

TTAB

06-28-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Box TTAB Fee, Arlington, Virginia 22202-3513 on June 24, 2004.


Jay S. Kopelowitz

**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.
_____)

Cancellation No.:

In the matter of Registration No. 2,303,676

Mark: BILL LAWRENCE

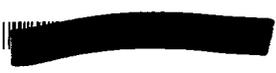
Date Registered: December 28, 1999

Goods/Services: Technical consulting in the nature of design an (sic) evaluation of stringed musical instruments and accessories, namely, pick-ups, strings and bridges in International Class 042.

PETITION FOR CANCELLATION

Assistant Commissioner for Trademarks
2900 Crystal Drive, Box TTAB Fee
Arlington, VA 22202-3513

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09-29-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #79

ORIGINAL

I.

PETITION FOR CANCELLATION

Petitioner Jzchak N. Wajcman d/b/a Bill Lawrence Products and Bill Lawrence Guitar Pickups ("Petitioner"), an individual having a business address at 862 Muirlands Vista Way, La Jolla, California 92037, believes that he is or will be damaged by the continued presence on the Principal Register of Registration No. 2,303,676, and hereby petitions to cancel this registration.

To the best of Petitioner's knowledge, the name and address of the current owner of Registration No. 2,303,676 is Willi Lorenz Stich, an individual having a business address at 1785 Pomona Road, Unit D, Corona, California 92880.

As grounds for his petition, it is alleged that:

1. In or about June 1982, Petitioner acquired a fifty percent (50%) interest in a corporation known as Lawrence Sound Research, Inc. That corporation was the owner of various intellectual property including, without limitation, the mark BILL LAWRENCE.
2. In or about June 1984, a California corporation named Degalim, Inc. acquired all rights, title and interest in the trademarks and trade names of Lawrence Sound Research, Inc. and Willi L. Stich a/k/a Bill Lawrence including, without limitation, the mark BILL LAWRENCE via a purchase transaction with Third National Bank in Nashville, TN who acquired same by virtue of a security interest and default by Lawrence Sound Research, Inc. and Willi L. Stich a/k/a Bill Lawrence.
3. In or about March 1985, Degalim, Inc. and Third National Bank assigned all of the rights, title and interest in the trademarks and trade names of Lawrence Sound Research, Inc. and Willi L. Stich a/k/a Bill Lawrence including, without limitation, the mark BILL LAWRENCE to Petitioner.

4. Petitioner has continuously used the mark BILL LAWRENCE in connection with musical instruments and accessories, namely, guitars and electronic sound pickup for guitars in the United States since acquiring it from Degalim, Inc. and Third National Bank.
5. On December 28, 1999, unbeknownst to Petitioner, Willi L. Stich a/k/a Bill Lawrence ("Registrant") obtained and received Registration No. 2,303,676 for the service mark BILL LAWRENCE for technical consulting in the nature of design an [sic] evaluation of stringed musical instruments and accessories, namely, pick-ups, strings and bridges in International Class 042.
6. Beginning approximately six months ago, Registrant acting individually and/or through his attorneys have begun a campaign to contact Petitioner's customers and service providers asserting that there is a likelihood of confusion in the marketplace between Petitioner's and Registrant's use of the mark BILL LAWRENCE and demanding that they stop doing business with Petitioner.
7. Although Registrant's registration is clearly for services in Class 042, Registrant is misusing said registration to assert trademark rights for products such as guitar pick-ups, guitar strings and guitars which are in Classes 009 and 015.
8. Petitioner applied for registration of the mark BILL LAWRENCE for musical instruments and accessories, namely, guitars and electronic sound pickup for guitars in International Classes 009 and 015 on May 27, 2004; this application has been assigned Serial No. 76/594,437.
9. Petitioner has a reasonable belief that registration of his application will be refused because of Registrant's Registration No. 2,303,676 which Petitioner now seeks to cancel.
10. Registrant's mark is identical to Petitioner's BILL LAWRENCE mark.
11. Registrant's mark identifies goods/services closely related to those identified by Petitioner's BILL LAWRENCE mark.

12. Registrant's mark so resembles Petitioner's mark and/or trade name previously used in the United States by Petitioner and/or his predecessors in interest, and not abandoned, as to be likely, when used on or in connection with the goods or services of Registrant, to cause confusion, or to cause mistake, or to deceive.

13. Registrant is not and was not, at the time of the filing of his application for registration, the rightful owner of the registered mark.

14. Registrant has fraudulently obtained Registration No. 2,303,676 which Petitioner now seeks to cancel.

15. In view of the similarities of the respective marks and the relatedness of the respective goods/services of the parties and the fact that Registrant is not the rightful owner of the registered mark, has fraudulently obtained the registered mark, and has misused the mark, it is alleged that the continued presence on the Principal Register of Registrant's mark is likely to cause confusion, mistake and/or deception.

II.

PRAYER

WHEREFORE, Petitioner JZCHAKN. WAJCMAN d/b/a BILL LAWRENCE PRODUCTS and BILL LAWRENCE GUITAR PICKUPS believes that he is or will be damaged by Registration No. 2,303,676 and prays that it be canceled.

A duplicate copy of this Petition For Cancellation and a check in the amount of \$300.00
constituting the filing fee are enclosed herewith.

Dated: June 24, 2004

Respectfully submitted by:

KOPELOWITZ & ASSOCIATES
JAY S. KOPELOWITZ



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

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TRANSMITTAL OF PETITION FOR
CANCELLATION

Assistant Commissioner for Trademarks
2900 Crystal Drive, Box TTAB Fee
Arlington, VA 22202-3513

TRANSMITTAL OF PETITION FOR CANCELLATION

Dear Sir or Madam:

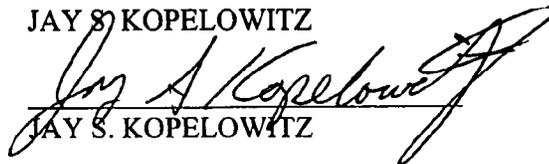
Enclosed please find the following documents which are being transmitted for filing:

1. Petition for Cancellation with Certificate of Mailing (original);
2. Petition for Cancellation with Certificate of Mailing (copy);
3. Check No. 10040 in the amount of \$300.00; and
4. Return Receipt Postcard to verify receipt at TTAB.

Dated: June 24, 2004

Respectfully submitted by:

KOPELOWITZ & ASSOCIATES
JAY S. KOPELOWITZ



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

**UNITED STATES PATENT AND TRADEMARK
OFFICE**

Trademark Trial and Appeal Board

2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: July 20, 2004

Stich, Willi Lorenz
950 Jennings Street
Bethlehem, PA 18017

Cancellation No. 92043516

Reg. No. 2303676

JAY S. KOPELOWITZ
KOPELOWITZ & ASSOCIATES
12702 VIA CORTINA, SUITE 700
DEL MAR, CA 92014

**JZCHAK N. WAJCMAN d/b/a BILL
LAWRENCE PRODUCTS**

V.

Stich, Willi Lorenz

George Woods, Legal Assistant:

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the

Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at www.uspto.gov.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open: August 09, 2004
Discovery period to close: February 05, 2005

30-day testimony period for party
in position of plaintiff to close: May 06, 2005

30-day testimony period for party
in position of defendant to close: July 05, 2005

15-day rebuttal testimony period
for plaintiff to close: August 19, 2005

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may

be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

United States Patent and Trademark Office
Commissioner for Trademarks
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Arlington, VA 22202-3513
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AN EQUAL OPPORTUNITY EMPLOYER



*Not correct
Please send to
Jennings not
Pembroke.*

