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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
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Submission	Reply in Support of Motion
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Signature	/gregoryrichardson/
Date	09/07/2006
Attachments	Microsoft Word - motIntroduceDoc.file.090606.pdf (6 pages)(132079 bytes) wajcmandeclare.001.pdf (1 page)(332209 bytes) wajcmandeclare.002.pdf (1 page)(506236 bytes) wajcmandeclare.003.pdf (1 page)(539520 bytes) wajcmandeclare.004.pdf (1 page)(449963 bytes) wajcmandeclare.005.pdf (1 page)(381985 bytes)

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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; BILL**
) **LAWRENCE'S MOTION TO**
) **INTRODUCE DOCUMENT FROM**
) **OTHER PROCEEDING PERTAINING TO**
) **FRAUD ON THE COURT AND THE**
) **UNITED STATES PATENT AND**
) **TRADEMARK OFFICE**
)
) Filed September 6, 2006
)
)

19
20 1. Registrant Willi Lorenz Stich a/k/a Bill Lawrence, by his attorney, hereby moves to
21 introduce the document RESPONSE DECLARATION OF JZCHAK WAJCMAN IN
22 OPPOSITION TO DEFENDANT'S MOTION FOR A TEMPORARY RESTRAINING ORDER
23 [*hereinafter* RESPONSE DELCARATION OF JZCHAK WAJCMAN] because it is relevant to
24 the Petition for Cancellation and the pending motions for summary judgments.
25

1 2. A true and correct copy of the RESPONSE DECLARATION OF JZCHAK WAJCMAN
2 is attached as Exhibit A and incorporated by reference. No alterations have been made and no
3 amendments requested.

4 3. The RESPONSE DECLARATION OF JZCHAK WAJCMAN is probative of whether
5 the copy of the “Assignment” filed by Petitioner WAJCMAN in the current Patent and
6 Trademark Office [PTO] proceedings is a true and correct copy of the original document.

7 4. The RESPONSE DECLARATION OF JZCHAK WAJCMAN is probative of whether
8 the copy of the same document submitted by the Petitioner WAJCMAN in other proceedings is a
9 true and correct copy of the originals.

10 5. Introducing the RESPONSE DECLARATION OF JZCHAK WAJCMAN is necessary in
11 order to understand the true terms of any assignment of the trade name “Bill Lawrence”.

12
13 Dated: September 6, 2006.

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15 _____
16 Gregory Richardson
17 Attorney for Bill Lawrence
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7 **IN THE UNITED STATE 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,

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) **NOTICE OF MOTION; BILL**
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) **FRAUD ON THE COURT AND THE**
) **UNITED STATES PATENT AND**
) **TRADEMARK OFFICE**
)

) Filed: September 6, 2006
)

19
20 1. Petitioner WAJCMAN provided a RESPONSE DECLARATION OF JZCHAK
21 WAJCMAN IN OPPOSITION TO DEFENDANT'S MOTION FOR A TEMPORARY
22 RESTRAINING ORDER [RESPONSE DECLARATION OF JAZCHAK WAJCMAN] in a case
23 in Federal Court in San Diego. A true and correct copy of RESPONSE DELCARATION OF
24 JZCHAK WAJCMAN is attached as Exhibit A herein and incorporated by reference.
25

BILL LAWRENCE'S MOTION TO INTRODUCE DOCUMENT FROM OTHER PROCEEDING PERTAINING TO
FRAUD ON THE COURT AND THE UNITED STATES PATENT AND TRADEMARK OFFICE

1 2. Petitioner WAJCMAN includes a copy of the Answer and Counterclaim filed by
2 Registrant Bill Lawrence pending before Southern District of California, Case No. 05 CV 12
3 LAV, for which RESPONSE DECLARATION OF JZCHAK WAJCMAN was made. *See*
4 Exhibit C, REQUEST FOR JUDICIAL NOTICE (filed by Petitioner WAJCMAN on August 23,
5 2006).

6 3. In the RESPONSE DECLARATION OF JZCHAK WAJCMAN, WAJCMAN
7 acknowledges that he showed “a copy of the Assignment ‘that contained the language: “Said
8 assignment shall be for six years commencing September 21, 1978.””

9 4. Petitioner WAJCMAN is not a party to the Assignment and therefore could not change
10 its terms.

11 5. WAJCMAN knowingly through his attorney submitted a false, incomplete, misleading,
12 and forged copy of the same purported “Assignment” with the Patent and Trademark Office and
13 relied on said forged document in his motions.

14 6. The issue of what was actually transferred in the alleged “Assignment” is relevant to this
15 motion and the Petition for Cancellation because the document proposed to be introduced,
16 RESPONSE DECLARATION OF JZCHAK WAJCMAN IN OPPOSITION TO
17 DEFENDANT’S MOTION FOR A TEMPORARY RESTRAINING ORDER, demonstrates that
18 the alleged “Assignment” assigned at most the trade name, not the trademark, “Bill Lawrence”.

