# EXHIBIT W

# UNITED STATES PATENT AND TRADEMARK OFFICE

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| **SERIAL NO:** 78/634554<br>**APPLICANT:** Second International Baha'i Council | *78634554* |
| **CORRESPONDENT ADDRESS:**<br>SECOND INTERNATIONAL BAHA'I COUNCIL<br>248A N HIGGINS AVE # 126<br>MISSOULA, MT 59802-4435<br>Phone: (970) 945-2220 | **RETURN ADDRESS:**<br>Commissioner for Trademarks<br>P.O. Box 1451<br>Alexandria, VA 22313-1451<br>**Examining Attorney:**<br>/Shaunia P. Wallace Carlyle/<br>Trademark Attorney<br>Law Office 110<br>(571) 272-9374 |
| **MARK:** Universal House of Justice | **Filing Date:** May 23, 2005<br>**Serial Number:** 78/634554 |
| **CORRESPONDENT'S REFERENCE/DOCKET NO:** N/A<br>**CORRESPONDENT EMAIL ADDRESS:**<br>ibc_uhj@yahoo.com | **Date of Office Action:** December 16, 2005 |

# RESPONSE TO OFFICE ACTION

In regards to the correspondence for application of trademark registration 78/634554, "Universal House of Justice":

*"In the alternative, applicant may submit evidence of the assignment of the mark to applicant, such as: (1) documents evidencing the chain of title; or (2) an explanation of the chain of title (specifying each party in the chain, the nature of each conveyance, and the relevant dates), supported by an affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §3.73; TMEP §502.02(a).*

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document which is considered the CHARTER (see Annex B) of the Baha'i Faith, 'Abdu'l-Baha delineates his father's "Universal House of Justice" and states that it MUST have the individual living person – the Davidic King – entitled the Guardian of the Cause of God, as its "sacred head and irremovable member for life of that body" (Annex A ¶25 and Annex D ¶4: Exhibit 2)). Thus the presence of the person of the living "guardian" is the criteria for the chain of successorship and chain of title for recognizing the true "Universal House of Justice" of Baha'u'llah from fakes, frauds and imitations.

Circa 1900, 'Abdu'l-Baha adopted an American Charles Mason Remey to be his son and sole heir to the throne of King David that he had inherited from his father Baha'u'llah before him (Annex D ¶11: Supplemental Material). 'Abdu'l-Baha also appointed his grandson, Shoghi Effendi as the Executer of his Will. Shoghi Effendi acknowledged 'Abdu'l-Baha's adoption of Mason as his legal son and heir for the purpose of succession and chain of title as legal and binding upon the people (Annex E). An adopted son has all the rights and prerogatives of a natural son (Annex D: Supplemental Material).

On January 9th, 1951, Shoghi Effendi then set up the "Universal House of Justice" in its first appointed stage, (first International Baha'i Council) and welcomed 'Abdu'l-Baha's son and heir Mason, as its first president which is the hereditary position entitled the guardianship who is seated upon David's throne that is to last forever (Annex F and Annex G). In The Will, 'Abdu'l-Baha had further authorized the Executor, Shoghi Effendi, to remain in a position of guardianship over Mason, 'Abdu'l-Baha's son and heir, as long as he, Shoghi Effendi, was alive; and thus the "Universal House of Justice" with 'Abdu'l-Baha's son and heir, Mason, was to inherit at the passing of Shoghi Effendi, which took place on Nov. 4, 1957.

After the passing of Shoghi Effendi therefore the "Universal House of Justice" itself as an institution with Mason as its President became the sole heir of all the legal entitlements to all Baha'i property and chain of title, etc.

The purpose of the principal heir, of the person of the living guardian, became the "sign of God" (Will and Testament, page 11) by which we could recognize the true "Universal House of Justice" from fakes, frauds and imitations. Thus the person of the living guardian prevented other people or groups from claiming to be "Baha'is" and thereby usurping or stealing the property and entitlements, as The Will set up a very specific and peculiar chain of succession for the guardianship – the Davidic kingship – and as only the person of the living guardian which was hereditary in the male-line succession only of the family of Baha'u'llah and 'Abdu'l-Baha – entitled AGHSAN – could inherit.

