

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

In the Matter of Application Serial No. 78622446

Filed May 4, 2005, for the mark BOBOVER REBBE

Published in the *Official Gazette* on September 12, 2006

**CONGREGATION TALMUD TORAH  
D'CHASIDEI BOBOV OF MONSEY,**

**Opposer,**

v.

**UNITED BOBOV INTERNATIONAL, INC.,**

**Applicant.**

**Opposition No.:**

**NOTICE OF OPPOSITION**

Congregation Talmud Torah D'Chasidei Bobov of Monsey (hereinafter "Opposer") believes that it will be damaged by the grant of the application of United Bobov International, Inc. (hereinafter "Applicant"), for the mark BOBOVER REBBE set forth in Application Serial No. 78622446, and hereby opposes, by and through its undersigned counsel, registration of that mark. The subject of this Opposition is related to oppositions for Application Serial Nos. 78622438, 78622420, 78614126, and 78614073.<sup>1</sup>

**PRELIMINARY STATEMENT**

By this and numerous other related trademark applications, Applicant has attempted to gain the upper hand in an internecine religious controversy regarding the

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<sup>1</sup> Applicant also has filed applications for Serial Nos. 78614104, 78622413, 78622405, 78622390, 78622385, 78622375, 78622367, 78622364, 78622358, 78622346, 78614246, 78614141, 78614119, 78614088, 78614031, 78614013, 78622456, 78622428, 78622400, and 78688025. Because the foregoing applications have not yet been published, Opposer is not opposing the applications at this time.

appointment of a successor spiritual leader of the Bobov Hasidic community (known as the Bobover Rebbe) headquartered and located primarily in New York State. By filing this and the related applications, Applicant's principals have violated a court order and a binding arbitration agreement, under the jurisdiction of the Supreme Court of the State of New York, to resolve all disputes pertaining to the competing Bobov groups, including the right to the title of Bobover Rebbe, in a Jewish court of law (*Beth Din*). It is this very title which is the subject of the Application. Lastly, this and the related applications are enmeshed in First Amendment concerns, and the Trademark Trial and Appeal Board and the United States Patent and Trademark Office have no place in determining the issues enveloping this religious feud, particularly in deciding the proper succession to the post of Bobover Rebbe. Registration respectfully must be denied.

As grounds for this Opposition, it is alleged that:

#### **FACTS**

1. Opposer is a New York religious corporation located at 133 Route 306, Monsey, New York 10952.
2. Upon information and belief, Applicant is a New York corporation located at 1481 47<sup>th</sup> Street, Brooklyn, New York 11219.
3. The mark sought to be registered by Application Serial No. 78622446, BOBOVER REBBE (hereinafter referred to as the "application"), was published on September 12, 2006, in the *Official Gazette* for "medical and psychological counseling" in International Class 44.
4. This intent-to-use application is based on Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b).

5. This Opposition is timely, as Opposer received an extension of time up to and including March 11, 2007, within which to file this Opposition.
6. This Opposition is being filed electronically, pursuant to the Board's rules.
7. The undersigned authorizes the PTO to charge the filing fee of \$300 to the undersigned's credit card. The credit card information will be submitted electronically using the form provided by the PTO.

### **BACKGROUND**

8. Opposer's constituents are Hasidic Jews, members of the Bobov or Bobover community, headquartered and located primarily in New York State.
9. Upon information and belief, the application is part of an internecine religious controversy between competing Bobov factions over who should be the Bobover Rebbe.
10. BOBOVER REBBE, the applied-for mark, is a descriptive composite name or title given to the religious leader of the Bobov Hasidic community.
11. Bobover Rebbe identifies particular living and former leaders of the Bobover Hasidic community, namely Rabbi Shlomo Halberstam (late 1800's to 1905), Rabbi Benzion Halberstam (1905 to 1941), Rabbi Shlomo Halberstam (1947 to 2000), Rabbi Naftali Halberstam (2000 to 2005), and Rabbis Mordechai D. Unger and Benzion A. L. Halberstam (both of whom currently are called Bobover Rebbe by their respective followers).
12. The English translation of Bobover Rebbe is "Grand Rabbi or Rebbe" or "rabbinical leader" of Bobov.

