

ESTTA Tracking number: **ESTTA706084**

Filing date: **11/02/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058772
Party	Plaintiff The Remnant of Israel, Inc.
Correspondence Address	BARRY NEIL SHRUM SHRUM & ASSOCIATES 144 2ND AVENUE NORTH, SUITE 157 NASHVILLE, TN 37201 UNITED STATES barry@musicattorney.biz
Submission	Other Motions/Papers
Filer's Name	Barry Neil Shrum, Esq.
Filer's e-mail	barry@musicattorney.biz
Signature	/barryshrum/
Date	11/02/2015
Attachments	Reponse to Registrant.pdf(537673 bytes )

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Registration No.: 4193666  
Mark: THE JOSEPH STOREHOUSE  
Registered: 08/21/2002

THE REMNANT OF ISRAEL, INC.,

*Petitioner,*

v.

Cancellation No. 92058772

WORLD COVENANT MINISTRIES, INC.,

*Registrant.*

**PETITIONER'S RESPONSE TO REGISTRANT**

In response to Registrant's Response to its own Response to Show Cause Order, Petitioner wishes the Trademark Trial and Appeal Board (the "Board") to take notice of certain evidence and reiterates that its failure to file a main brief should not be taken as a concession as it was inadvertent:


1. In paragraph 2 of its Response, Registrant "absolutely" denies that it communicated with counsel for Petitioner by telephone or electronic mail. Petitioner's allegations in its Response were based not only on counsel's recollection of the telephone conversation, but also based on (a) the emails from Registrant to Petitioner dated April 2014, attaching its answer and (b) a contemporaneous notation made in counsel's calendar. Both are attached hereto as Exhibit "A."
2. In various paragraphs of its response, Registrant's counsel maintains that "only Registrant's counsel attempted to reach Petitioner's counsel." Petitioner's counsel admits that it was Registrant who left the message scheduling the telephone call, but asserts that he placed several return calls to Registrant, and we ultimately had a conversation, as indicated by Petitioner counsel's notes attached.
3. Petitioner has been using the mark in controversy since 1999 when it filed for the fictitious name in the Commonwealth of Pennsylvania, a fictitious name that has been active ever since, and maintains that had Respondent adequately performed a search as required by oath, it would have discovered the conflicting mark. See Exhibit "B".

To reiterate, Petitioner's failure to comply with the scheduling order is inadvertent for the reasons already forth in its Response to Show Cause. Wherefore, Petitioner request that the Board discharge its order to show cause, reopen the scheduling deadlines to allow the Petitioner and Respondent an opportunity to file the required documentation.

Dated: November 2, 2015, Nashville, TN

Respectfully submitted o/b/o,  
THE REMNANT OF ISRAEL, INC.

By: \_\_\_\_\_

  
Barry Neil Shrum, Esq.  
Shrum & Associates  
144 2<sup>nd</sup> Avenue North, Suite 157  
Nashville, Tennessee 37201  
Tele: 615.338.5130  
Email: [barry@shrumlaw.com](mailto:barry@shrumlaw.com)

Attorneys for Petitioner

Exhibit "A"

# ESTTA File A589958 - The Remnant of Israel, Inc. v. World Covenant Ministries, Inc.

**NL** Nancy Lopez <nancy@amlawteam.com>

Reply all |

Continue editing Discard

Fri 4/11/2014 4:04 PM

Fri 4/11/2014 4:04 PM

To: Barry Shrum; ... Cc: Steven Goodspeed <steven@amlawteam.com>; ...

Inbox

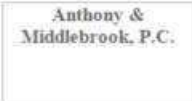
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 2014-04-10 Answer to...  
95 KB

Show all 1 attachment (95 KB) Download Save to OneDrive - Shrum & Associates

Mr. Shrum,

I am Steven Goodspeed's assistant. We represent World Covenant Ministries, Inc. in connection with the ESTTA matter referenced above. Please find attached a copy of the Answer to Petition for Cancellation that we filed today. Should you have any questions, please feel free to contact our office.

<b>NANCY LOPEZ</b>	<b>Legal Assistant</b>
	Direct: (817) 912-0908 <a href="mailto:nancy@amlawteam.com">nancy@amlawteam.com</a>
	4501 Merlot Avenue Grapevine, Texas 76051 Main: (972) 444-8777 Fax: (972) 444-8778 Web: <a href="http://amlawteam.com">amlawteam.com</a> <a href="http://Churchlawgroup.com">Churchlawgroup.com</a>

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## Answer to Petition For Cancellation

**PS** Pat Sudbay <pat@amlawteam.com>

Reply all |

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Fri 4/11/2014 8:29 PM

Fri 4/11/2014 8:29 PM

To: Barry Shrum; ... Cc: Steven Goodspeed <steven@amlawteam.com>; Na...

Inbox

You forwarded this message on 4/18/2014 1:50 PM



ttabvue-92058772-CA...  
46 KB



ATT00001.htm  
458 bytes

Show all 2 attachments (47 KB) Download all Save all to OneDrive - Shrum & Associates

Mr. Shrum - attached is the Answer to Petition For Cancellation that was filed today on behalf of World Covenant Ministries, Inc. in Cancellation Proceeding 92058772.

Thank you,  
Pat Sudbay

Patricia L. Sudbay  
Paralegal  
Anthony & Middlebrook, PC  
Office: [972-444-8777](tel:972-444-8777)  
Direct: [817-912-0902](tel:817-912-0902)

Sent from my iPad

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Calendar

Today



Tuesday, Apr 15, 2015

Day

Week

Month

5 Days

Agenda

More



CREATE

April 2014

M	T	W	T	F	S	S
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4
5	6	7	8	9	10	11

- My calendars
- Law Practice 1
  - Birthdays
  - Redbooth
  - Tasks
  - Todist

- Other calendars
- Weather
  - Brentyn
  - DJ Shrum
  - Holidays in United Sta...