As sole living principal heir to all Baha'i property and entitlements, like Shoghi Effendi and 'Abdu'l-Baha before him, 'Abdu'l-Baha's son Mason had to contend with attacks and usurpations against Baha'i property and the Baha'i name, and was forced to protect and defend the "Universal House of Justice" (which existed in the world at that time with full powers in its appointed stage as the first International Baha'i Council (acronym IBC)) from the attacks and onslaught of the company of Covenant-breakers (Annex H, Annex I and Annex J). As in the days of 'Abdu'l-Baha, those people that remained with Mason were also secondary or fellow heirs along with him, that were eligible to compose the body of the "Universal House of Justice" with Mason as the irremovable head for life.

Thus the Chain of entitlements properly went from Baha'u'llah to 'Abdu'l-Baha to Shoghi Effendi to the Institution of the Universal House of Justice which existed in the world at that time as the first International Baha'i Council with 'Abdu'l-Baha's son Mason as its president.

In his Will (Annex K), Mason so designated his adopted son, Pepe, his only son and heir to all things "tangible and intangible" which includes the right of succession of title as hereditary – aghsan – president of the Universal House of Justice. This went into effect upon the passing of 'Abdu'l-Baha's son, Mason, on February 4, 1974. Those people that remained with Pepe after the passing of Mason and acknowledged Pepe as the sole heir to the throne of King David, likewise remained as secondary or fellow heirs who qualified to form the body of the "Universal House of Justice" as membership on the Universal House of Justice is restricted to the "believers" (The Will, page 14), that is, those who accept and believe in the chain of succession from 'Abdu'l-Baha to Mason to Pepe. Only the Institution of the true "Universal House of Justice" (which is composed of those people in conjunction with the person of the living guardian) has the legal right to the chain of title according the explicit provisions of The Will. The living Guardian is the principal heir, and the others members are the secondary or dependent heirs, dependent upon their acceptance or rejection of the principal heir, and the chain of title remains in the control of the Supreme Institution which they compose.

As the person of the living guardian seated upon David's throne is the irremovable member for life of that body, only the Institution of the "Universal House of Justice" that acknowledges him as the living president of that body has any legal right and entitlement to succession of title under the provisions of the Will and Testament which is the CHARTER.

On January 9, 1991, exactly 40 years later, (40 years after the first IBC) the Universal House of Justice with Pepe as its president was established and subsequently incorporated in Missoula, Montana, on December 27, 1993, as the

second International Baha'i Council with the living Guardian, Pepe, as its President (Annex L). Like 'Abdu'l-Baha before him, Pepe adopted and appointed Neal Chase to succeed him to the throne of King David in the same manner and style as that which 'Abdu'l-Baha adopted and appointed Mason as his son and heir to the throne (Annex D ¶ 1 and ¶10). Thus from 1991 to 1994 Neal Chase was the "crown prince" or "Heir Apparent" to the throne and thereby principal heir along with his fellows, secondary heirs to the succession of chain of title all of whom compose the head and body both of the Institution of the Universal House of Justice in its appointed stage as the second International Baha'i Council.

On April 11, 1994, Pepe passed on, and the Institution of the "Universal House of Justice" established in its appointed stage as the second International Baha'i Council with Neal Chase as its president and irremovable member for life (Annex M and Annex N) - which is the sole and only Universal House of Justice of Baha'u'llah authorized and composed and constituted according the provisions of the CHARTER of the Will and Testament of 'Abdu'l-Baha - retained all rights to all Baha'i properties including all rights to chain of title of its own name "Universal House of Justice" as defined on page 14 and 15 of The Will.

