

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

In the matter of trademark application: Serial No. 76275664
For the mark: William Branham
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Tucson Tabernacle
2555 North Stone Avenue
Tucson, Arizona 85705 USA

v.

Voice of God Recordings, Inc
P.O. Box 950
Jeffersonville, IN 47130
United States

NOTICE OF OPPOSITION

Tucson Tabernacle
2555 North Stone Avenue
Tucson, Arizona 85705 USA

Tucson Tabernacle, the above identified opposer, supports the position that no Trademark be granted to any single business entity for the name of "William Branham" (or any other name referring to this man or his ministry, including but not limited to, "William Marrion Branham," or "William M. Branham") on the following grounds:

1. Tucson Tabernacle, the above identified opposer, has been in operation since 1965 when its pastor, Pearry Green, opened the church as a house of worship in Tucson, Arizona, per the request of William Branham, the man whose name is being applied for as a trademark by a business entity. Pearry Green began to be acquainted with the ministry of William Branham in January 1950, when he was 16 years old. From 1953-1955, Pearry Green was the pastor of Emmanuel Gospel Church in Longview, Texas. From 1956-1965 (just prior to moving to Tucson), he was the pastor of Emmanuel Gospel Church in Beaumont, Texas. Pearry Green instigated and arranged the preaching meetings for William Branham in Beaumont, Texas, in January 1961. The ministry of Pearry Green began being fully identified with William Branham in 1964 when he followed the meetings of William Branham and provided the telephone hookup for these services (the telephone hookup was a system of sending the audio portion of the services over the telephones to many churches across the states so their congregations could also listen to the sermons as William Branham preached them). He was in most all the services William Branham had the last two years of his life. Pearry Green's ministry has continued to be identified with William Branham and the message that he preached until this day.

a. Tucson Tabernacle was opened as a place of worship in November 1965 so that William Branham could preach any time he desired while he was residing in Tucson, and it has continued to this day to support and publish the ministry of William Branham. Tucson Tabernacle started at 560 South Stone Ave. and has moved to its present location of 2555 North Stone Ave.

b. Pearry Green has made numerous preaching trips to other fellowships around the world and has visited 135 countries. This was started in October 1965 when William Branham told him to go preach for Oscar Galdona who lived in Venezuela. Since then, Pearry Green has conducted preaching services around the world and has shown the films of William Branham and has given an introduction to the message that William Branham preached.

c. In addition to his travels, Pearry Green yearly held the Tucson Tabernacle December Convention, December 1824, starting in 1969 through the year 2000. Ministers and people from other congregations from around the world attended these conventions, visited the sites in Tucson and the surrounding areas that have significance to the ministry of William Branham, and learned more about the ministry of William Branham. Often the visiting ministers participated in the preaching services.

2. Prior to founding Tucson Tabernacle, Pearry Green also published and supported the ministry of William Branham. Pearry Green was the only one publishing books of William Branham's ministry at William Branham's decease.

a. The initial printing of An Exposition of the Seven Church Ages book (a series of sermons preached by William Branham, edited by Lee Vayle) was paid for by Pearry Green, and unexpectedly and without prior arrangements, was reimbursed by William Branham just prior to his decease. Pearry Green did the initial printing of An Exposition of the Seven Church Ages (or as it is commonly called, "the Church Age book") as a blue hardbound book. Since then, it has been reprinted as a softbound book, and Tucson Tabernacle Books reprinted it in the "red bound volumes." (See Point 7. c. iii.)

b. The Laodicean Church Age book and the Twentieth Century Prophet book (both written by Lee Vayle) were both published by Pearry Green. The Laodicean Church Age book was originally an excerpt taken from the ninth chapter of the book titled, An Exposition of the Seven Church Ages. The Twentieth Century Prophet book was sponsored by several people so that it could be given away free of charge, as William Branham also stated in a couple of his sermons in 1965.

c. Pearry Green also obtained from The Voice of Healing the remaining copies of these three books that were printed by The Voice of Healing: As the Eagle Stirreth Her Nest, The Eleventh Commandment, and Do You Fear Cancer? Pearry Green also obtained permission directly from William Branham to reprint these books. When he went to make a contract with The Voice of Healing to print the book An Exposition of the Seven Church Ages, Pearry Green also contracted with them to reprint these three books in the quantity of 10,000 each. The reprinted copies of these three books were received in 1964, prior to the completion of the initial printing of An Exposition of the Seven Church Ages. These were distributed in the same manner as the

Twentieth Century Prophet book was distributed— given away free of charge, if anyone wanted to make a donation to help with printing them, they could.