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GMT-05

Tuesday 4/15

4am	
5am	
6am	
7am	
8am	
9am	
10am	
11am	
12pm	
1pm	
2pm	2p - 3p Conference call with Goodspeed
3pm	
4pm	

Tasks

INBOX



Actions +

Jump to date

Nov 2 2015

Jump to date

Next meeting

40 hours

Entertainment Law & Licensing  
DAC 303

World clock

Pacific 1:42pm



EXHIBIT "B"

Microfilm Number 3954-1137

Filed with the Department of State on JUL 21 1999

Entry Number 288878

Secretary of the Commonwealth

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME  
DCSB04-311 (Rev. 89)

In compliance with the requirements of 54 Pa. C.S. § 311 (relating to registration), the undersigned entity(ies) desiring to register a fictitious name under 54 Pa. C.S. Ch. 2 (relating to fictitious names), hereby state(s) that:

- 1. The fictitious name is: THE JOSEPH STOREHOUSE
- 2. The address, including street and number, if any, of the principal place of business is: (P.O. Box alone is not acceptable)  
Suite 440, 555 City Line Avenue Bala Cynwyd, Pennsylvania 19004 Montgomery  
Number and Street City State Zip County
- 3. A brief statement of the character or nature of the business is: promoting the Gospel of Yeshua (Jesus) of Nazareth
- 4. The name and address, including street and number, if any, of individual(s) interested in the business is (are):  
Name Street and Number City State Zip

5. With respect to each entity, other than an individual, interested in such business is (are):

Name	Form of Entry	Organizing Jurisdiction	Addr. Address	PA Registered Office, if any
<u>THE REMNANT OF ISRAEL, INC.</u>	<u>Corporation</u>	<u>Pennsylvania</u>	<u>Suite 440, 555 City Line Avenue</u>	<u>Bala Cynwyd, PA 19004</u>

- 6. The applicant is familiar with the provisions of 54 Pa. C.S. § 312 (relating to effect of registration) and undertakes that (ing) under the Fictitious Name Act does not create any exclusive or other right in the fictitious name.
- 7. [Optional] The name(s) of the agent(s), if any, any one of whom is authorized to execute amendments to, withdrawals from or cancellation of this registration in behalf of all then existing parties to the registration, is (are):

IN TESTIMONY WHEREOF, the undersigned have caused this registration to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Name of Entity)

BY \_\_\_\_\_  
TITLE \_\_\_\_\_

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
(Individual Signature)

\_\_\_\_\_  
THE REMNANT OF ISRAEL, INC.  
(Name of Entity)

BY \_\_\_\_\_  
TITLE \_\_\_\_\_

JUL 21 1999  
DEPARTMENT OF STATE  
HARRISBURG, PENNSYLVANIA

Microfilm Number 2002035-1275

Filed with the Department of State on APR 08 2002

Entity Number 3064246

C. Michael Stewart  
Secretary of the Commonwealth  
**ACTING**

**ARTICLES OF INCORPORATION-DOMESTIC NONPROFIT CORPORATION**  
DSCR15-5306 (Rev. 93)

In compliance with the requirements of 15 Pa.C.S. § 5306 (relating to articles of incorporation), the undersigned, desiring to incorporate a nonprofit corporation, hereby state(s) that:

1. The name of the corporation is: THE JOSEPH STOREHOUSE, INC.

2. The (a) address of this corporation's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Suite 440, 555 City Line Avenue, Bala Cynwyd, PA 19004 Montgomery  
Number and Street City State Zip County

(b) c/o: \_\_\_\_\_  
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The corporation is incorporated under the Nonprofit Corporation Law of 1985 for the following purpose or purposes:  
See Addendum to Articles of Incorporation, Item #10

4. The corporation does not contemplate pecuniary gain or profit, incidental or otherwise.

5. The corporation is organized upon a nonstock basis.

6. (Strike out if inapplicable): The corporation shall have no members.

7. (Strike out if inapplicable): The undersigned hereby certifies that the undersigned is the incorporator of the corporation.

~~8. The name and address, including street and number, of each incorporator is:~~

8. The name and address, including street and number, if any, of each incorporator is:

Name	Address
<u>HARRY D. BERGAL</u>	<u>Suite 440, 555 City Line Avenue, Bala Cynwyd, PA 19004</u>
_____	_____
_____	_____

9. The specified effective date, if any, is: \_\_\_\_\_  
month day year hour, if any.

10. Additional provisions of the articles, if any, attach on 8 1/2 x 11 sheet.

PA DEPT. OF STATE  
APR 08 2002

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that one copy of the foregoing was served on Registrant's through Registrant's counsel by causing the same to be placed in an official depository under the exclusive care and custody of the United States Postal Service, first class mail, postage prepaid, addressed as follows:

Steven D. Goodspeed  
Anthony & Middlebrook, P.C.  
4501 Merlot Avenue  
Grapevine, Texas 76051

Executed on November 2, 2015

By

  
Barry Neil Shrum, Esq.

CERTIFICATE OF ELECTRONIC TRANSMITTAL

I hereby certify that on November 2, 2015, this Response is being transmitted electronically to the U.S. Patent and Trademark Office via the Electronic System for Trademark and Appeals (ESTTA).

  
Barry Neil Shrum, Esq.