

ESTTA Tracking number: **ESTTA45208**

Filing date: **09/15/2005**

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
Filer's e-mail	gregory@gregoryrichardsonesq.com, becky@billlawrence.com
Signature	/gregoryrichardson/
Date	09/15/2005
Attachments	pto.motprotorder.reply.091405.pdf (5 pages) kopelowitz.080505.pdf (2 pages) pos.reply.pdf (1 page)

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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 d/b/a 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
)
)
)

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

) **REPLY TO PETITIONER'S POINTS AND**
) **AUTHORITIES IN OPPOSITION TO**
) **REGISTRANT'S MOTION FOR A**
) **PROTECTIVE ORDER**

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18 1. Registrant Bill Lawrence submits the following memorandum of points and authorities in
19 reply to Petitioner's POINTS AND AUTHORITIES IN OPPOSITION TO REGISTRANT'S
20 MOTION FOR A PROTECTIVE ORDER.

21 2. On June 17, 2005 Registrant Bill Lawrence filed a motion for summary judgment.

22 3. The proceedings in the Petition for Cancellation were suspended pending a ruling on the
23 pending motion for summary judgment.

24 4. Petitioner claims that on June 17, 2005 he served Registrant Bill Lawrence with
25 additional discovery consisting of requests for admissions and a second set of interrogatories.

**REPLY TO PETITIONER'S POINTS AND AUTHORITIES IN OPPOSITION TO REGISTRANT'S MOTION FOR A
PROTECTIVE ORDER**

1 5. The June 17, 2005 series of discovery was received by Bill Lawrence after he had already
2 filed a motion for summary judgment. Since the cancellation proceedings had been suspended
3 pending a ruling on the motion for summary judgment, serving the June 17, 2005 series of
4 discovery was improper. Moreover, none of the discovery pertains to proving the legal validity
5 of Mr. Wajcman's alleged dba Bill Lawrence Products and Bill Lawrence Guitar Pickups.

6 6. On August 2, 2005 the Petitioner submitted copies of unofficial records purporting to
7 demonstrate that Mr. Wajcman had legally valid dbas.

8 7. On August 5, 2005 Registrant sent a meet and confer letter pointing out that that the
9 online records of fictitious business names for San Diego County are not official records and do
10 not prove the validity of dbas. "We can have a long discussion of what a valid dba is and what
11 you can or can't do if you don't have one, or you can demonstrate that your client has complied
12 with all of the statutory requirements and we can move forward with the litigation." Exhibit A.

13 8. On August 8, 2005 Registrant filed specific negative averments as to Petitioner's lack of
14 capacity to sue. Without proving a legal capacity to sue, the Petitioner is not entitled to file any
15 petitions or motions or to serve or receive any discovery.

16 9. If the Petitioner is able to prove a legally valid dba, then the Registrant will make a good
17 faith effort to satisfy the discovery needs of Mr. Wajcman under TBMP Section 408.01. Until
18 then, Registrant Bill Lawrence has substantial justification for not providing discovery answers.

19 10. Without a legally valid dba Bill Lawrence Products and Bill Lawrence Guitar Pickups,
20 Mr. Wajcman's Petition for Cancellation is subject to a motion for summary judgment based on
21 abandonment and a motion for specific negative averment as to his lack of legal capacity to sue.
22 If Wajcman has no capacity to sue, then any discovery requests from Petitioner would cause
23 "annoyance, embarrassment, oppression or under burden or expense," and Registrant Bill
24 Lawrence has shown good cause for not complying with Petitioner's discovery requests until he
25 proves capacity to sue. FRCP 26(c).

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Dated: September 14, 2005

Gregory Richardson, Esq.
Attorney for Respondent

EXHIBIT A

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LAW OFFICES OF GREGORY RICHARDSON

August 5, 2005

Jay S. Kopelowitz
12702 Via Cortina, Suite 700
Del Mar, California 92014

Re: Wajcman vs. Stich – Cancellation No.: 92043516

Dear Mr. Kopelowitz:

This letter serves as part of an effort to meet and confer as required by 37 CFR Section 2.120(e).

First of all, I will take steps so that you don't have to respond to any frivolous motions. After taking into account your comments in your recent letter, I will amend the three motions that you objected to.

Second, please consider the limited importance of the printouts that you submitted with your August 2, 2005 letter.

***COPY ORDERS OF FICTITIOUS BUSINESS NAME STATEMENTS ARE MAILED THE NEXT BUSINESS DAY.**

FBN BACKGROUND:

- Fictitious business names are maintained on this file from 1990 to the present.
- This is an index file only and does not contain all the information from a Fictitious Business Name (FBN) filing. Copies of the complete FBN statement can be obtained from any Assessor/Recorder/County Clerk's branch office.
- This index file of FBN is updated nightly and the information is subject to changes and corrections. Therefore, it is not an official record.

FBN INSTRUCTIONS:

- Type into the appropriate box either the **Business Name** OR **Owner Name** OR **Filing Number**.
- Press the search button to initiate search, or press the clear button to clear search fields and start over.
- The next page provides the results of your query.

Based on the above text copied from the same web site that you included in your correspondence, the information you produced "is not an official record." So nothing is proven other than Jzchak Wajcman filled out a fictitious business name statement. We can have a long discussion of what a valid dba is and what you can or can't do if you don't have one, or you can demonstrate that your client has complied with all of the statutory requirements and we can move forward with the litigation.

While I have found no evidence of a valid dba Bill Lawrence Products and Bill Lawrence Guitar Pickups, or a valid dba Bill Lawrence Products or dba Bill Lawrence Guitar Pickups, I will consider any evidence that you may offer. Otherwise, I shall raise the issue of your client's capacity to sue by special negative averment.

Third, as you must already know, Bill Lawrence has recently been sued in Federal Court in San Diego by a lawyer name Darren Quinn. Do you have any professional association with Mr. Quinn? Before producing any discovery, I will need your assurance that it will not be used improperly.

Sincerely,

Gregory Richardson
Attorney at Law

1 I hereby certify that a copy of Registrant's **REPLY TO PETITIONER'S**
2 **POINTS AND AUTHORITIES IN OPPOSITION TO REGISTRANT'S MOTION FOR A**
3 **PROTECTIVE ORDER** by depositing same with the United States Postal Service
4 on this 14th Day of September, 2005, addressed as follows:

5
6 Jay S. Kopelowitz
7 Kopelowitz & Associates
8 12702 Via Cortina, Suite 700
9 Del Mar, California 92014
10 Attorney for Petitioner

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Gregory Richardson