3. Other sources have published William Branham's sermons or books concerning William Branham prior to his decease.

a. The Voice of Healing published the books

i. William Branham, A Man Sent From God, by Gordon Lindsay, copyrighted in 1950,

ii. and William Branham Sermons, edited by Gordon Lindsay.

b. Julius Stadskev wrote the book

i. William Branham, A Prophet Visits South Africa, copyrighted 1952

ii. and also compiled a threebook series of sermons by William Branham, A Prophet Brings His Message...Sermons by Rev. William Branham compiled by Julius Stadskev. Both Book 1 and Book 2 of this series were copyrighted in 1960 and Book 3 was copyrighted in 1972 by Julius Stadskev. Julius Stadskev gave Tucson Tabernacle permission to print and distribute these three books. (See Point 7. c. iii.)

c. These books (William Branham, A Man Sent From God, by Gordon Lindsay; William Branham Sermons, edited by Gordon Lindsay; and William Branham, A Prophet Visits South Africa, by Julius Stadskev) and other booklets were also advertised in The Voice of Healing magazine.

4. William Branham's sermons were published during his ministry in magazines.

a. The Voice of Healing magazine published some of his sermons and testimonies.

b. The Herald of Faith magazine published several of his sermons.

5. The first The Spoken Word book containing one of William Branham's sermons was printed in 1966 on Pearry Green's kitchen table in his own home using his mimeograph machine and folding machine, borrowed by Roy Borders. a. This first sermon that was transcribed from tape was Communion, preached December 12, 1965, in Tucson Tabernacle (the last sermon William Branham preached before his decease). At the time of this printing, Pearry Green owned the only copy of this taped sermon.

b. In 1991, Voice of God Recordings recognized the first book being published as the mimeographed Communion sermon in the 25 th anniversary issue (page 6) and that it was the one that was mimeographed on Pearry Green's equipment. On page 8 of the 25 th anniversary issue, they recognized that William Branham's desire was not to have big buildings or big monuments in his name. In William Branham's sermons he makes many statements to this effect, plus...

6. Starting in 1966, others also have transcribed and printed the sermons preached by William Branham and have printed tracts concerning the ministry and supernatural occurrences that happened in the ministry of William Branham. Some have also distributed the sermons of William Branham in various audio forms. To name a few: A. David Mamalis, Phoenix, AZ; Bible Believers, Blaine, WA; Bible Believers Association, Newfoundland, Canada; Calvary Christian Tabernacle; Christian Bride Call, Anchorage, AK; Duane Dean (Spoken Word Outreach Ministry), Bartow, FL; End Time Message Tabernacle, Edmonton, Alberta, Canada; Ewald Frank, Germany; Faith Tabernacle, Anderson, SC; Jerry W. Wright from Athens, GA; M. Hantus, Knoxville, TN; Milton Bethune, Fairfax, AK; New Testament Apostolic Church, Atlanta, GA; Restoration Missionary Outreach (later became Believers International), Tucson, AZ; Samuel E. Johnson, Ann Arbor, MI; Son Light Ministries, Neenah, WI; Tabernaculo Emanuel, Tucson, AZ; The Gospel Tape Ministry, Gisborne, New Zealand; The Living Word Press, Georgetown, IN; True Vine Memorial Library, Hendersonville, NC; Tucson Tabernacle, Tucson, AZ; Victory Tabernacle, St. Augustine, FL.

