

EXHIBIT 5

UNITED STATES BANKRUPTCY COURT
FOR NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:
LEO STOLLER,

Debtor.

Hon. Jack B. Schmetterer

Appeal from the U.S. District
Court for the Northern District,
Eastern Division
Case No. 05-B-64075

NOTICE OF MOTION

TO: TIMOTHY C. MEECE, BANNER & WITCOFF, LTD.,
10 SOUTH WACKER DRIVE, SUITE 3000, CHICAGO, ILLINOIS 60606

RICHARD FOGEL, Shaw, Gussis, Fishman, Glantz,
Wolfson & Towbin LLC., 321 N. Clark Street, Suite 800
Chicago, Illinois 60610

PLEASE TAKE NOTICE that on Tuesday, December 12,
2006 at 10⁰⁰ a.m., Debtor shall appear before the Honorable Judge Schmetterer in
the courtroom usually occupied by him, 219 S. Dearborn, Chicago, Illinois, 60603, and then
and there present Debtor's **MOTION FOR PERMISSION OF COURT TO ALLOW LEO
STOLLER TO REPRESENT HIMSELF AND HIS CORPORATE ENTITIES BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD**, a copy of which is attached hereto.

F I L E D
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS

DEC - 8 2006

KENNETH S. GARDNER, CLERK
PS REP. - RD



Leo Stoller
7115 W. North Avenue
Oak Park, Illinois 60302
(773) 551-4827
Email: ldms4@hotmail.com

Date: December 7, 2006

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS**

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS

DEC - 8 2006

KENNETH S. GARDNER, CLERK
PS REP. - RD

In Re:

LEO STOLLER,

Debtor.

Case No: 05-B-64075

Honorable Jack B. Schmetterer

**MOTION FOR PERMISSION OF COURT TO ALLOW LEO STOLLER
TO REPRESENT HIMSELF AND HIS CORPORATE ENTITIES BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD**

NOW COMES the Debtor, Leo Stoller, and requests that this Court grant permission for Leo Stoller to represent himself and his corporate entities before the Trademark Trial & Appeal Board ("TTAB"). The TTAB rules provide that a non-lawyer can represent a corporation. Leo Stoller has represented his corporate entities before the TTAB for over 25 years.

The Debtor has over 35 pending matters before the TTAB. The Debtor believes that these cases represent a major asset of the estate of the Debtor. The Trustee, Richard Fogel, has posted a letter at the TTAB blog stating that he voluntarily agrees to dismiss these TTAB proceedings.

Before this Court on December 5, 2006, it was assumed and Leo Stoller is working to regain his corporate entities and his assets and reach an amicable resolution in this proceeding. Stoller presented a settlement offer to the Trustee of \$100,000 in full satisfaction an accord of the Debtor's debts.

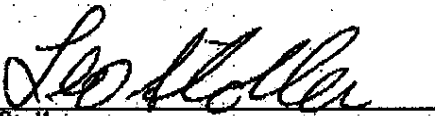
The TTAB recently issued an order on November 29, 2006, in *Central Mfg. Co. v. Jovan Pocekovic*, Opp. No. 91164582, finding that: See a true and correct copy attached hereto and marked as Exhibit 1.

"The Board finds that Mr. Stoller is without authority to file papers in this proceeding, that the authority to act in this matter remains vested with the trustee and the proceeding remains dismissed and terminated."

Leo Stoller has to respond to this TTAB order, otherwise the TTAB will not only dismiss the *Poczekovic* case, but the TTAB will dismiss all 35 of the Debtor's pending cases before the TTAB. The Debtor believes these cases represent the largest asset of the Debtor's Estate. Many of these cases have been pending for 10 years or more. The Debtor made a good faith effort and contacted the Trustee, Richard Fogel, to seek his permission to permit Leo Stoller to represent his companies before the TTAB, in order to avoid having all of the said cases dismissed. The result of which that even if Leo Stoller were to regain his corporate assets, he could never be made whole again. Secondly, Leo Stoller sent an email to Mr. Fogel requesting permission to represent his corporations in order to respond to the said TTAB order. See a true and correct copy attached hereto and marked as **Exhibit 2**.

The Trustee sent a response to Leo Stoller's email, attached hereto and marked as **Exhibit 3**. Mr. Fogel stated that he would not give Leo Stoller permission to appear before the TTAB in order to protect his company's interests.

The Debtor is seeking permission from this Court to allow Leo Stoller to represent his corporate entities before the TTAB and to be able to respond to the order which is marked as **Exhibit 1**. There is an urgency in this request, in that unless permission is granted to Leo Stoller, all of the TTAB cases will be dismissed within the next 30 days.



