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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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7
8 **IN THE UNITED STATE PATENT AND TRADEMARK OFFICE**
9 **TRADEMARK TRIAL AND APPEAL BOARD**
10

11 JZCHAK N. WAJCMAN dba BILL LAWRENCE
12 PRODUCTS and BILL LAWRENCE GUITAR
13 PICKUPS,

14 Petitioner,

15 vs.

16 WILLI LORENZ STICH a/k/a BILL LAWRENCE,

17 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**
)
) **REGISTRANT BILL LAWRENCE'S REPLY TO**
) **PETITIONER'S CONSOLIDATED**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES IN OPPOSITION TO**
) **REGISTRANT'S MOTION FOR SUMMARY**
) **JUDGMENT AND IN SUPPORT OF**
) **PETITIONER'S MOTION FOR SUMMARY**
) **JUDGMENT.**
)
)
) Filed: September 6, 2006
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18
19
20 **I. Introduction.**

21 1. Registrant Willi Lorenz Stich a/k/a Bill Lawrence, by his attorney, hereby responds to Petitioner's
22 Consolidated Memorandum Of Points And Authorities In Opposition To Registrant's Motion For Summary Judgment
23 And In Support Of Petitioner's Motion For Summary Judgment [Consolidated Memorandum] (filed August 23, 2006).

24 2. This reply clarifies several issues. *First*, the continuing fraud on the Patent and Trademark Office (PTO) by
25 the Petitioner WAJCMAN concerning the forged "Assignment". See Registrant Bill Lawrence's Motion To Introduce
Evidence From Another Proceeding Pertaining To Fraud By Petitioner (filed September 6, 2006). *Second*, the

1 distinction between trade names and trademarks, a difference which Petitioner's pleadings adroitly gloss over by using
2 the over-encompassing term "Mark". TMEP Section 1202.02, *Refusal On Basis of Trade Name*. Third, the confusion
3 caused by Petitioner's Consolidated Memorandum of Points and Authorities [both] In Opposition To and In Support of
4 Bill Lawrence's Motion for Summary Judgment.

5 3. Registrant Bill Lawrence submits this REPLY only for the purposes for responding to WAJCMAN's
6 opposition to Registrant's MOTION FOR SUMMARY JUDGMENT (filed June 17, 2005) [*hereinafter* MSJ].
7 Registrant will later submit an opposition to WAJCMAN's counter-MOTION FOR SUMMARY JUDGMENT (filed
8 August 23, 2006).

9 **II. Four (4) Issues Presented By Lawrence's MSJ.**

10 4. As a preliminary matter, it must be noted that Petitioner WAJCMAN does not adequately address the issues
11 on which Respondent Bill Lawrence has moved for summary judgment or summary adjudication or met his burden of
12 proof. WAJCMAN has simply relied on his pleadings without presenting credible evidence so that Bill Lawrence is
13 entitled to summary judgment on the material issues raised. *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986).

14 5. This Petition for Cancellation may be disposed of in this Motion for Summary Judgment by
15 considering the four issues listed in Bill Lawrence's original MSJ:

- 16 1. "The Petitioner did not continuously use the Mark in the United States because he fails to allege facts to show
17 that the Mark was used by dba BILL LAWRENCE PRODUCTS and dba BILL LAWRENCE GUITAR
PICKUPS continuously since the alleged acquisition of the Mark in 1985." MSJ, para. 4.
- 18 2. "The Petitioner abandoned the Mark because he failed to use it for at least 13 years and fails to allege any
19 facts to show that he intended to revive it." MSJ, para. 5.
- 20 3. "The Petitioner fails to allege facts to show that Willi Stich aka Bill Lawrence [Registrant] is not entitled to
21 the Registration No. 2,303,676 of the Mark BILL LAWRENCE because the Registrant had a good faith
belief in the validity of his ownership and legal use of the Mark as published." MSJ, para. 6.
- 22 4. "The Petitioner fails to allege with particularity any facts to show that the Registrant committed fraud in
obtaining Registration No. 2,303,676." MSJ, para. 7.

23 **III.**

24 **The Petitioner Wajcman Has Put Forth No Facts To Support His Allegation That Jzchak Wajcman
25 Dba Bill Lawrence Products And Bill Lawrence Guitar Pickups Continuously Used "Bill Lawrence"
Continuously Since The Alleged Acquisition Of The Mark In 1985.**

1 5. The MSJ alleges: “The Petitioner did not continuously use the Mark in the United States because he fails to
2 allege facts to show that the Mark was used by dba BILL LAWRENCE PRODUCTS and dba BILL LAWRENCE
3 GUITAR PICKUPS continuously since the alleged acquisition of the Mark in 1985.” MSJ , para. 4.