7. Many of the sermon books of William Branham have been printed and reprinted in different formats by various sources. a. For example, the sermons William Branham preached from the Bible on the Seven Seals in the book of Revelation was printed as a mimeograph copy by several different sources; as individual booklets; as softbound books; and as hardbound books.

b. Other sermons that William Branham preached have also been printed by various sources as individual sermon booklets, both as mimeograph copies and as small bound booklets.

c. The sermons of William Branham were first bound together in hardback books by Pearry Green.

i. The first two sermon books Pearry Green bound were his own personal books for himself. These he did as blue covered books.

ii. Others wanted the same thing available for themselves. So Pearry Green asked the people to gather up their extra sermon books by William Branham to share with someone else. These were bound together in black hardback books. When Pearry Green saw the demand for these books was more than would be met by asking the people to gather up their extra sermon books, he started getting several hundred of the single books as they were released and binding them in a black leather hardcover book at the end of each year. The demand for these hardcover books began to be around a thousand, but the number of individual booklets that were being printed by Spoken Word Publications did not cover the demand.

iii. The people began asking Pearry Green to reprint the sermons of William Branham in hardcover books since they could not get enough copies from Spoken Word Publications, and also the previous booklets that were printed from the earlier years were not available. By the fifth year, the demand was so high for the previous sermon books and the current sermon books, that Tucson Tabernacle Books began printing the hardback "red bound volumes" (also called "The Voice of the Prophet" books), starting with reprinting all the previous sermons from Volume 1 up to the current printing. Tucson Tabernacle printed 28 volumes of the red bound series. This

set included Volumes 117 (which is 19 books since volumes #2 and #3 were two books each: #2a, #2b, #3a, and #3b) along with the other books in the red bound series: The Revelation of the Seven Seals; The Revelation of Jesus Christ; The Exposition of the Seven Church Ages; Hebrews; Daniel, Demonology, and Adoption; Church, Israel, and JehovahJireh; Conduct, Order, Doctrine Volume I and Volume II, and A Prophet Brings His Message (which was a compilation of the 3 books of William Branham's sermons edited by Julius Stadskev). d. Hardbound sermon books and individual sermon booklets by William Branham have also been printed by A. David Mamalis, The Word Publications. These volumes have been published in sequential order from 1965 backwards.

e. Harold Hildebrandt, pastor of End Time Message Tabernacle in Edmonton, Alberta, Canada, has printed many individual sermon booklets and multisermon booklets by William Branham and excerpts of The Acts of the Prophet (written by Peary Green) as witnessing tools.

8. Tucson Tabernacle printed a twovolume concordance for the current Voice of the Prophet set of books. One volume was a "Key Word in Context" concordance listing specific word usages within the currently printed sermons of William Branham. The other volume was a listing of biblical references that William Branham used within the currently printed sermons. This set of concordances was later revised, updated, reprinted by A. David Mamalis, The Word Publications.

9. Various sources have made what is termed "Quote books" or books concerning the doctrine preached by William Branham. These are books that include quotations from the sermons preached by William Branham, usually on particular topics. To list a few: Golden Nuggets by William J. Palmer; Quotes by Subject by Lonnie Jenkins; This Would Stand Quoting by Neil Halava; many different titles by Dale Ketch including ones like The Godhead Explained, The Dispensation of Adoption, The Resurrection, etc.; Quotations by William Branham, by Robert Moore; and Courtship, Dressing, Kissing, Vows, Conduct, Marriage by The Bible Tabernacle Young People Fellowship in South Africa.

10. In the 1970's, Francois Le Picard, a pastor from Lausanne, Switzerland, published the sermons of William Branham on microfiche. This included all the books of William Branham's sermons that were available in print at that time along with Tucson Tabernacle's concordance, and a few quote books.

11. Books written about William Branham and his ministry started before his decease and have continued to this day.

a. Two books about William Branham and his ministry, as mentioned in Point 3, were written before William Branham's decease: William Branham, A Man Sent From God by Gordon Lindsay and William Branham, A Prophet Visits South Africa by Julius Stadskev.

b. The Acts of the Prophet by Peary Green (an introduction to William Branham's life story, his ministry, and personal experiences Peary Green had with William Branham) was originally spoken as sermons in 1969, then transcribed, mimeographed, and distributed by the December Convention in 1969. Later it was edited and printed as a softbound book. Tens of thousands of

the English version have been distributed around the world. It has also been translated in several languages and distributed across the world.

c. Owen Jorgensen has written a series of books titled, *Supernatural: The Life of William Branham*, which is a chronological compilation of the major events, both natural and supernatural, that occurred in William Branham's life. This series is written in a story format.