13. The Bobover Rebbe is the main teacher and religious leader of the Bobov Jewish community.
14. The Bobov community has been subject to a schism since March 23, 2005, the date on which the previous Bobover Rebbe, Rabbi Naftali Halberstam, died.
15. The name or title Bobover Rebbe had been passed down from father to son since the time of the first Bobover Rebbe, Rabbi Shlomo Halberstam, who held the title in the late nineteenth century until his death in 1905.
16. When Rabbi Naftali Halberstam died in 2005, it was the first time in the 100-plus-year history of the Bobov dynasty that the Bobover Rebbe had died without leaving a son to succeed him.
17. Rabbi Naftali Halberstam, however, was survived by a son-in-law, Rabbi Mordechai D. Unger ("Rabbi Unger"), and by a younger half-brother, Rabbi Benzion A. L. Halberstam ("Rabbi Halberstam").
18. Upon the death of Rabbi Naftali Halberstam, the Bobover community divided itself into two substantial groups, each following a different Bobover Rebbe.
19. One group designated the son-in-law, Rabbi Unger, as the Bobover Rebbe.
20. The other group designated the younger half-brother, Rabbi Halberstam, as the Bobover Rebbe.
21. Whether Applicant chooses to admit it or not, there is not just one person anointed as Bobover Rebbe anymore.<sup>2</sup>
22. Both Rabbis Unger and Halberstam have become firmly associated throughout world Jewry with the title Bobover Rebbe.

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<sup>2</sup> Moreover, Applicant is not empowered to determine who should be the Bobover Rebbe, but, rather, that decision rests in the hands of the Bobov community.

23. Rabbis Unger and Halberstam are the only two living people in the world today who are associated with the title Bobover Rebbe.
24. Upon information and belief, Applicant's constituents are followers of the group which designated Rabbi Halberstam as the Bobover Rebbe.
25. Opposer's constituents are followers of the group which designated Rabbi Unger as the Bobover Rebbe.
26. Upon information and belief, both Rabbis Unger and Halberstam, in their capacity as Bobover Rebbe, provide the services identified in the class which is covered by this application.
27. Upon information and belief, Rabbi Halberstam, not Applicant, will provide the foregoing services.
28. It defies all credibility that Applicant will provide services called BOBOVER REBBE, BOBOV, AV'DAK BOBOV ("Head of Court [of the community/congregation of] Bobov"), and AD'MOR M'BOBOV ("Our Master, Our Teacher, and Our Rabbi from Bobov"), all of which are the subjects of Applicant's 25 pending applications and all of which identify either the community or the leader of the Bobov sect.
29. Upon information and belief, the market for the services identified in the class which is covered by this application is members of the Jewish community in general and of the Bobov community in particular, not members of the general public.
30. Opposer has a valid and legal right to describe by use of words the mark sought to be registered by Applicant.

31. If registration were to issue to Applicant for the mark BOBOVER REBBE, Applicant would be in a position to vex and harass Opposer, to Opposer's detriment.

**BOBOVER**

32. The first word of the applied-for composite mark, BOBOVER, is a merely descriptive word derived from the origins of the Bobov or Bobover Hasidic community in the town of Bobova, Poland (found at <http://en.wikipedia.org/wiki/Bobov>, March 6, 2007).

33. In fact, "Bobov" or "Bobover" are merely the Yiddish rendering of the town of "Bobova."

34. The first Bobover Rebbe, Rabbi Shlomo Halberstam, sometimes is referred to as "Shlomo Bobover" because of his origins in the town of Bobova.

35. "Bobover Hasidim" are defined as members of the Bobov community and colloquially are referred to as "Bobovers."

36. "Bobover Hasidim" are followers of the Bobover leader, namely the Bobover Rebbe.

37. Now, when there are two individuals acting as Bobover Rebbe, the Bobover Hasidim are divided into two groups, each following one of the Bobover Rebbes.

38. Throughout the history of Hasidism, countless sects have divided themselves at various times and for various reasons, with each faction following the Rebbe of its choice. (See *New York Times* article discussing succession disputes among various Hasidic sects attached hereto as Exhibit A. See also

[http://en.wikipedia.org/wiki/Aleksander\\_%28Hasidic\\_dynasty%29](http://en.wikipedia.org/wiki/Aleksander_%28Hasidic_dynasty%29) and  
[http://en.wikipedia.org/wiki/Satmar\\_%28Hasidic\\_dynasty%29](http://en.wikipedia.org/wiki/Satmar_%28Hasidic_dynasty%29), March 6,  
2007.)