4 6. The Petition for Cancellation merely states that “Petitioner has continuously used the mark BILL
5 LAWRENCE in connection with musical instrument and accessories, namely, guitars and electronic sound pickup for
6 guitars in the United States since acquiring it from Degalim, Inc. and Third National Bank.” Petition for Cancellation,
7 para. 4. This statement is a mere conclusion supported by no facts and cannot survive a motion for summary judgment.
8 *See* Registrant Bill Lawrence’s Objections To Declaration Of Petitioner Jzchak Wajcman (filed September 7, 2006).

9 7. On the other hand, the Respondent has proven that Petitioner WAJCMAN had no dba using “Bill Lawrence”
10 from 1990 through 2000 and therefore WAJCMAN could not have been using a trade name using “Bill Lawrence”
11 “continuously” during that time. The burden now shifts to WAJCMAN to show use of his marks under any name,
12 including his alleged d/b/a. *See* SUSPENDED, Thomas W. Wellington, June 19, 2006; *Celotex Corp. v. Catrett*
13 (1986), 106 S.Ct. 2548.

14 8. Despite multiple opportunities to plead and present evidence, the Petitioner fails to oppose the evidence
15 propounded by the Registrant Bill Lawrence that WAJCMAN did not continuously use the trade name. In reviewing
16 the record besides the Petition for Cancellation, the Petitioner WAJCMAN has failed to even allege that he used the
17 mark in commerce or in any activity regulated by Congress. Using the trade name “Bill Lawrence” “in connection
18 with musical instruments and accessories . . .” is not a use in commerce that is subject to regulation by Congress. The
19 Trademark Act does not protect trade names. § 45; 15 U.S.C. § 1127. “The Trademark Act does not provide for
20 registration of trade names on either register, but only for registration of trademarks.” *See In re Letica Corp.*, 226
21 USPQ 276, 277 (TTAB 1985). Rather, trade names are regulated by the states under the dba statutes.

22 9. Petitioner’s lack of a dba from 1990 through 2000 demonstrates that WAJCMAN did not conduct any
23 business under dba Bill Lawrence Products and Bill Lawrence Guitar Pickups. Any business conducted under a
24 fictitious or invalid dba is illegal in California and other states, and such illegal business should not be condoned by the
25 PTO, especially since the legal status of parties is determined by state law.

1 10. The Petitioner adds nothing in his declaration, but merely repeats the same allegations: “For over 20 years, I
2 have continuously used the Bill Lawrence Mark in the United States.” This allegation goes only to the trade name
3 “Bill Lawrence”, not the trademark. The term “Bill Lawrence Mark” refers back to the “Kent Agreement” which
4 “grants all of STICH’s and my interests in the Bill Lawrence Mark to LSR, KENT and the Third National Bank of
5 Nashville”. By its own terms the “Kent Agreement” is limited to the “trade name Bill Lawrence, or any licenses or
6 related trade names . . .” Declaration Of Jzchak Wajcman In Opposition To Registrant’s Motion For Summary
7 Judgment And In Support Of Petitioner’s Motion For Summary Judgment [Wajcman Declaration], p.3:12-20, citing
8 the “Kent Agreement”. *Id.* at 5:17-18.

9 11. The introduction of the alleged “Kent Agreement” by the Petitioner is not allowed because the purported
10 document is hearsay, lacks foundation, is not the best evidence, and its contents may not be taken judicial notice of by
11 the Patent and Trademark Office (PTO). *See* Registrant Bill Lawrence’s Objections To Declaration Of Petitioner
12 Jzchak Wajcman (filed September 7, 2006).

13 12. Nonetheless, even if the “Kent Agreement” were to be admitted, by its own terms it transferred, if anything,
14 only a trade name. Based on the evidence submitted by the Petitioner, including declarations and citations of the
15 Petitioner to the “Kent Agreement,” WAJCMAN acquired no interest in the trademark “Bill Lawrence”. Even if the
16 unsupported statement in his declaration that “[f]or over 20 years, I have continuously used the Bill Lawrence Mark in
17 the United States” is assumed to be true, it means only that he used a trade name including “Bill Lawrence”, not the
18 trademark. This statement is a mere conclusion and cannot survive the motion for summary judgment. *See Celotex*
19 *Corp. v. Catrett*, 477 U.S. 317, 324 (1986).