19 7. Even if the USPTO were to allow WAJCMAN to continue with his Petition for
20 Cancellation using a fraudulent document, the RESPONSE DECLARATION OF JZCHAK
21 WAJCMAN is still relevant to this motion and this Petition for Cancellation and is germane to
22 the pending motions for summary judgment because WAJCMAN’s new attempts to gloss over
23 his false filing.

24 8. Since the RESPONSE DELCARATION OF JZCHAK WAJCMAN shows that
25 Petitioner WAJCMAN changed the material terms of the alleged “Assignment”, this document is

1 probative of Bill Lawrence having a good faith belief that he was the legitimate owner of the
2 trademark BILL LAWRENCE®. The Petitioner WAJCMAN's explanation of his creation of the
3 forged copy of the "Assignment" is relevant to the Petition for Cancellation because no jury
4 would find his Petition for Cancellation plausible in view of his use of fraudulent documents.

5 9. WAJCMAN should not be allowed to file and then continue to rely on a document which
6 he admits is not a true and correct copy of the original, i.e. the "Assignment" signed by Willi L.
7 Stich a/k/a Bill Lawrence.

8
9 10. The RESPONSE DELCARATION OF JZCHAK WAJCMAN from the proceeding in
10 federal court is relevant to this Petition for Cancellation and germane to the pending motions for
11 summary judgment because it explains how WAJCMAN forged a copy of the alleged
12 "Assignment" in order to mislead the PTO about his ownership of the trade name "Bill
13 Lawrence" and the extent of his rights.

14
15 **PRAYER**

16 11. Registrant Bill Lawrence hereby moves that this document be introduced to these PTO
17 proceedings.

18
19 Dated: September 6, 2006.

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21 _____
22 Gregory Richardson
23 Attorney for Bill Lawrence
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25

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5 (858) 509-9401

6 Attorneys for Plaintiff

7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 JZCHAK N. WAJCMAN dba BILL
11 LAWRENCE PRODUCTS and dba BILL
12 LAWRENCE GUITAR PICKUPS,
13 Plaintiff,
14 v.
15 WILLI LORENZ STICH, an individual,
16 Defendant.

Case No.: 05 CV 1200 LAB (CAB)

**RESPONSE DECLARATION OF
JZCHAK WAJCMAN IN OPPOSITION
TO DEFENDANT'S MOTION FOR A
TEMPORARY RESTRAINING
ORDER**

Date: January 18, 2006
Time: 12:15 p.m.
Courtroom: 9

17 AND RELATED COUNTERCLAIM

1 I, JZCHAK WAJCMAN, declare:

2 1. I have personal knowledge of the facts set forth herein. If called to testify, I would
3 and could testify competently thereto.

4 2. I have reviewed the Reply Declaration of Bill Lawrence In Support Of
5 Application For Temporary Restraining Order Enjoining Jzchak Wajcman From Using The
6 Name "Bill Lawrence" At The NAMM Trade Show, January 19-22, 2006 ("Stich Reply Decl.")

7 3. Paragraphs 2 and 3 of the Stich Reply Decl. imply that I took defendant Stich's
8 personal documents without his authorization over 20 years ago on June 22, 1984. I have never
9 taken defendant Stich's personal documents without his authorization.

10 4. All documents that contain defendant Stich's signature that are attached as
11 exhibits to the Complaint in this action or my declaration filed January 13, 2006 either came
12 from: (1) defendant Stich; (2) Joyce Stich (defendant's ex-wife); (3) court files in Tennessee; (4)
13 Third National Bank; (5) files left at LSR after the Third National Bank foreclosure and sale; (6)
14 the Patent and Trademark Office; or (7) my files.

15 5. Paragraphs 4 through 6 of the Stich Reply Decl. imply that I altered Exhibit 4 to
16 the Complaint (Assignment by defendant Stich of trade name "Bill Lawrence"). I did not alter
17 the Assignment attached as Exhibit 4 to the Complaint.

18 6. I received the Assignment (attached as Exhibit 4 to the Complaint) from
19 defendant Stich's wife Joyce Stich on or about June 23, 1982 after defendant Stich and I had
20 signed the Kent Agreement (attached as Wajcman Decl., Ex. 3 and Complaint, Ex. 6). The
21 circumstances that Joyce Stich gave me the Assignment (attached as Exhibit 4 to the Complaint)
22 are generally as follows:

23 a. I had been negotiating for weeks with Howard Jari of Kent Musical with
24 respect to the Kent Agreement (attached as Wajcman Decl., Ex. 3 and
25 Complaint, Ex. 6). At the time, LSR was in bankruptcy and needed this
26 Kent Agreement to secure over \$1 million in revenues.