39. It is commonplace for each Rebbe of each faction within the sect to use the same title.
40. For example, there is more than one Satmar Rebbe, Vizhnitz Rebbe, Spinka Rebbe, Skverer Rebbe, Rachmistrivka Rebbe, and Aleksander Rebbe.
41. Like other Hasidic communities, such as “Boston Hasidim,” “Cleveland Hasidim,” “Pittsburgh Hasidim,” “Satmar Hasidim,” “Aleksander Hasidim,” “Vizhnitz Hasidim,” and “Lubavitcher Hasidim,” the term “Bobover Hasidim” refers to the community of persons associated with “Bobov,” just as the word “Bobov” itself lends similar descriptive meaning to institutions, customs, and other concomitant elements of a given Hasidic group’s way of life.
42. Indeed, dictionaries utilize these terms as descriptions, not as source-identifying trademarks. (See, for example, the American Heritage® Dictionary of the English Language which defines the term “Lubavitcher” as “a member of a Hasidic community founded in Russia in the late 18<sup>th</sup> century that stresses the importance of religious study.”)
43. “Bobover” refers to and describes adherents to a cultural, familial, and religious tradition.
44. The term “Bobover” does not refer to any individual institution nor to the leadership of any individual person.

**REBBE**

45. The second word of the applied-for composite mark, REBBE, is a descriptive appellation for a leader of a Hasidic group in both the Hebrew and Yiddish languages.
46. The name or title “Rebbe” is an exact English transliteration.
47. Rabbinic leaders in Galicia, a major province in the pre-World War I Austro-Hungarian Empire, traditionally were called “Rebbe.”
48. That tradition continued after World War I when part of the province of Galicia, including the city of Bobov, was incorporated into Poland.
49. Applicant, in its January 3, 2007, Response to Office Action for serial number 78622456, concedes that the title “Rebbe” is descriptive.
50. Putting the descriptive title “Bobover” before the descriptive title “Rebbe” does not somehow transform the composite term into a suggestive term.
51. The combination of these descriptive words creates no incongruity, and no imagination is required to understand the nature of the services.
52. Analogously, putting the descriptive words “Roman Catholic” before the descriptive word “priest” does not somehow transform “Roman Catholic priest” into a suggestive term.
53. “Bobover” is not a random adjective but, rather, is a highly descriptive one, specifically identifying the Rebbe at issue herein.



**COUNT ONE**

54. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.
55. The mark sought to be registered, BOBOVER REBBE, is not entitled to registration for the stated services pursuant to Section 2(c) of the Lanham Act, 15 U.S.C. § 1052(c).
56. Bobover Rebbe is the name or title which identifies particular living individuals, namely either or both Rabbi Mordechai D. Unger and Rabbi Benzion A. L. Halberstam.
57. Upon information and belief, Applicant has not submitted a signed, written consent from either or both of the aforementioned individuals, authorizing Applicant to register the title as a trademark with the United States Patent and Trademark Office.
58. Upon information and belief, Applicant has not submitted a statement that BOBOVER REBBE identifies a living individual whose consent is of record.

**WHEREFORE**, Congregation Talmud Torah D'Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

**COUNT TWO**

59. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.

60. Applicant's mark BOBOVER REBBE is not entitled to registration for the stated services under Section 2(e)(1) of the Lanham Act, 15 U.S.C. § 1052(e)(1).
61. Bobover Rebbe, as the main teacher and religious leader of the Bobov community, merely describes the provider or source of the services which Applicant purportedly intends to provide at some point in the future.
62. Upon information and belief, the market for Applicant's services is the Jewish community in general and the Bobov community in particular -- both of which use the term Bobover Rebbe in common use -- not the general public, thereby making the proposed mark extremely descriptive to the target market.
63. Upon information and belief, Applicant's services will be provided in accordance with Bobover tenets so the applied-for mark is merely descriptive and not source-identifying in nature.
64. BOBOVER REBBE is not suggestive and does not require the users of the services to use their imagination, thought, and perception to reach a conclusion as to the source of the services.
65. BOBOVER REBBE is an unregistrable, non-distinct, merely descriptive composite phrase which signifies and constitutes a religious name or title associated with the religious leaders of the Bobov community and is not susceptible to trademark protection.
66. The record for this intent-to-use application contains no evidence that Applicant has started using the mark BOBOVER REBBE nor is there

evidence of secondary meaning nor, for that matter, is the title capable of acquiring secondary meaning.

67. BOBOVER REBBE is no more amenable to trademark protection or secondary meaning than are the titles "Grand Rabbi," "King of England," "Queen of the Netherlands," or "Prince of Monaco."
68. The name or title is neither susceptible to trademark protection as a whole phrase or in its individual parts.
69. There is no reference in the definition of BOBOVER REBBE to a single source of goods or services or to a particular leader.
70. BOBOVER REBBE is not protectible as a trademark by any particular person, institution, group, or sub-group within or without the Bobov community.