Leo Stoller
7115 W. North Avenue
Oak Park, Illinois 60302
(312) 545-4554
Email: ldms4@hotmail.com

Date: December 7, 2006

Certificate of Mailing

I hereby certify that the foregoing is being hand-delivered to the following address:

Clerk of the Court
United States Bankruptcy Court
219 N. Dearborn
Chicago, IL 60607



Leo Stoller

Date: December 7, 2006

Certificate of Service

I hereby certify that the foregoing is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to:

Richard M. Fogel, Trustee
Janice A. Alwin, Esq.
Counsel for Trustee
Shaw, Gussis, Fishman, Glantz,
Wolfson & Tow
321 N. Clark Street, Suite 800
Chicago, Illinois 60610



Leo Stoller

Date: December 7, 2006

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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Skoro

Mailed: November 29, 2006

Opposition No. 91164582

CENTRAL MFG. CO

v.

Pocckovic, Jovan

This case now comes up on Mr. Stoller's motion for reconsideration of the order dismissing this matter on October 13, 2006. Applicant's counsel has responded.

By way of background, on October 13, 2006 the Board received a copy of an order appointing Mr. Richard Fogel to represent opposer as trustee in bankruptcy in this matter. At the same time the Board received a stipulated dismissal without prejudice between Mr. Fogel, as opposer's representative, and counsel for the applicant. On the same day the Board entered the stipulation and dismissed the proceeding without prejudice. On October 17, 2006, Mr. Stoller filed a request for reconsideration of the dismissal and to suspend the proceeding contending that Mr. Fogel is without authority to act on his behalf and further that Mr. Stoller has filed an appeal contesting Mr. Fogel's authority to act on his behalf and on the behalf of his companies.

EXHIBIT 1

Opposition No. 9114582

Applicant's counsel depended contending Mr. Stoller is operating outside the bankruptcy statute and failed to properly appeal the bankruptcy court's decision on appointing a trustee as well as the trustee's authority to act on corporate matters.

The Board finds that Mr. Stoller is without authority to file papers in this proceeding, that the authority to act in this matter remains vested with the trustee and the proceeding remains dismissed and terminated.

*By the Trademark Trial
and Appeal Board*

-----Original Message-----

From: L Stoller [mailto:ldns4@hotmail.com]
Sent: Wednesday, December 06, 2006 4:40 PM
To: Rick Fogel
Cc: Ac.iana@sbcglobal.net
Subject: RE: Stoller Chapter 7

NOT DISCOVERABLE FOR SETTLEMENT PURPOSES ONLY RULE 408

Mr. Fogel,

I have been responding to your emails today. And I will make every effort after yesterdays court hearing were possible to fully cooperate with you so that the next time we are in front of Judge Schmetterer you will be able to attest to Stoller's full cooperation.

I have asked you earlier in the day today if you will give me written permission to continue to represent my companies before the Patent and Trademark Office, Trademark Trial and Appeal Board so as to prevent the TTAB from dismissing all of my outstanding cases. I have ask you in good faith to let me know today in writing that you would give me permission to do what I believe Judge Schmetterer would like you to do and that is to allow Stoller to protect his assets assuming Stoller will recover them. Thus far I am still waiting for your response. This is an urgent matter and we can both avoid another trip in front of Judge Schmetterer if you would merely state in writing that I have authority to continue to represent myself and my companies before the Patent and Trademark Office, TTAB.

If you rather have Judge Schmetterer this issue so be it, but there is going to be a time when Judge Schmetterer is going to see that the Trustee's position is unreasonable.

I am also putting you on notice that I am appealing yesterday's decisions of Judge Schmetterer. So far I will have three appeals now and will of course move consolidate them for judicial economy. I have nothing better to do than to devote my entire schedule to litigating my cases until I reach an acceptable conclusion the same as I am sure you would do if similarly situated.

Please let me know asap if you are willing to allow me to continue to represent myself so that we do not need any court intervention.

EXHIBIT 2

Mr. Fogel it is my goal to cooperate with you and to attempt to reach an amicable settlement with my creditors and to re gain what ever is left of my assets so that I can devote my time to other matters and not to this one...I am waiting for your response. If I don't hear from you today, I will assume that you will not give me permission and I will file a motion and let Judge Schmetterer decide.

Most Cordially,



Leo Stoller

Mr. Stoller:

I am not going to give you permission to take any action that involves property of your bankruptcy estate outside the context of a settlement approved by Judge Schmetterer. I have just invited you and Mr. Hirsh to have a settlement discussion with me and Janice Alwin tomorrow morning or Friday afternoon.

Richard M. Fogel
Shaw Gussis Fishman Glantz Wolfson & Towbin LLC
321 N. Clark Street, Suite 800
Chicago, IL 60610
Direct dial: (312) 276-1334
Direct fax: (312) 275-0578

EXHIBIT 3

EXHIBIT

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