20 13. Petitioner also alleges that “I have been an exhibitor at the NAMM show under the name “Bill Lawrence
21 Products” on numerous occasions beginning in the mid-1980 and more recently the 2002, 2003, 2004 and 2005
22 NAMM tradeshows. At these NAMM trade shows, I promote my guitar and guitar pickup products that display the
23 Bill Lawrence Mark.” WAJCMAN DECLARATION, para. 23. This statement is vague and indicates that his alleged
24 status as an “exhibitor” has a fifteen (15) to twenty-two (22) year gap, depending on how you interpret it. Moreover, if
25 WAJCMAN exhibited as a distributor or reseller, then he acquired no trademark rights. This statement is objectionable

1 on multiple grounds as hearsay and not the best evidence. See Registrant Bill Lawrence’s Objections To Declaration
2 Of Petitioner Jzchak Wajcman (filed Sept. 7, 2006).

3 14. This statement fails to meet Petitioner’s burden of proof in other respects. “Bill Lawrence Products” is the
4 name of a suspended corporation, and this statement does not explain how the benefits, if any, of the corporate use of
5 the trade name “Bill Lawrence Products” accrued to WAJCMAN individually. The reference to the “Bill Lawrence
6 Mark” is, as explained above, merely a trade name, and the ‘name “Bill Lawrence Products”’ is also merely a trade
7 name. The company which WAJCMAN is referring to is suspended and unable to do business and cannot enforce its
8 rights in court. Even use by a suspended corporation would create no trademark rights for WAJCMAN individually.

9 15. WAJCMAN has failed to put forth any facts to prove his use of “Bill Lawrence” individually or that he
10 benefited individually from any corporation’s use. WAJCMAN’s statements contain no admissible evidence that
11 WAJCMAN used the trademark Bill Lawrence® and therefore does not show that any genuine issue of material fact
12 exists for trial: The Petitioner has failed to present any evidence that WAJCMAN used or obtained any rights to the
13 trademark Bill Lawrence® because any right that WAJCMAN obtained was limited to a trade name. WAJCMAN did
14 not use any trade name including “Bill Lawrence”, at least not legally, because he had no such valid dba from at least
15 1990 through 2000, as proven by official records from the San Diego County Recorder’s Office.

16 16. Since the Petitioner’s claims to the “mark BILL LAWRENCE” is limited to a trade name, and WAJCMAN
17 failed to provide proof the he ever used the trademark since the alleged acquisition of the Mark in 1985. Respondent
18 Bill Lawrence carries his burden of proof by showing *prima facie* the absence of any genuine issues of material fact
19 that WAJCMAN never used the trademark Bill Lawrence®. The Petitioner WAJCMAN fails to respond with
20 admissible evidence showing the he “continuously” used the trade name, much less the trademark Bill Lawrence®.
21 Accordingly, the Respondent Bill Lawrence is entitled to summary judgment in his favor that Petitioner did not
22 “continuously” use the Mark or trademark Bill Lawrence® since 1985. **FRCP 56(e). Celotex Corp. v. Catrett,**
23 477 U.S. 317, 324 (1986)

24
25 **IV.**

**Wajcman Has Put Forth No Facts To Rebut The Presumption That He Abandoned The
Trade Name Bill Lawrence Because He Never Obtained A Valid Dba And No Jury Would
Accept Wajcman’s Use Of Fraudulent Documents.**

1 17. The MSJ alleges: “The Petitioner abandoned the Mark because he failed to use it for at least 13 years and
2 fails to allege any facts to show that he intended to revive it.” MSJ, para. 5. The Respondent Bill Lawrence has carried
3 its burden of showing *prima facie* that the Petitioner abandoned the trade name with “Bill Lawrence” because
4 WAJCMAN failed to use it from 1990 to 2000 when he did not have the dba BILL LAWRENCE PRODUCTS and
5 BILL LAWRENCE GUITAR PICKUPS. Moreover, WAJCMAN fails to allege any facts to show that he intended
6 to revive it before the Respondent acquired his statutory trademark rights to Bill Lawrence® in 1999.