**WHEREFORE**, Congregation Talmud Torah D'Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

### **COUNT THREE**

71. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.
72. To the extent that Applicant purports to indicate by the proposed mark that its services originate from Applicant as the exclusive source of Bobov-affiliated medical and psychological counseling, such designation is false, and the mark as so used is deceptively misdescriptive.

**WHEREFORE**, Congregation Talmud Torah D'Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

**COUNT FOUR**

73. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.
74. At the time that Applicant filed its application, there was pending litigation involving the applied-for mark, BOBOVER REBBE. Such litigation is pending as of the time of this Opposition.
75. Upon information and belief, Applicant failed to inform the United States Patent and Trademark Office that there was and is pending litigation in the Supreme Court of the State of New York, Kings County, Index No. 12509/05, and, concomitantly, in a Jewish court of law (*Beth Din*), involving the competing Bobov groups and involving the applied-for mark, BOBOVER REBBE.
76. On May 13, 2005, a mere nine days after Applicant submitted its application, a hearing was held before the Honorable Herbert Kramer, at which time the parties stipulated to resolve all disputes pertaining to the right to the title "Grand Rabbi of Bobov" (*i.e.*, Bobover Rebbe) in a *Beth Din*. (A transcript of the May 13, 2005, proceeding is attached hereto as Exhibit B.)

77. Pursuant to court order, the parties currently are involved in *Beth Din* proceedings to decide, *inter alia*, who has the right to the title Bobover Rebbe.
78. Justice Kramer has retained ultimate jurisdiction over the *Beth Din* proceedings pursuant to New York Civil Practice Law and Rules Article 75.
79. The pending litigation in New York and in the *Beth Din* directly affects Applicant's right to register the mark BOBOVER REBBE.
80. It would be inappropriate for the Trademark Trial and Appeal Board or the United States Patent and Trademark Office to adjudicate the application while pre-existing litigation is pending.

**WHEREFORE**, Congregation Talmud Torah D'Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

#### **COUNT FIVE**

81. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.
82. The schism within the Bobov community is a religious dispute which is capable of resolution only by a religious tribunal.
83. The entire Bobov controversy is enmeshed in First Amendment implications not suited to a resolution by the Trademark Trial and Appeal Board nor by the United States Patent and Trademark Office.

84. Neutral principals of secular law cannot be applied to the instant application without undue entanglement in issues of religious doctrine.
85. The Trademark Trial and Appeal Board and the United States Patent and Trademark Office essentially are being asked by Applicant to decide who is the Bobover Rebbe and, ultimately, who is a Bobover Hasid.<sup>3</sup>
86. If this application is approved, Opposer and its congregants will be deprived of the right to call the person whom they deem most fit to be their leader as Bobover Rebbe.
87. The Trademark Trial and Appeal Board and the United States Patent and Trademark Office ought not position itself as enforcer for one side in an internal dispute as to religious leadership.
88. Only a religious tribunal, applying religious law, is capable of making such a determination.
89. This application, if approved, will turn out to be a Pandora's box for the Trademark Trial and Appeal Board and the United States Patent and Trademark Office, inviting literally scores of Hasidic sects to settle their internal religious succession disputes in trademark fora.

**WHEREFORE**, Congregation Talmud Torah D'Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

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<sup>3</sup> If the application is granted, Rabbi Unger may no longer be permitted to use the title Bobover Rebbe. Therefore, Opposer and its constituents no longer will be "Bobover Hasidim," and an entire group of people thereby will be disenfranchised from their deep-seated and multigenerational religious affiliation.

## COUNT SIX

90. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.
91. This application was filed a mere 42 days after the death of the previous Bobover Rebbe.
92. Upon information and belief, Applicant lacks a good faith intent to use the mark BOBOVER REBBE, but, instead, submitted the instant application in bad faith in furtherance of Applicant's attempt to monopolize the religious name or title Bobover Rebbe and to harm Opposer. Opposer has raised similar points in its oppositions to Application Serial Nos. 78622438, 78622420, 78614126, and 78614073.
93. Applicant's multiple applications (25 in total) seeking to reserve a large number of significant Bobov-related marks is an indication of Applicant's lack of good faith.
94. Applicant currently is not the Bobover Rebbe, is not a candidate to become the Bobover Rebbe, and, as a non-living, artificial entity, is not eligible to be the Bobover Rebbe.
95. Because Applicant is not the Bobover Rebbe and has not obtained permission from the Bobover Rebbe to use the title, Applicant has no standing for the application.
96. Upon information and belief, Applicant has not specified whether the Bobover Rebbe will perform the services set forth in its application, further evidencing its bad faith intent to monopolize the proposed mark.