(Note: Owen Jorgensen is in the process of completing his 6th book in this series.)

Approximately 20,000 copies of each of Books 1 through 5 have printed in English. Tucson Tabernacle is publishing and distributing this series in English. This series is also being translated in several different languages and is being distributed across the world. d. *Biographe de William Branham*, (one volume of several books about William Branham translated into French), compiled by Andre Morin and later reprinted by Andre Petit – both from Canada.

e. Others have written books about William Branham including *Who Was William Branham?* by Clayt Sonmore.

12. Audio versions of William Branham's sermons have been distributed around the world by various sources besides the above named applicant.

a. William Branham's sermons were originally recorded on several different media including wire recordings, records, and reeltoreel tapes.

b. Prior to and following William Branham's decease, people began compiling his sermons from various sources, totaling approximately 337 of William Branham's sermons. As Peary Green traveled around the world, he found more sermons that were not already available and he collected them. When he gave a copy to what now is called Voice of God Recordings, he asked Fred Sothmann that if when he gave the sermon to him, would he loose his own rights to duplicate it. Fred Sothmann's answer to Peary Green was that he could duplicate as many tapes a he wanted, but not sell them because they would sell them. There was a high demand for William Branham's sermons and it was impossible to give everyone all the sermons (some sermons took more than one reeltoreel tape). At that time, they cost two or three dollars a piece and people made about ninety cents an hour. Instead of giving the whole 300+ sermons away, Tucson Tabernacle went through those sermons and selected approximately 150160 sermons that we termed the "Seed Tapes." (This was started when the sermons were available in reeltoreel format.) Within the first ten years, Tucson Tabernacle had distributed these "Seed Tape Libraries" free of charge to all the churches that we knew across the world. This endeavor used approximately 700,000 tapes.

c. As time went on, more sermons were collected until there are over 1100 sermons available today. The reeltoreel format outdated and better technology became available, so the sermons were put on a less expensive and easiertouse format, the cassette tape. These sermons of William Branham were then distributed by several locations including Cloverdale Bibleway (Canada) / Bible Believers (USA); A. David Mamalis (USA); and the above named applicant. Cloverdale Bibleway (Canada) / Bible Believers (USA) also began to "clean up" the audio on the sermon tapes and offer these sermons.

d. In the past few years, William Branham's sermons have been made available from several sources in the MP3 format (a less expensive format and less expensive method of distribution). (Note: The above named applicant originally decided against making the sermons available in the MP3 format until after others had made them available in the MP3 format and the demand for them in this format was obvious.)

i. Cloverdale Bibleway (Canada) / Bible Believers (USA) and Edmonton MP3 (Canada) have made William Branham's sermons available on MP3 CDs.

ii. Chris Coffee (USA) has made William Branham's sermons available on handheld MP3 devices. e. Many churches have made lending libraries of William Branham's sermons available to their own congregations. Others have loaned his sermons upon request, locally or by mail.

iii. Gospel Tape Ministry in New Zealand received the free tapes from the freetape ministry that was offered while William Branham was alive. They in turn have offered copies of these sermons.

1. William Branham refers to sending his sermons free of charge from a society in his church and he mentions the translation of his sermons in his sermon titled, Choosing of a Bride; 42965 pm; Los Angeles, CA, "And now in this, it doesn't exactly mean that I'm speaking this to this congregation present, but these tapes go around the world. They're translated in practically, oh, a great deal of the languages, even into the heathen lands around the world. We send them tapes free on a society of the church, and they're translated in all out through the jungles of Africa, and to India, and around the world goes these tapes."

ii. Tucson Tabernacle has offered William Branham's sermons as a free, "on your honor" lending library. Since the sermons of William Branham have become available in the MP3 format, it is much less expensive (due to the cost of postage) for the borrower to obtain their own personal copy of the entire sermon library on MP3 disc instead of mailing the sermons back after borrowing them. However, the sermons on tape are still available for loan.