7 18. In his supporting declaration, WAJCMAN declares “I have filed valid fictitious business names that use the
8 Bill Lawrence Mark”. This statement is false because the public records show that no valid dba using the trade name
9 Bill Lawrence was registered to JZCHAK WAJCMAN from 1990 to 2000. It is not sufficient to merely file for a dba,
10 but the applicant must also publish the application, which WAJCMAN failed to do or prove that he did. This statement
11 is also misleading since even if WAJCMAN had a valid dba using a fictitious business name, he only acquired rights to
12 a trade name and did not acquire thereby any trademark rights to Bill Lawrence®.

13 19. WAJCMAN continues to mislead by citing the unofficial web page printouts of the San Diego County
14 Recorder’s Office instead of providing public records to prove the validity of his alleged dba, even after being informed
15 by meet-and-confer letters that these are not official records. WAJCMAN continues the fraud on the PTO by referring
16 to Exhibit 12, “a printout showing these name”, because these printouts are not official records.

17 20. The validity of the legal entity cited by an applicant in a trademark application is determined by the law of the
18 applicant’s state of residence. The California legislature requires that all persons doing business under a name not his
19 surname must file for and obtain a valid dba and/or fictitious business name. Obtaining a valid dba depends upon
20 publishing the application in a newspaper of general circulation. Merely applying for a dba is insufficient to obtain a
21 valid dba.

22 21. The Petitioner WAJCMAN relies on fraud to claim a purported chain of ownership of the Mark Bill
23 Lawrence. WAJCMAN earlier explained that he obtained rights to the “mark Bill Lawrence” by an assignment of
24 rights to Lawrence Sound Research. However, the copy of this alleged assignment that WAJCMAN filed was
25 fraudulent because it was not a true and correct copy of the original, i.e. WAJCMAN’s copy left out the time limitation

1 of six (6) years. *See* Registrant Bill Lawrence’s Motion To Introduce Evidence From Another Proceeding Pertaining
2 To Fraud By Petitioner (filed September 7, 2006). Even if the PTO were to allow WAJCMAN to continue to rely on
3 this fraudulent “Assignment”, by its very terms, the alleged assignment assigns nothing more than a trade name.

4 22. In his supporting declaration, the Petitioner alleges that “I have been an exhibitor at the NAMM show under
5 the name “Bill Lawrence Products” on numerous occasions beginning in the mid-1980 and more recently the 2002,
6 2003, 2004 and 2005 NAMM tradeshow. At these NAMM trade shows, I promote my guitar and guitar pickup
7 products that display the Bill Lawrence Mark.” WAJCMAN DECLARATION, para. 23. As discussed above, this
8 statement is vague and indicates that his alleged status as an “exhibitor” has a fifteen (15) to twenty-two (22) year gap.
9 To the extent that WAJCMAN exhibited as a distributor, then he acquired no trademark rights.

10 23. Moreover, this statement does not contain any admissible evidence that WAJCMAN used the mark Bill
11 Lawrence as a trademark. Bill Lawrence Products is the name of a suspended corporation, and this statement does not
12 explain how the benefits of the corporate use of the trade name “Bill Lawrence Products” accrued to WAJCMAN
13 individually. Just because Bill Lawrence Products, Inc. is a suspended corporation does not mean the WAJMAN
14 becomes the beneficiary of any rights individually that properly belong to the suspended corporation.

15 24. There is no material issue of fact that WAJCMAN did not use the trade name Bill Lawrence with any valid
16 dba because public records prove that he had no dba from 1990 through 2000 using that trade name. Any benefit from
17 exhibiting at the tradeshow accrued to the suspended corporation, Bill Lawrence Products, Inc., so that WAJCMAN
18 obtained no rights individually.

19 25. Bill Lawrence’s motion for summary judgment should be granted on the basis of the Petitioner’s fraudulent
20 assertion the he has a valid dba and his continued reliance on the fraudulent copy of an alleged “Assignment” for the
21 trade name “Bill Lawrence”. The caption is used to determine the real party to a lawsuit. The caption as pled is
22 fraudulent since WAJCMAN did not have the dba that he claims to have had. No jury would accept WAJCMAN
23 unsupported contentions contained in his alleged chain of ownership given his continuing use of the false, forged, and
24 fraudulent copy of the “Assignment” of the trade name. A mere scintilla of evidence presented by the non-moving
25 party is insufficient to circumvent summary judgment; rather, there must be evidence upon which a jury might rely.