97. Upon information and belief, and further evidencing its bad faith intent to monopolize the proposed mark, Applicant is not the real or authorized party in interest and lacks standing to apply for the instant registration.
98. Upon information and belief, Applicant lacks a good faith intent to use the mark BOBOVER REBBE in connection with Class 44 services for medical and psychological counseling and has improperly classified those and possibly other services in an attempt to expand coverage for its purported mark.

**WHEREFORE**, Congregation Talmud Torah D'Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

#### **COUNT SEVEN**

99. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.
100. The issues of who is the Bobover Rebbe and who is entitled to make use of that title currently are being decided in *Beth Din* proceedings pursuant to an Order of the New York Supreme Court (Exhibit B).
101. If, however, contrary to Opposer's assertions, the Trademark Trial and Appeal Board deems that it is empowered to intervene in this internecine religious dispute and finds that the mark BOBOVER REBBE is amenable to trademark protection, Opposer maintains that it is the senior user of the mark and is entitled to the registration.



102. Upon information and belief, Applicant has not started using the applied-for mark, BOBOVER REBBE, nor is there evidence of secondary meaning.
103. Opposer, meanwhile, has used and acquired common law rights in the mark.
104. Opposer's first use of the mark in commerce for medical and psychological counseling, with consent from Rabbi Mordechai D. Unger, predated the filing date of the application.
105. In addition, Opposer's constituents and their parents and grandparents have been using the mark BOBOVER REBBE for generations.
106. Applicant filed for registration of BOBOVER REBBE with full knowledge of Opposer's prior use of the title.

**WHEREFORE**, Congregation Talmud Torah D'Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

#### **COUNT EIGHT**

107. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.
108. In view of the identity of Opposer's and Applicant's respective services and constituents, the proposed registration by Applicant of BOBOVER REBBE for these services is likely to deceive or to cause confusion or mistake or to falsely suggest an affiliation with Opposer.

109. Such confusion and mistake will cause irreparable damage to Opposer's goodwill and reputation.

**WHEREFORE**, Congregation Talmud Torah D'Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

**COUNT NINE**

110. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.
111. Opposer's services are distinctive and famous and had become famous long prior to the acquisition of any rights, if any, that Applicant may claim in the mark BOBOVER REBBE.
112. Use of the mark by Applicant causes dilution of the distinctive quality of Opposer's famous services.
113. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in use of the mark and thereby dilute Opposer's rights in its distinctive and famous services.

**WHEREFORE**, Congregation Talmud Torah D'Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

**COUNT TEN**

114. Opposer repeats and realleges the foregoing allegations as if set forth fully herein.
115. Upon information and belief, Applicant willfully withheld material information from the United States Patent and Trademark Office, namely, the aforementioned pending litigation in the Supreme Court of the State of New York, Kings County, Index No. 12509/05, and, concomitantly, in a Jewish court of law (*Beth Din*).
116. The pending litigation in New York and in the *Beth Din* directly affects Applicant's right to register the proposed mark.
117. Upon information and belief, Applicant knew that it was withholding material information and that by doing so, it was misleading the United States Patent and Trademark Office.
118. Upon information and belief, the United States Patent and Trademark Office would not have published the mark had it known of the pending litigation.
119. Additionally, upon information and belief, Applicant made a false representation to the United States Patent and Trademark Office regarding a material fact.

120. In an Office Action, the trademark examining attorney asked Applicant “specifically if the Bobover Rebbe will perform the services” covered by the application, to which Applicant responded that “BOBOVER REBBE appearing in the mark has no significance . . . as applied to the goods/services listed in the application.”
121. Upon information and belief, Applicant knew or should have known that such a representation was false and that, in fact, the Bobover Rebbe specifically *will* perform the services set forth in the application.
122. Upon information and belief, the United States Patent and Trademark Office would not have published the mark but for its reliance on Applicant’s false representation.

**WHEREFORE**, Congregation Talmud Torah D’Chasidei Bobov of Monsey prays that Application Serial No. 78622446 be refused registration and that this Opposition be sustained in favor of Opposer.

Dated: March 7, 2007

Congregation Talmud Torah D’Chasidei  
Bobov of Monsey

By: 

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# **EXHIBIT A**

The New York Times

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METROPOLITAN DESK

## Hasidic Rabbi's Grave Illness Raises Succession Issue Between 2 Feuding Sons

**By ANDY NEWMAN (NYT) 628 words**

Published: April 5, 2006

For seven years, the largest sect of Hasidic Jews in New York has been riven by a power struggle between two sons of the ruling rabbi over who will succeed him when he dies.

