioner in proving his legal capacity to sue, and Bill Lawrence would suffer irreparable harm if he were to disclose the requested information to someone who, ultimately, is not entitled to it.

WHEREFORE, BILL LAWRENCE PRAYS FOR THE FOLLOWING:

(1) For a protective order from further discovery until the pending motion for summary judgment and specific negative averments are heard;

(2) That no discovery be allowed until the Petitioner proves his capacity to sue;

(3) For other relief a justice requires.

Dated: August 15, 2005.

Respectfully submitted by:
Law Offices of Gregory Richardson

_____

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

DECLARATION and CERTIFICATION
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 the validity of the Petitioner's dba or dbas. Further, Bill Lawrence 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. The legal differences between suing in an individual capacity with dbas and suing without dbas is significant because under California law an individual may not maintain an action in court under an invalid or non-existent dba. Hence, the jurisdiction of the USPTO is subject to reasonable doubt, as long as the Petitioner leaves the validity of his dbas unproven.

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 have filed three motions for Specific Negative Averment, so that the Petitioner's counsel is on notice that the validity of the Petitioner's dbas is in doubt. In response, Petitioner's counsel provided a copy of applications on file with the San Diego County Recorder's Office. However, I had already obtained copies of these applications provided by Petitioner's counsel, but later discovered that these applications had not resulted in valid dbas. I notified Petitioner's counsel that the copies of applications were not official records, and thus have little or no legal effect.

5. I have requested by letter that the Petitioner's counsel explain his professional relationship with Darren Quinn, counsel for the JZCHAK WACJMAN in a separate lawsuit filed in Federal Court in San Diego. The Petitioner's counsel has not explained his professional relationship with Darren Quinn, and thus there is a real danger that information provided through discovery will end up in the hands of a legal non-entity or that the Petitioner will obtain

information in the USPTO proceeding with the sole intention of using it in the pending Federal case in San Diego.

6. By filing this motion for a protective order, I seek to protect Bill Lawrence from discovery requests until the Petitioner proves his legal capacity to sue and provides guarantees that information provided through discovery will be kept confidential and within the bounds of the USPTO proceeding. In addition, this protective order seeks conditions on the use of any information disclosed through discovery to ensure that it does not improperly end up with an unknown third-party or other counsel for the Petition in other cases.

7. This motion for a protective order is not sought to delay the proceedings, but is intended for the sole purpose of preventing disclosure of trade secrets and confidential commercial information until justified by a legitimate capacity to sue of the Petitioner. Once the Petitioner establishes his legal capacity to sue, then I will comply with discovery requests, while reserving the right to seek conditions.

8. On Friday, August 12, 2005 I received in the mail a letter dated July 28, 2005 from Petitioner's counsel. In this letter he indicates that he will file a motion to compel answers to discovery.

9. I have not received any explanation from Petitioner's counsel of his existing professional relationship with Darren Quinn or a statement that he has no professional relationship.

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct. Executed this 15th Day of August, 2005 at Riverside, California.

_____

Gregory Richardson

CERTIFICATE OF SERVICE

I hereby certify that a copy of:

NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER FROM FURTHER DISCOVERY; POINTS AND AUTHORITIES IN SUPPORT OF WILLI STICH aka BILL LAWRENCE'S MOTION FOR A PROTECTIVE ORDER FROM FURTHER DISCOVERY; DECLARATION AND CERTIFICATION OF GREGORY RICHARDSON

on the following attorney of record for Petitioner, by depositing same with the United States Postal Service on this 15th Day of August, 2005, addressed as follows:

Jay S. Kopelowitz
Kopelowitz & Associates
12702 Via Cortina, Suite 700
Del Mar, California 92014
Attorney for Petitioner

_____
Gregory Richardson

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

Attorney for Bill Lawrence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

JZCHAK N. WAJCMAN dba BILL LAWRENCE PRODUCTS and BILL LAWRENCE GUITAR PICKUPS, Petitioner, vs. WILLI LORENZ STICH a/k/a BILL LAWRENCE, 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 FOR** **) PROTECTIVE ORDER FROM FURTHER** **) DISCOVERY; POINTS AND** **) AUTHORITIES IN SUPPORT OF WILLI** **) STICH aka BILL LAWRENCE'S MOTION** **) FOR A PROTECTIVE ORDER FROM** **) FURTHER DISCOVERY; DECLARATION** **) AND CERTIFICATION OF GREGORY** **) RICHARDSON**)))))

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4. The Plaintiff appears to be a single entity, an individual JZCHAK N. WAJCMAN, doing business as (dba) BILL LAWRENCE PRODUCTS and BILL LARENCE GUITAR PICKUPS. But Registrant/Respondent has found no evidence of a dba under the title d/b/a BILL LAWRENCE PRODUCTS and BILL LAWRENCE GUITAR PICKUPS, so the Plaintiff/Petitioner is unaware of any legal capacity to sue or to file and serve motions under a dba. The Petitioner is suing based on events going back 20 years, yet has not demonstrated any valid dbas for such a long period of time.

5. Registrant/Respondent Bill Lawrence should not be forced to provide information through discovery to an unknown plaintiff or petitioner because he may suffer irreparable harm through the disclosure of personal information and confidential business information and trade secrets to an unknown or legal non-entity. The Respondent's counsel has requested that the Petitioner's counsel clarify the status of the dbas sued under, but no such clarification has been forthcoming.

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

Dated: August 15, 2005.

Respectfully submitted by:
Law Offices of Gregory Richardson

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3890 11th St., Suite 210
Riverside, California 92501
(951) 680-9388
Attorney for Bill Lawrence

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Attorney for Bill Lawrence

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GOOD CAUSE EXISTS FOR, AND JUSTICE REQUIRES THAT, THE COURT GRANT THE REQUESTED PROTECTIVE ORDER UNDER FRCP 26(C).