13. Visual Recordings of William Branham:

a. The 16 mm films of William Branham, The Deep Calleth unto the Deep (the black and white film of William Branham ministering) and 20 th Century Prophet (the color film of an interview of William Branham and excerpts of his ministering) (which are now also available on video or DVD), were first discovered and reproduced by Peary Green. The Billy Graham Evangelistic Archives at the library of Wheaton College made a 1" video master for Tucson Tabernacle of these two films. Voice of God Recordings borrowed this master from Tucson Tabernacle to make their video copies of these two films.

b. These two films of William Branham, The Deep Calleth unto the Deep and 20 th Century Prophet, were available for those wanting to borrow them and they were available for those who preferred to keep them and reimburse Tucson Tabernacle for the duplication fees. They have been used in religious services across the world. (See a couple of examples of announcements for

the showing of these films during missionary trips taken by Pearry Green in India and in Many, Louisiana, Point

1.) c. These two films of William Branham, *The Deep Calleth unto the Deep* and *20 th Century Prophet*, are now available on video from Tucson Tabernacle, Bible Believers in Washington, and Voice of God Recordings, all are copies from the original films that were discovered and duplicated by Pearry Green. These two films of William Branham are now also available on DVD from Bible Believers in Washington.

d. Two other videos concerning William Branham's ministry are also available from Tucson Tabernacle: a video of the Home Movies of William Branham and a video of a slide presentation introducing the ministry of William Branham, both of these videos are narrated by Pearry Green.

14. Color and black/white prints of William Branham:

a. Pearry Green first distributed pictures of William Branham in 1969 during the December Convention held December 1824, 1969. Originally, this included four color prints of William Branham: 16"x20" portrait, 8"x10" Altar of Fire, 8"x10" of William Branham hunting, and 5"x7" of William Branham and his 10 year old son, Joseph, in the Sunset camping area.

b. Distribution of the prints continued and expanded to include ten 8"x10" black/white prints, five 8"x10" color prints, and one 16"x20" color print of a painting of William Branham.

c. Voice of God Recordings requested to borrow Tucson Tabernacle's negatives of these prints so that they could also offer these pictures. Tucson Tabernacle allowed them to do so; however, the black/white negatives were never returned to Tucson Tabernacle and are still in the possession of Voice of God Recordings. (See the letters from Helen Borders Mullen and Joseph Branham – Please also note that some of the information in Joseph Branham's letter concerning returning the color negatives in a "proper manner," after they kept the negatives for 10 years when they had promised they would only keep them for a week or two, is erroneous. The negatives were not returned properly in a flat container [as is the manner they had insisted that we send the negatives to them]; instead, they were rolled in a 3" tube with no protection for the negatives. The "transit" was not what damaged the negatives; it was their packaging method. If "transit" had been the cause of the damage of the negatives, the packaging tube would have been damaged and the carrier who brought the tube of negatives would have been charged for the damage of the negatives. Tucson Tabernacle's originals of the black/white negatives have not been returned to date.)

15. Hundreds of William Branham's sermons have been translated into many languages and distributed by many groups of people across the world either in audio format or in book format. The above listing demonstrates that the name William Branham, his sermons both in written and in audio formats, other books written about him and his ministry, films of him, photos of him, and so on, have been available from various sources prior to William Branham's decease and since his decease. These sources have worked for decades independently of each other to produce this material. No one source, no business entity has been the sole source of this material, nor should it be.

To trademark "William Branham" (or any other name referring to this man or his ministry, including but not limited to, "William Marrion Branham," or "William M. Branham") by any business entity, especially the above named applicant, would be used by the above named applicant to attempt to stop or restrict the rights of all others to continue the work they have been doing for years and the work they have been doing for decades in publishing, translating, duplicating, and providing in many formats anything pertaining to William Branham and his ministry. This is totally out of character with William Branham's own expressions and desires for his ministry. For this reason, we strongly oppose trade marking "William Branham" (or any other name referring to this man or his ministry, including but not limited to, "William Marrion Branham," or "William M. Branham"). Attached are photos of materials and their descriptions from the above listing showing a few of the publications and works done by several groups around the world concerning the distribution of sermons and items pertaining to the ministry of William Branham. By _____

Date: _____ S.M. Office Manager / Publishing Editor & Coordinator / Archivist
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