That day may be close at hand. Moses Teitelbaum, the 91-year-old grand rabbi of the Satmar Hasidim, is severely ill.

According to Satmar leaders, he has been hospitalized since Thursday and is on a respirator. He is being treated for spinal cancer, as well as for an infection apparently caused by radiation treatment, the failure of his one remaining kidney and a stroke.

He is in critical but stable condition at Mount Sinai Hospital, , said Joel Weiss, a spokesman for one faction of the Satmar sect, which is based in Williamsburg, Brooklyn, and numbers more than 60,000 worldwide. One indication of the gravity of Rabbi Teitelbaum's condition is that the Satmars declared an official day of prayer for their leader yesterday, gathering in synagogues, schools and at the cemetery in Orange County where his predecessor is buried.

Another is that his feuding sons, Aaron and Zalmen Teitelbaum, are both at their father's bedside, facing each other for the first time in several years, Mr. Weiss said.

The bad blood goes back to 1999, when the grand rabbi chose Zalmen, his third son, to take over the sect's main congregation in Williamsburg. He had previously named Aaron, his eldest son, to run the second-largest Satmar congregation, in Kiryas Joel in Orange County.

Zalmen's supporters claim that the move made Zalmen the de facto heir. Aaron's supporters say otherwise. The dispute has spawned a never-ending court battle and periodically erupted in the streets and synagogues of Williamsburg.

There is much at stake. In Hasidism, an ecstatic, mystical brand of ultra-Orthodox Judaism, the grand rabbi is revered as a god-king and holds profound sway over members' lives. In the temporal realm, the Satmar grand rabbi controls a real estate empire worth hundreds of millions of dollars, a powerful network of schools and social services and a famed matzo factory.

In 2004, a judge in Brooklyn refused to rule in the Satmar dispute, saying that the matter was for the grand rabbi to decide. But the grand rabbi has been silent.

Samuel Heilman, a distinguished professor of sociology at Queens College who studies Orthodox Jewish sects, said he did not expect the grand rabbi to clear up the succession issue now.

Hasidic leaders are often reluctant to choose their successors, he said.

"They often have many sons and they want to keep them in the business, so succession is a real problem," Professor Heilman said. "Or the guy doesn't believe he's going to die. There are so many variations on this theme."

The Lubavitcher Hasidim have not chosen a successor to their last grand rabbi, Menachem Mendel Schneerson, who died in 1994. Last year, the death of the head of the Bobov Hasidim set off a succession battle between his half-brother and a son-in-law.

Professor Heilman said that the Satmars were probably the largest Hasidic sect in the country and certainly the biggest in New York.

Moses Teitelbaum himself was chosen by the sect's board of rabbis after a contentious interregnum in 1979, when the previous grand rabbi, his uncle Joel Teitelbaum, died childless without naming a successor. In his 27 years at the helm, Moses Teitelbaum has presided over explosive growth of the communities that Joel established in New York after fleeing the Holocaust and helped his followers fight off pressure to assimilate, Professor Heilman said.

Now the Satmars have two boards of rabbis, each claiming legitimacy. Mr. Weiss, the spokesman for Aaron's faction, said it was unclear what would happen next. "This time it won't be so smooth, so straight," he said.

Photo: Rabbi Moses Teitelbaum. Two of his sons are feuding over who will succeed him.

# **EXHIBIT B**



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS : CIVIL TERM : PART 13

-----X  
BARUCH C. GREENFELD, MENDEL GROSS, and :  
HERMAN REINHOLD, :  
Petitioners :

-against- :

EFRAIM BORNSTEIN, SURI DAVIDOWITZ, SHIA :  
DEMBITZER, ZEESHA FOLLMAN, SHLOMIE GEIGER :  
BERNARD GRUNFELD, BARUCH A. HOROWITZ, :  
LEIBISH LANDAU, AVRUM A. LESER, FISHEL :  
WISLICKI and MESIVTAH EITZ CHAIM, INC. :  
Respondents :

-----X  
Index No. 360 Adams Street  
12509/05 Brooklyn, N.Y. 11201  
May 13, 2005

BEFORE: HON. HERBERT KRAMER,  
Justice

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New York, New York  
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BY: FRANKLYN H. SNITOW, ESQ.

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MARK KURZMANN, ESQ.  
767 Third Avenue  
New York, New York  
For the Respondents

JOEL SHAPIRO  
OFFICIAL COURT REPORTER

## Proceedings

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1 THE CLERK: Baruch Greenfeld, Mendel Gross,  
2 and Herman Reinhold, petitioners; against Efraim  
3 Bornstein, et al.; respondents.