In summation the relevant dates, each party in the chain and the nature of each conveyance from father to son which takes place upon the passing on of the predecessor following the hereditary line are as follows:

1) Baha'u'llah: - April 21, 1863 to May 29, 1892 - Author and Original Founder.
2) 'Abdu'l-Baha - May 29, 1892 to November 28, 1921 - Kitab-i-Ahd.
3) Shoghi Effendi – November 28, 1921 to November 4, 1957 – Will and Testament of 'Abdu'l-Baha.
4) International Baha'i Council/Universal House of Justice with 'Abdu'l-Baha's son, Mason, as its first President – November 4, 1957 to February 4, 1974 – Will and Testament of 'Abdu'l-Baha, page 12, 14 and 15.
5) International Baha'i Council/Universal House of Justice with Mason's son, Pepe, as its second President – February 4, 1974 to April 11, 1994 – Will and Testament of 'Abdu'l-Baha, page 12, 14 and 15.
6) International Baha'i Council/Universal House of Justice with Pepe's son, Neal, the great-grandson of 'Abdu'l-Baha as its third and current President – April 1, 1994 to present day – Will and Testament of 'Abdu'l-Baha, page 12, 14 and 15.

**According to the provisions of The Will, no other entity other than the "Universal House of Justice" with the living guardian as its president has right to chain of title.**

According to the provisions of The Will, no other entity other than the Universal House of Justice has right to chain of title. A "national spiritual assembly"

(acronym NSA) of the United States or anywhere else, has no right to chain of title as it is not the "Universal House of Justice" itself with the person of the living David King – a guardian – an aghsan – as its president with clear chain of succession in the male line from 'Baha'u'llah to 'Abdu'l-Baha to Mason to Pepe to Neal who is the current living president of the Universal House of Justice incorporated as the second IBC (Annexes F, G, H, L, M, and N).

Current Holder of mark and title, purchased said mark for the purpose of attempting to prevent Applicant, the true IBC/UHJ from exercising its first amendment freedoms to educate the people that in fact the Applicant is the true, genuine and legal "Universal House of Justice" of Baha'u'llah according to the legal provisions of the CHARTER of the Will and Testament of 'Abdu'l-Baha with the living guardian – a Davidic King – as its president so that the people can recognize that it is in fact the True Universal House of Justice.

Current Holder applied for said mark AFTER and in response to the world wide public declaration of 'Abdu'l-Baha's son Mason Aghsan, in April 1960 (Annexes H, I, and J) in attempt to prevent Mason and his successors and heirs, as the presidents of the true "Universal House of Justice" in all its stages from being able to tell the people about the truth of the Universal House of Justice by attempting to register its name as their own mark, though current applicant can show NO legal chain of succession and no legal chain of title as authorized in the provisions of the Will and Testamcnt of 'Abdu'l-Baha which is the CHARTER (Annexes A, B and C).

Therefore we respectfully request that Office Action of Dec. 16, 2005 in regards to the application of trademark registration 78/634554, "Universal House of Justice" be reconsidered, altered, amended and/or vacated.

## CHAIN OF TITLE: DOCUMENTATION AND EVIDENCE

Our application as the true "Universal House of Justice" of Baha'u'llah with the person of the living Davidic King as its president is in good faith as it is made by the real and actual Universal House of Justice of Baha'u'llah that can show legal chain of title under the provisions of the legal document of the CHARTER, the Will and Testament of 'Abdu'l-Baha.

It shall be found by an unbiased examination of the facts and explicit provisions of the legal CHARTER of the Baha'i faith that upon investigation this is the real case.

The Applicant is the true and legitimate head of the Baha'i Faith according to the Legal Charter.

***A. The Baha'i faith is the only religion in the world founded upon a legal document.***

That legal document is entitled the "Will and Testament of 'Abdu'l-Baha" (effective November 28, 1921) which is the addendum to the Kitab-i-Ahd ("The Book of the Covenant" of Baha'u'llah). These two documents form one single document, which defines the true unbroken line of legal successorship in the Baha'i faith (Annex A).

