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Attorneys for Petitioner Jzchak N. Wajcman

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

JZCHAK N. WAJCMAN d/b/a BILL
LAWRENCE PRODUCTS and BILL
LAWRENCE GUITAR PICKUPS,

Petitioner,

v.

WILLI LORENZ STICH a/k/a BILL
LAWRENCE,

Registrant/Respondent.

75490657
Cancellation No.: 92043516

In the matter of Registration No. 2,303,676
Mark: BILL LAWRENCE
Date Registered: December 28, 1999
Goods/Services: Technical consulting in
the nature of design and
evaluation of stringed
musical instruments and
accessories, namely,
pick-ups, strings and
bridges in International
Class 042.

**REPLY TO RESPONDENT STICH'S
UNTIMELY OPPOSITION TO
PETITIONER'S MOTION FOR RULE 56(F)
DISCOVERY**



08-18-2005
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #72

1 Petitioner Wajcman submits the following memorandum of points and authorities in reply
2 to Respondent Stich's untimely opposition to the motion for Rule 56(f) discovery.

3 **I. RESPONDENT STICH'S OPPOSITION IS LATE AND UNTIMELY AND**
4 **SHOULD THEREFORE BE DISREGARDED.**

5 Petitioner's Motion for Rule 56(f) Discovery was filed and served on July 15, 2005. An
6 opposition to the motion was due by August 4, 2005 which is twenty days (15 + 5 for mailing)
7 from July 15, 2005. According to the Certificate of Service attached to Respondent's
8 opposition,¹ the opposition is dated August 10, 2005 – which is almost a week after the due date
9 of August 4, 2005. Consequently, the Board should grant the motion as conceded pursuant to 37
10 CFR § 2.127(a).

11 **II. RESPONDENT STICH'S UNTIMELY OPPOSITION AMOUNTS TO A WHOLE**
12 **LOT OF WORDS ABOUT NOTHING.**

13 The untimely opposition filed by respondent Stich is seven pages long but essentially boils
14 down to one unsupported argument – respondent need not do anything in regards to these
15 proceedings because petitioner allegedly has not properly filed his fictitious business names in the
16 County of San Diego. According to respondent illogical arguments, this means that petitioner: (1)
17 has no capacity to sue; (2) has no capacity to file this motion; and (3) basically respondent has no
18 obligation to respond to discovery or do anything else in this proceeding.

19 Respondent's untimely arguments are ludicrous for the following reasons: (1) petitioner
20 Jzchak N. Wajcman is an individual and has plead this in his petition. An individual is entitled to
21 file a cancellation petition; (2) respondent has not cited any rule, statute or case that states that an
22 individual who also happens to do business under a "dba" or fictitious business name cannot file
23 a petition for cancellation before the TTAB; and (3) that a respondent in a cancellation proceeding
24 can own his own initiative (without filing a motion for a protective order or something of the like)
25 simply refuse to respond to discovery and meet and confer letters based on his belated assertion
26 that the petitioner should not have been entitled to file the cancellation petition when that

27
28 ¹ All referenced to "opposition" refer to Willi Stich's aka Bill Lawrence Points and
Authorities in Opposition to Petitioner Jzchak N. Wajcman's d/b/a Bill Lawrence Products and
Bill Lawrence Guitar Pickups Motion for Rule 56(f) Discovery filed and served on August 10,
2005.

respondent failed to raise this alleged issue in his initial pleadings.

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III. CONCLUSION

A quick review of the numerous, repetitive, boilerplate pleadings filed by respondent in this proceeding shows that respondent is attempting to use an illogical, red herring, **non**-issue to delay these proceedings and to avoid having to respond to discovery which will flesh out the facts that will ultimately allow the Board to render a decision in this proceeding. Petitioner's motion for Rule 56(f) discovery and the motions to compel discovery should all be granted.

Dated: August 16, 2005

Respectfully submitted by:
KOPELOWITZ & ASSOCIATES


JAY S. KOPELOWITZ

12702 Via Cortina, Suite 700
Del Mar, California 92014
Tel: 858/ 755-0095

Attorneys for Petitioner Jzchak N. Wajcman d/b/a Bill
Lawrence Products and Bill Lawrence Guitar Pickups

DECLARATION OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of 18 and am not a party to the within action; my business address is: 12702 Via Cortina, Suite 700, Del Mar, CA 92014.

On August 16, 2005 I served the foregoing documents described as:

REPLY TO RESPONDENT STICH'S UNTIMELY OPPOSITION TO PETITIONER'S MOTION FOR RULE 56(F) DISCOVERY

upon the interested parties in this action by placing
[X] copies enclosed in a sealed envelope to:

Gregory Richardson
LAW OFFICES OF
GREGORY RICHARDSON, ESQ.
3890 11TH Street, Suite #210
Riverside, CA 92501

Counsel for Respondent Willi Lorenz Stich

BY REGULAR MAIL by depositing such envelope with postage thereon fully prepaid in the United States mail at Del Mar, California.

BY FACSIMILE by telecopier to the facsimile telephone numbers listed above.

BY HAND DELIVERY.

I certify under penalty of perjury under the laws of the State of California and the laws of the United States that the foregoing is true and correct.

Dated: August 16, 2005 at Del Mar, California.



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