4 MR. LEWIN: Nathan Lewin for the petitioners.

5 MR. SNITOW: Franklyn Snitow for the  
6 respondents.

7 THE COURT: A motion has come on before me  
8 dealing with a piece of real property that is in  
9 dispute between two different groups arising out of the  
10 same Chassidic community in Brooklyn, called Bobov.

11 After lengthy conversations, I believe we have  
12 an agreement that is going to be put on the record, and  
13 memorialized.

14 MR. LEWIN: That is fine. The agreement that  
15 has been arrived at to essentially resolve this  
16 litigation, subject to the Court's supervision under  
17 Article 75, is that all disputes between two claimants,  
18 to the title of the grand rabbi of the Bobov, and their  
19 communities, will be presented to a rabbinical court  
20 that will consist of five members.

21 That rabbinical court, two members of which --

22 THE COURT: Off the record.

23 (Whereupon, an off the record discussion was  
24 held at the bench.)

25 THE COURT: We are about to enter a

## Proceedings

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1 stipulation between the parties in the appropriate  
2 form.

3 MR. LEWIN: So that all disputes between the  
4 community and the two individuals, who are claimants to  
5 the title of the grand rabbi of Bobov, be resolved by a  
6 rabbinical court consisting of five members, two of  
7 whom will be been designated by each of the sides, and  
8 --

9 THE COURT: Give their names, please.

10 MR. LEWIN: D-A-Y-A-N B-E-R-G-E-R, of  
11 Manchester, for the plaintiffs, and Rabbi --

12 MR. SNITOW: Solomon G-R-A-U-S-E, for the  
13 respondents, as borerim.

14 MR. LEWIN: Which is the selected  
15 representative of each side.

16 THE COURT: One second. That designation  
17 being a commonly accepted designation within Orthodox  
18 Judaism for a representative of a disputant.

19 Continue.

20 MR. LEWIN: Those two selected borerim, within  
21 10 days of this day, select three other neutral members  
22 of the panel, to comprise of the five member rabbinical  
23 court, that will decide all these disputes.

24 THE COURT: I am interrupting again. The end  
25 date for that process will be 23rd of May, at 5:00 p.m.

## Proceedings

5

1 Eastern Daylight Time.

2 MR. LEWIN: The specific arbitration  
3 agreement, in Hebrew, S-H-T-A-R B-E-R-U-R-I-N, that  
4 will govern this rabbinical arbitration, will be  
5 drafted by the three neutral members, and will be  
6 signed in consultation --

7 MR. SNITOW: -- In consultation with the  
8 rabbinical lawyers for the respective parties.

9 MR. LEWIN: And that agreement will be signed  
10 by Rabbi Ben Zion Halberstam, who is represented here  
11 today by Mr. Snitow, who is making the representation  
12 that he had been personally authorized to state that  
13 Rabbi Halberstam will sign that, and by Rabbi  
14 M-O-R-D-E-C-A-I U-N-G-E-R, who is represented here  
15 today by me and Mr. Dolan, and Mr. Hoffman, and we have  
16 made the representation that he has personally stated  
17 that he will sign this arbitration agreement.

18 In addition, it will be signed by Rabbi  
19 Y-E-H-O-S-H-U-A R-U-B-I-N.

20 THE COURT: Resident in?

21 MR. LEWIN: Kings County, who is the  
22 brother-in-law of Rabbi Unger.

23 MR. SNITOW: And Rabbi Tauber, the D-A-Y-A-N.

24 THE COURT: But he is a resident in Kings  
25 County.

Proceedings

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MR. SNITOW: Kings County, and he is currently the dayan.

THE COURT: Presently a functionary called a dayan.

MR. LEWIN: In addition, that arbitration agreement will also be signed by designated representatives of each of the sides, one representative from the United States, and one representative from England -- from Brooklyn, in the United States.

One representative from England, and one representative from Israel.

These designated representatives will be designated by each of the communities, or by each of the two contending rabbi, as being leaders of that community, supporting that rabbi in each of the locations.

THE COURT: It's stipulated that the signatory parties have occupied leadership positions in the various communities of Bobov Chassidim, in the various locations designated.

Specifically, the Brooklyn, U.S. organization; the Israel organization; and the London, England organization.

MR. SNITOW: And those individuals -- their

## Proceedings

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1 leadership roles will be acknowledged by the primary  
2 signatories, who are Rabbi Halberstam and Rabbi Unger,  
3 so it's our intention, mutually, as to prevent other  
4 Beth Din proceedings, or Civil Court proceedings over  
5 the same subject matter, allegedly on behalf of  
6 different communities, within Bobov.