Anderson v. Liberty Lobby, Inc., 106 S. Ct. 2505, 2510 (1986). Accordingly, Respondent Bill Lawrence is entitled

1 summary judgment that “The Petitioner abandoned the Mark because he failed to use it for at least 13 years and fails to
2 allege any facts to show that he intended to revive it.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 324 (1986).

3
4 **V.**

5 **Petitioner Has Not Alleged Any Facts to Demonstrate That Bill Lawrence Was Not Entitled To the**
6 **Registration of the Trademark “Bill Lawrence®” Because Registrant Bill Lawrence Had Multiple**
7 **Reasonable Grounds For Believing In the Validity of His Ownership of Bill Lawrence®.**

8 26. The MSJ alleges: “The Petitioner fails to allege facts to show that Willi Stich aka Bill Lawrence [Registrant]
9 is not entitled to the Registration No. 2,303,676 of the Mark BILL LAWRENCE because the Registrant had a good
10 faith belief in the validity of his ownership and legal use of the Mark as published.” MSJ, para. 6.

11 27. Registration No. 2,303,676 is for the trademark “Bill Lawrence®”, rather than for a trade name. A trade
12 name does not create a trade mark because a trade name identifies only the business entity form of the person doing
13 business, not the source of any goods or services. *TMEP* Section 1202.02, *Refusal On Basis of Trade Name*.

14 28. In his supporting declaration, the Petitioner states: “WAJCMAN has properly acquired prior use of the Bill
15 Lawrence Mark because he directly or indirectly purchased all rights therein.” Consolidated Memorandum, p.1:21-22.
16 However, the foundation of his alleged but still murky chain of ownership is a forged “Assignment” that even
17 WAJCMAN admits is false. The Consolidated Memorandum contains false, misleading, and fraudulent statements
18 because WAJCMAN conveniently stops referring to his previously filed forged document, i.e. the forged copy of the
19 alleged assignment that forms the foundation of WAJCMAN’s claims. WAJCMAN adds to his fraud by continuing to
20 insist that he had valid dbas when in fact the public records prove that he had none using “Bill Lawrence” from 1990
21 through 2000. WAJCMAN’s entire chain of ownership and alleged use of the trade name including “Bill Lawrence”
22 would not be accepted by any reasonable jury.

23 29. Even if the PTO were to allow WAJCMAN to rely on his forged “Assignment”, that assignment lasted at
24 most six (6) years. WAJCMAN begins his chain of ownership with a fraudulent “Assignment” by leaving out the
25 material term limitation of six (6) years. Those two lines are material because they limit the assignment of the trade
name. In addition, the “Kent Agreement” which WAJCMAN relies upon in the CONSOLIDATED MOTION is
likewise expressly limited to trade names, i.e. “. . . or the trade name Bill Lawrence, or any licenses or related trade
names, . . .”, and even for trade names, it expired on “June 23, 1987”.

1 35. The Petition for cancellation has a merely conclusory statement allegation: “Registrant has fraudulently
2 obtained Registration No. 2,303,676 which Petitioner now seeks to cancel.” Petition for Cancellation, para. 14. This
3 statement, by itself, is insufficient to survive a motion for summary judgment or summary adjudication. Petitioner has
4 had ample opportunity to amend his Petition for Cancellation, yet he has failed to do so, perhaps, as the meet-and-
5 confer letters suggest, because WAJCMAN has no evidence that Bill Lawrence committed any fraud.

6 36. The supporting WAJCMAN DECLARATION contains no facts or circumstances to show that Registrant
7 Bill Lawrence was not entitled to registration. The “Kent Agreement” transferred, according to its own terms, only
8 trade names and licenses for trade names, not the trademark Bill Lawrence® which the Registrant applied for.
9 WAJCMAN DELCARATION, p.3:15-20, citing the “Kent Agreement”.

10 37. Hence, Bill Lawrence could reasonably conclude that there was no one else entitled to the use of the
11 trademark Bill Lawrence®. Bill Lawrence had additional grounds for believing the he was entitled to registration.
12 *First*, anyone is allowed to use his own name in business. *Second*, “Bill Lawrence” refers to himself as a living person,
13 and the name “Bill Lawrence” is famous within the music industry. Finally, WAJCMAN is charged with statutory
14 knowledge of all registrations, including Bill Lawrence®. Since WAJMAN failed to object earlier to Bill Lawrence®,
15 Bill Lawrence could assume that WAJCMAN did not object to Bill’s use of his own name.