The Will and Testament of 'Abdu'l-Baha (h/a "The Will") is the CHARTER (Annex B) for the Baha'i faith, that is, the legal CHARTER for the formation of the Supreme Baha'i Institutions explicitly delineating the true line of legal successors and legal heirs to all Baha'i property which would also include all trademarks such as "Universal House of Justice", as well as all other intellectual and material Baha'i property (Annex C).

***B. The term "Universal House of Justice" is a very specific term defined in the Charter for the IBC/UHJ.***

The term "Universal House of Justice" is a very specific and legal term used and defined in the Charter of The Will on pages 14 and 15 (Annex A ¶25).

By definition this Universal House of Justice is identified, defined and recognized by the person of its president, the living Davidic King, referred to as the "sacred head" and irremovable "member for life of that body" (Annex A ¶25; Annex D ¶4).

On page 12 of the CHARTER, the president of the Universal House of Justice is restricted to the living descendant of King David through Baha'u'llah and 'Abdu'l-Baha in the male line, entitled "Aghsan" which literally means "branch" (Annexes A ¶18; D ¶3).

***C. The Covenant of Baha'u'llah defines the true successor to inherit the property of the Baha'i Faith, which includes intellectual property.***

In the Kitab-i-Ahd, Baha'u'llah restricted the line of inheritance of all property rights, (including the throne of David) to 'Abdu'l-Baha ("the Most Great Branch") and his half bother Muhammad-Ali ("the great Branch"): the other "Branches" (Aghsan) "God hath NOT decreed unto them any right to the people's property." (Annex A ¶74-¶77)

during his lifetime as Covenant-breakers except for 'Abdu'l-Baha's only son, Mason Remey, Aghsan. Mason was therefore in 1957, the last remaining aghsan in the world the rest being either dead or removed as "hatam" (Annex D ¶5-6).

### *F. "Universal House of Justice" first established by Applicant in 1951.*

On January 9, 1951, Shoghi Effendi himself as his right as Executor of The Will established the Universal House of Justice in its appointed stage as the first International Baha'i Council (IBC) with 'Abdu'l-Baha's only son, Mason, as its president whom he welcomed as president on March 2, 1951 (Annex F). This formation of the IBC/UHJ and its published Constitution (Jan. 9, 1951) with Mason Remey as its president was recognized and acknowledged by the government of the State of Israel (Annex G).

Our first use of "Universal House of Justice" on January 9th, 1951 therefore, predates that of current Holder by over 12 years. And our use in preparation for its establishment defining its Jan. 9, 1951 Constitution as being only that with the Davidic King (aghsan) as its president, "member for life" as first delineated in the CHARTER (November 28, 1921) predates that of current Holder by over 42 years.

Upon the passing of Shoghi Effendi, according to the Charter (Annex A ¶17, ¶25, ¶36, ¶55), Covenant-breaking was now defined as going against his successor, his non-biological son, the Universal House of Justice with 'Abdu'l-Baha's son as its president, and irremovable member for life. Separation from 'Abdu'l-Baha's son was therefore separation from the true Universal House of Justice and separation from the Baha'i faith (Annex A ¶17).

After signing several legal documents (Annex D ¶5-8) with the son of 'Abdu'l-Baha and promising not to deviate from the explicit four stage Constitution of Shoghi Effendi, for the evolution of the Universal House of Justice in all its stages, the other members of the Universal House of Justice as well as those known as "hands" broke the Covenant they had signed with the son of 'Abdu'l-Baha and attacked the Universal House of Justice seeking to dismantle it, by-pass its four stage Constitution, and replace it with something of their own creation, not authorized in the Charter of the Will.

