

ESTTA Tracking number: **ESTTA45209**

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	Opposition/Response to Motion
Filer's Name	Gregory Richardson
Filer's e-mail	gregory@gregoryrichardsonesq.com, becky@billlawrence.com
Signature	/gregoryrichardson/
Date	09/15/2005
Attachments	pto.motdeterminesuff.opp.091405.pdf (4 pages) kopelowitz.080505.pdf (2 pages) pos.opp.opp.091405.pdf (1 page)

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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 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**

) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES IN OPPOSITION TO**
) **MOTION TO DETERMINE**
) **SUFFICIENCY OF ANSWERS OR**
) **OBJECTIONS TO PETITIONER'S**
) **SECOND SET OF REQUESTS FOR**
) **ADMISSION and MOTION TO COMPEL**
) **ANSWERS TO PETITIONER'S SECOND**
) **SET OF INTERROGATORIES;**
) **DECLARATION OF GREGORY**
) **RICHARDSON**

17)
18)
19)
20)
21 1. Registrant Bill Lawrence submits the following memorandum of points and authorities in
22 opposition to the following motions by Petitioner: 1) MOTION TO DETERMINE
23 SUFFICIENCY OF ANSWERS OR OBJECTIONS TO PETITIONER'S SECOND SET OF
24 REQUESTS FOR ADMISSION and 2) MOTION TO COMPEL ANSWERS TO
25 PETITIONER'S SECOND SET OF INTERROGATORIES.

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

**MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION TO DETERMINE
SUFFICIENCY OF ANSWERS OR OBJECTIONS TO PETITIONER'S SECOND SET OF REQUESTS FOR
ADMISSION and MOTION TO COMPEL ANSWERS TO PETITIONER'S SECOND SET OF INTERROGATORIES;
DECLARATION OF GREGORY RICHARDSON - 1**

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

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

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

10 6. Without a legally valid dba Bill Lawrence Products and Bill Lawrence Guitar Pickups,
11 Mr. Wajcman's Petition for Cancellation is subject to a motion for summary judgment based on
12 abandonment and a motion for specific negative averment as to capacity to sue.

13 7. Without proving a legal capacity to sue, the Petitioner is not entitled to file any motions
14 or serve or receive any discovery.

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

18 9. The June 17, 2005 series of discovery was received by Bill Lawrence after he had already
19 filed a motion for summary judgment. Since the cancellation proceedings had been suspended
20 pending a ruling on the motion for summary judgment, serving the June 17, 2005 series of
21 discovery was improper.

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23 Dated: September 14, 2005

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Gregory Richardson, Esq.
Attorney for Respondent

EXHIBIT A

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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 **CERTIFICATE OF SERVICE**

2 I hereby certify that a copy of Respondent's Response to First Set of
3 Requests for Admission on the following attorney of record for Petitioner, by
4 depositing same with the United States Postal Service on this 14th Day of
5 September, 2005, addressed as follows:

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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12 Gregory Richardson
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