16 38. Bill Lawrence has a reasonable and good faith belief “in the validity of his ownership and legal use” of Bill
17 Lawrence® since WAJCMAN had no rights to the trademark Bill Lawrence® and failed to even use the trade name.
18 No jury would instead accept WAJCMAN’s fraudulent account of how he obtained the rights to the mark “Bill
19 Lawrence”. Accordingly, Registrant Bill Lawrence is entitled to summary judgment that he had a “good faith belief in
20 the validity of his ownership and legal use” of Bill Lawrence®.

21 **VII. Conclusion**

22 **Bill Lawrence Has Demonstrated That He Had a Good Faith Belief in His Right to the Registration**
23 **Because He Never Assigned or Lost the Rights to the Trademark Bill Lawrence® Since All of the**
24 **Transactions Referred to by Petitioner Wajcman Transferred only a time-limited trade name.**

25 39. WAJCMAN’s claim that he continuously used the Mark Bill Lawrence since acquiring in 1985 is a mere
legal conclusion, unsupported by any facts, and based on fraud. WAJCMAN should not be allowed to use fraudulent
documents to attempt to show that he obtained a trade name “without limitation”, and then use the ambiguous term

1 “Mark”. The true copy of the “Assignment” shows that any transfer of a trade name was for only a limited time of six
2 (6) years, and the “Kent Agreement” which also transferred only trade names expired on “June 23, 1987”.

3 40. Any assignment of a tradename, even if later acquired by someone other than Lawrence Sound Research,
4 Inc., would have expired, so Registrant Bill Lawrence had a reasonable and good faith belief that he was the rightful
5 owner of the trademark Bill Lawrence®. On the other hand, no jury would deny Bill Lawrence his reasonable beliefs
6 in the face of the continuing fraud by WAJCMAN. Even if all of the factual allegations of WAJCMAN’s Petition for
7 Cancellation are assumed to be true, WAJCMAN now holds only rights to a trade name.

8 41. Bill Lawrence could reasonably believe that he could obtain a trademark on his own name because the case
9 law and statutes allow for trademarks of names and pseudonyms, and Mr. Lawrence is famous world-wide in the guitar
10 industry and music culture. See *In re First Draft, Inc.* (TTAB 2005), 76 USPQ2d 1183 (Board ruled that an author’s
11 name or pseudonym is registrable under appropriate circumstances); *In re Polar Music International AB* (Fed.Cir.
12 1983), 221 USPQ 315, 318 (certain factors determinative that ‘ABBA’ functions as a trademark and not only as
13 identifier of singers). Bill Lawrence’s status as an established icon in the music industry providing world-renowned
14 consulting on the design and manufacture of guitar pickups entitles him to protect his registered trademark Bill
15 Lawrence®.

16 PRAYER

17 **WHEREFORE, THE REGISTRANT prays for the following,**

18 For the above reasons, Registrant respectfully requests that:

- 19
- 20 1. WAJCMAN’s CONSOLIDATED POINTS AND AUTHORITIES IN OPPOSITION TO
21 REGISTRANT’S MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF PETITIONER’S
22 MOTION FOR SUMMARY JUDGMENT, be stricken, at least for purposes of opposition due to fraud;

23 And that Summary Judgment on the Petition for Cancellation be granted in favor of Registrant Bill Lawrence, or
24 alternatively on the following:

- 25 2. Petitioner did not continuously use the trademark Bill Lawrence®, in the United States; since 1985
3. Petitioner abandoned the trademark Bill Lawrence®;

1 4. Registrant is entitled to Registration No. 2,303,676 for the trademark Bill Lawrence®; and

2 5. Registrant did not commit fraud in obtaining Registration No. 2,303,676 for the trademark Bill Lawrence®.

3 Dated: September 6, 2006.

4 _____
5 Gregory Richardson
6 Attorney for Bill Lawrence
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a copy of

3 **BILL LAWRENCE'S REPLY TO PETITIONER'S CONSOLIDATED MEMORANDUM OF POINTS**
4 **AND AUTHORITIES IN OPPOSITION TO REGISTRANT'S MOTION FOR SUMMARY JUDGMENT.**

5 on the following attorney of record for Petitioner, by depositing same with the United States Postal Service on this 6th

6 Day of September, 2006, addressed as follows:

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

11 _____
12 Gregory Richardson
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