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Lawrence Guitar Pickups clarifies his capacity to sue. Registrant/Respondent Bill Lawrence's motion for summary judgment and Specific Negative Averments directly address the issue of Petitioner's capacity to sue, and these motions may be heard and decided without any further discovery because Bill Lawrence has no information regarding the Petitioner's dba or dbas. Without a proven legal capacity to sue, Petitioner is not entitled to any discovery responses.

2. Respondent/Registrant also seeks information of who will ultimately end up with the information sought in discovery, since Bill Lawrence is also a defendant in a lawsuit filed in Federal Court in San Diego. Without an explanation of any relationship between the Petitioner's counsel and Darren Quinn, counsel for the Petitioner in the other lawsuit in Federal Court, Bill Lawrence should not be forced to divulge trade secrets and other confidential commercial information, at least not without conditions on use.

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> (7) that a trade secret or other confidential research, development or commercial information not be revealed or be revealed only in a designated way:

4. The Petitioner's motion to deny or continue Bill Lawrence's motion for summary judgment is subject to the pending Specific Negative Averment regarding the Petitioner's capacity to sue because the legal status of the Petitioner's dba or dbas it is unclear, vague, and

ambiguous. Respondent/Registrant Bill Lawrence cannot be reasonably required to frame an answer to the Petitioner's discovery requests since the sought after information may be going to a legal non-entity or an unknown third person. Good cause exists for the requested protective order in that there is a real danger that the Petitioner is in fact not entitled to the information sought in the discovery requests, and that even if he may obtain the requested information, the Petitioner has not provided any assurances that Petitioner's counsel is not colluding with another attorney of Petitioner is another lawsuit filed in Federal Court in San Diego.

5. Registrant/Respondent Bill Lawrence should not be forced to provide information through discovery to an unknown plaintiff or petitioner because he may suffer irreparable harm through the disclosure of personal information and confidential business information and trade secrets to an unknown or legal non-entity. The Respondent's counsel has requested that the Petitioner's counsel clarify the status of the dbas sued under, but no such clarification has been forthcoming. Because of the lack of explanation of the status of Petitioner's dbas and the lack of proof that all statutory requirements for obtaining a dba were complied with by the Petitioner, justice requires that Bill Lawrence's application for a protective order under FRCP 26(c) to protect trade secrets and confidential commercial information, at least until the Petitioner proves a legal capacity to sue, be granted.

6. The Petitioner's pending and threatened motions to compel answers to interrogatories and production of documents is similarly put forth without any legal capacity to sue. Respondent/Registrant Bill Lawrence cannot be reasonably required to frame an answer to the Petitioner/Plaintiff's motions or discovery requests if there is doubt about the ultimate capacity of the Petitioner to sue. If the Registrant were to comply with the discovery requests, and then prevail on the motion for summary judgment and the Specific Negative Averments, then the Registrant would lose control over trade secrets and confidential commercial information, which would have fallen into the hands of a legal non-entity or unknown third party. There is a real

possibility that the Petitioner is seeking information and using discovery means that he is not entitled to, given the lack of a legal capacity to sue.

7. The Petitioner's current statement of who the Petitioner/Plaintiff is cannot support the jurisdiction of this Court because a diligent search of the records of the San Diego County Recorder has yielded no complete and valid dba or dbas in the name of the Petitioner.

8. No additional discovery is required by the Petitioner to respond the motion for summary judgment or the pending Specific Negative Averments because the Respondent/Registrant has no documents that are admissible or whose discovery would be reasonably calculated to lead to the discovery of admissible evidence regarding the legal capacity of the Petitioner herein.

9. The Respondent/Registrant has substantial justification for not responding to discovery because the Petitioner has not replied to Respondent's inquiries regarding the status of Petitioner's dbas, other than to show unofficial records that the Petitioner applied for dbas with no proof that the application was completed. Moreover, the Registrant Bill Lawrence is now a defendant in a lawsuit filed in San Diego Federal Court by Darren Quinn for the Petitioner. However, Petitioner's counsel has not explained, as requested, his relationship to Darren Quinn. Without an explanation of any relationship or that there is no relationship, there is a real danger that any information sought through discovery would in the USPTO case would end up in the hands of a legal non-entity, of an unknown third party, or of the Petitioner who is not entitled to it, for use in another case.

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Dated: August 15, 2005.

Respectfully submitted by:
Law Offices of Gregory Richardson

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

DECLARATION and CERTIFICATION
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 the validity of the Petitioner's dba or dbas. Further, Bill Lawrence has no evidence pertaining to the legal capacity of the Petitioner to sue and file motions.

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9. I have not received any explanation from Petitioner's counsel of his existing professional relationship with Darren Quinn or a statement that he has no professional relationship.

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct. Executed this 15th Day of August, 2005 at Riverside, California.

_____

Gregory Richardson

CERTIFICATE OF SERVICE

I hereby certify that a copy of:

NOTICE OF MOTION AND MOTION FOR PROTECTIVE ORDER FROM FURTHER DISCOVERY; POINTS AND AUTHORITIES IN SUPPORT OF WILLI STICH aka BILL LAWRENCE'S MOTION FOR A PROTECTIVE ORDER FROM FURTHER DISCOVERY; DECLARATION AND CERTIFICATION OF GREGORY RICHARDSON

on the following attorney of record for Petitioner, by depositing same with the United States Postal Service on this 15th Day of August, 2005, addressed as follows:

Jay S. Kopelowitz
Kopelowitz & Associates
12702 Via Cortina, Suite 700
Del Mar, California 92014
Attorney for Petitioner

_____
Gregory Richardson