

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

**Benchmade Knife Co, Inc., an Oregon
Corporation, and Mentor Group, L.L.C,
An Oregon Limited Liability Corp.
Plaintiffs,**

**v. CV. 08-967-HA
Summons in a Civil Action**

**Jonathan A. Benson, an individual, doing business
As Roadside Imports
Defendant.**

I will ask the Court for an Order as follows:

MOTION

1. I am asking the Court for the following:

Motion for Appointment of Pro Bono Counsel

2. I am asking the Court for these requests because:

The distance from North Haven to Portland is 2478 miles. I have never been to Oregon, this case should be relocated to my home state because it is impossible for me to represent myself in this case or seek adequate Pro Bono Counsel. I hired a lawyer and paid \$15,000 in expenses to negotiate a settlement for the 11 total sold with the 9 sales I had on the alleged Patent Violation:

19.99 x11= 219.89

\$149.89 cost

Profit \$74

The result was that they wanted \$15,000 in damages among other issues which is extreme for the condition. I am not the supplier of this item nor the importer, I simply am a drop shipping service and I gave the lawyer the origin of where I

purchased the alleged infringed item which now they have also filed a case against them. The lawyer I hired wanted \$87,000 for a retainer after the \$15,000 was used and I have no money for such services and now have no lawyer. The cost of the lawyer has caused me to lose money on the entire business and is forcing me into bankruptcy. I would like Pro Bono Counsel and consideration to moving this case to my state of residence.

3. I am asking the Court for the following:

To expunge the registration of the trade-mark BALI-SONG in association with "pocket knives, namely butterfly knives, based on its prior use and generic term "balisong". The trade-mark registration is plainly invalid for genericness.

4. I am asking the Court for these requests because:

The mere use of "**balisong**" as appears in the caption of the federal court case *United States v. 1,044 Balisong Knives*, Civ. Action No. 70-110 (D. Ore. Sept. 28, 1970) (decided almost nine years before the alleged date of first use in commerce of U.S. Trademark Registration No. 1,154,620, obtained at some time in the past by Benchmade from Bali-Song, Inc., the absence of any mention of which in Benchmade's complaint being rather curious) or in any of the multitude of subsequent court decisions referring to balisongs. Right? If I am mistaken, please direct me to the web page at issue where you find BALI-SONG to be improperly used instead of the generic term balisong.

"Balisong" is a Barrio in Batangas Philippines, the home of the original Balisong. Balisong, as history tells us, traces its ancestry to as far back as 800 A.D., as one of the ancient weapons of the mystic art of the Malaya-Polynesian fighting systems -- Kali. It is not clear whether the Balisong knife took its name from its birthplace, Barrio Balisong in the province of Batangas, Philippines (as some claim) or the barrio itself took its name from the knife, which has been made there since time immemorial.

While the meaning of the term "balisong" is not entirely clear, a popular belief is that it is derived from the Tagalog Language words *baling sungay*.

Balisong, literally means "broken horn", from the two words "bali" (which means "to break") and "sung" (which means "horn"). It is not incidental, therefore, that the original Balisong knives have handles carved out of animal horns.

A "**balisong**", otherwise known as a **butterfly knife** or a **Batangas knife**, is a Philippine folding pocket knife with two handles counter-rotating around the

tang such that, when closed, the blade is concealed within grooves in the handles.