### *G. Moved to the USA*

'Abdu'l-Baha's aghsan-son, Mason, was then forced, in April 1960, by their hijacking scheme, to exercise and assert his legal rights and authority as the president and living Executive of the Universal House of Justice in order to protect

**it from those who sought to dismantle the Universal House of Justice and hijack the faith and Baha'i properties for themselves (Annexes H and J).**

After following due process of appealing to these people numerous times, 'Abdu'l-Baha's son was finally forced to expel those "hands" and other now former members of the Universal House of Justice in his First Encyclical Letter, and then all those who followed them in his Third Encyclical Letter from the Baha'i Religious Faith (Annex I ¶17-20; ¶71-79). The right to "expel", defined in the CHARTER on page 14 (Annex A ¶25), is the right and discretion of the president as the executive of the Universal House of Justice only, and no other member or members.

As authorized in the CHARTER, page 20 (Annex A ¶37) the Universal House of Justice then moved to the United States of America to the place that Mason's father, 'Abdu'l-Baha, had indicated to him in the Rocky Mountains, after his visit to the US in 1912 where it has been located ever since 1960. Mason was succeeded by his only son Pepe, whom he adopted as the grandson of 'Abdu'l-Baha, whom he made the legal heir to everything "tangible and intangible" (Annex K); and who is today succeeded by his only son, Neal Chase ben Joseph Aghsan, whom Pepe adopted in the same manner as 'Abdu'l-Baha adopted his only son Mason (Annex D ¶10).

**Thus only the second International Baha'i Council/Universal House of Justice (IBC/UHJ) with Neal Chase, Aghsan, the great-grandson of 'Abdu'l-Baha as president (Annexes L, M and N), has the inherited right and prerogative according to the Charter of The Will to use the term "Universal House of Justice" as he and his fellow Council members that "cling to the Book of the Testament, and are firm and steadfast in the Covenant" (Annex D ¶13) are the true Baha'is, "the believers" in the line of David—aghsan—continuing forever. They form the true Universal House of Justice of Baha'u'llah, head and body both.**

Those who separated themselves from 'Abdu'l-Baha's son and therefore separated (Annex A ¶25) from the true Universal House of Justice (est. Jan. 9, 1951) therefore were no longer "believers" (Annex A ¶25) in the CHARTER of the Will and Testament of 'Abdu'l-Baha. (Annex O)

***H. Membership and rights to "Universal House of Justice" according to the Charter is restricted to the "believers" of which the current holder is not.***

Membership of the Universal House of Justice in any of its stages is restricted to that of the "believers" (Annex A ¶25). Therefore, when they separated from

Testament of 'Abdu'l-Baha with the living guardian – a Davidic King – as its president so that the people can recognize that it is in fact the True Universal House of Justice.

Current holder applied for said mark AFTER and in response to the world wide public declaration of 'Abdu'l-Baha's son Mason Aghsan, in April 1960, in attempt to prevent Mason and his successors and heirs, as the presidents of the true "Universe House of Justice" in all its stages from being able to tell the people about the truth of the Universal House of Justice by attempting to register its name as their own mark, though current applicant can show NO legal chain of succession and no legal chain of title as authorized in the provisions of the Will and Testament of 'Abdu'l-Baha which is the CHARTER.

Therefore we respectfully request that Office Action of Dec. 16, 2005 in regards to the application of trademark registration 78/634554, "Universal House of Justice" be reconsidered, altered, amended and/or vacated; and by these above stated reasons, evidences and arguments registration may be so granted.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any resulting registration, declares that the facts set forth in this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

STATE OF COLORADO
COUNTY OF GARFIELD
THIS DOCUMENT WAS PRESENTED TO ME THIS 14TH
DAY OF JUNE, 2006, BY
NEAL CHASE
2-3-2007
NOTARY PUBLIC MY COMM. EXP. DATE

Neal Chase, President, IBC/UHJ

June 14, 2006
Date

## SPECIMEN

*"Applicant must submit (1) a substitute specimen showing the mark as it is used in commerce in the sale or advertising of the services, and (2) a statement that "the substitute specimen was in use in commerce at least as early as the filing date of the application," verified with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §§2.56 and 2.59(a); TMEP §904.09.*

*"The current specimen of record is unacceptable as evidence of actual service mark use because it does not show use of the mark in the advertising of the applicant's ministerial*