27 b. Right before defendant Stich and I were ready to sign the Kent Agreement,

28 RESPONSE DECLARATION OF JZCHAK WAJCMAN IN OPPOSITION TO DEFENDANT'S MOTION FOR A TEMPORARY RESTRAINING ORDER

1 defendant Stich and I declared that we owned the trade name "Bill
2 Lawrence" on an equal basis. Defendant Stich was present when I showed
3 Mr. Jari (Kent Musical) a copy of the Assignment attached to the Stich
4 Reply Decl. that contained the language "Said assignment shall be for six
5 years commencing September 21, 1978."

6 c. Mr. Jari was not willing to sign the Kent Agreement if there was any doubt
7 that the "Bill Lawrence" trademark and trade name would not stay with
8 Lawrence Sound Research ("LSR") during the term of the Kent
9 Agreement.

10 d. In the presence of defendant, I called Joyce Stich on the telephone and
11 asked her to make an amendment to the Assignment that took out the six
12 year time limitation.

13 e. Not wanting to wait for the amendment to the Assignment, language was
14 added to paragraph 13 of the Kent Agreement that provides, in part:

15 Wajcman and Lawrence [defendant Stich] expressly agree
16 that to the extent they, or either of them has or claims to
17 have any rights with respect to LSR or the trade name
18 "Bill Lawrence, or any licenses or related trade names,
19 all such rights are hereby granted to LSR, Kent and Third
20 National Bank in Nashville jointly and severally until the
21 later of (i) payment in full of all debts of LSR to Third
22 National Bank in Nashville and (ii) that point in time (not
23 exceeding 2 years following the termination of the
24 Contract) when Kent shall no longer have the right to use
25 the name "Bill Lawrence as set forth in Paragraph 13. . . .

26 Wajcman and Lawrence [defendant Stich] represent
27 that they and they alone own the tradename "Bill
28 Lawrence" on an equal basis, each being authorized to
license the name to third parties, and that the only entities
which have any rights in the name or will have rights as
long as this Agreement is in effect are: (i) LSR, which has
an exclusive license to use the name to manufacture and
sell domestically, except OEM products designed by
Lawrence and (ii) Third National Bank in Nashville, which
has a security interest in the name granted to it by LSR.
(Emphasis added)

f. Defendant Stich signed the Kent Agreement as "Willi L. Stich" on behalf

RESPONSE DECLARATION OF IZCHAK WAJCMAN IN OPPOSITION TO DEFENDANT'S MOTION FOR A TEMPORARY RESTRAINING ORDER

1 of himself individually and on behalf of LSR. I only signed the Kent
2 Agreement with respect to paragraph 13 of the Kent Agreement.

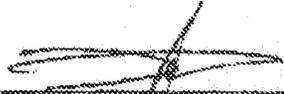
3 g. At some point after defendant Stich and I signed the Kent Agreement
4 while I was at defendant Stich's house or the LSR office, Joyce Stich
5 (defendant's wife) handed me a copy of the Assignment attached as
6 Exhibit 4 to the Complaint that did not contain the six year time limitation
7 language. I never asked Joyce Stich to take anything out of the
8 Assignment. Rather, I had asked for an amendment.

9 h. Because the Kent Agreement was already signed, I never presented the
10 Assignment that did not include the six year limitation language to Kent
11 Musical that Joyce Stich handed me.

12 i. I attached the Assignment as Exhibit 4 to the Complaint, because it was
13 the latest version (and only version) of that document that I had in my
14 possession at the time I filed the Complaint. I never had any original of
15 the Assignment.

16 7. The Assignment signed by defendant Stich (with or without the six year
17 limitation) is relevant to show that defendant Stich viewed the "Bill Lawrence" name as a
18 trademark and a trade name.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th
20 day of January, 2006 at La Jolla, California.

21 
22 _____
23 JZCHAK WAJCMAN
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PROOF 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 105, Del Mar, CA 92014.

I served the foregoing documents described as:

- **RESPONSE DECLARATION OF JZCHAK WAJCMAN IN OPPOSITION TO DEFENDANT'S MOTION FOR A TEMPORARY RESTRAINING ORDER**

upon the interested parties in this action by placing

the original enclosed in a sealed envelope to:

copies enclosed in sealed envelopes to:

Edward J. McIntyre, Esq.
Solomon Ward Seidenwurm & Smith, LLP
401 B Street, Suite 1200
San Diego, California, 92101
Fax: 619-231-4735

VIA HAND DELIVERY (at the TRO hearing)

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.

VIA FACSIMILE

Dated: January 18, 2006 at Del Mar, California.



Darren J. Quinn