7 THE COURT: Each of the parties and their  
8 liaisons, and the signatories to this agreement,  
9 represent to this Court that they will use their best  
10 efforts to assure a calm transition after the death of  
11 the preceding grand rabbi.

12 Each of the attorneys here represents that  
13 they have spoken to their principals, and agree to this  
14 procedure, and it's further agreed that in the event  
15 that there is a lack of agreement on the three neutral  
16 members of Beth Din, that the parties, by oral  
17 communication, or either one of them, upon notice to  
18 the other, will advise this Court to make appropriate  
19 designations of any missing members, and it's further  
20 --

21 MR. SNITOW: -- Or fashion any appropriate --

22 THE COURT: I am not up to that yet. Give me  
23 a chance.

24 And it's further agreed that the parties  
25 hereby consent that this designation by this Court will

## Proceedings

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1 be appropriate under Article 75, as well as religious  
2 authority, as well as consistent with the communal  
3 values that pertain to this kind of dispute.

4 It's further understood by and between the  
5 parties that the Beth Din mechanism is the most  
6 appropriate mechanism for resolving disputes of this  
7 nature.

8 You want to say something else?

9 (Whereupon, an off the record discussion was  
10 held at the bench.)

11 THE COURT: It's further agreed by and between  
12 the parties that in the event of the incapacitation or  
13 disqualification of the instant court, that the matter  
14 will be referred, by consent, to Justice Ruchelsman.

15 MR. SNITOW: Agreed.

16 MR. LEWIN: By entering into this stipulation  
17 today, the parties, through their counsel, agree that  
18 this stipulation is and will be deemed to be an  
19 enforceable arbitration agreement under all applicable  
20 provisions of law governing arbitration agreements.

21 THE COURT: Including Article 75.

22 MR. LEWIN: Including Article 75, and Title 9  
23 of the United States Code.

24 THE COURT: It's further agreed that the law  
25 of New York will govern all disputes and the



## Proceedings

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1 arbitration -- let me say this.

2 In the event there is any further action in  
3 New York, or anywhere else, it's agreed that the law of  
4 New York will control -- any further disputes  
5 concerning the enforcement of this agreement shall be  
6 controlled under New York.

7 MR. SNITOW: So the record is clear, the  
8 enforcement of this agreement and all of its terms  
9 shall be subject to Article 75, but the parties  
10 understand and agree that the decision of the Beth Din  
11 will be in accordance with Jewish law, and the terms of  
12 the written Hebrew arbitration agreement, which is to  
13 be executed by the parties as referred to above, and  
14 decided by the three neutral members of the panel.

15 It's further stipulated and agreed that in the  
16 event that this Court retains jurisdiction for the  
17 enforcement of this agreement, and in the event that  
18 any provision consistent with the spirit and terms of  
19 this agreement is either considered to be vague, or has  
20 not been -- has inadvertently not been included in this  
21 stipulation, that Mr. Justice Herbert Kramer shall  
22 retain jurisdiction for the purpose of arbitrating any  
23 dispute regarding the inclusion of such term, and for  
24 the purpose of this agreement, and the underlying  
25 Hebrew arbitration agreement, all the parties submit to

## Proceedings

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1 the jurisdiction of this Court.

2 It's hereby stipulated and agreed that this  
3 stipulation disposes of and resolves the order to show  
4 cause for a preliminary injunction, which was brought  
5 before the Court today, as well as that the petitioners  
6 shall withdraw, with prejudice, the underlying Article  
7 78 proceeding, with the understanding that the ultimate  
8 award of arbitration may be submitted for enforcement  
9 to this Court; that is to the Supreme Court of the City  
10 of New York, County of Kings, pursuant to the  
11 provisions of Article 75.

12 MR. SNITOW: The parties agree that the first  
13 issue that may be presented to the Beth Din, and shall  
14 be resolved, shall be the issue of the camp, and it's  
15 further stipulated and agreed that the Beth Din shall  
16 be empowered to make multiple interim decisions without  
17 losing jurisdiction.

18 THE COURT: We have now entered a stipulation  
19 on the record.

20 On behalf of the parties, you represent --

21 MR. SNITOW: On behalf of the respondents, we  
22 so stipulate. The respondents, as well as those  
23 parties name as signatories.

24 THE COURT: And do you?

25 MR. LEWIN: On behalf of all the petitioners

Proceedings

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1 and all parties named as signatories to the agreement,  
2 we hereby so stipulate.

3 THE COURT: So ordered. You will give me a  
4 copy of this.

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9 This is to certify that the foregoing is a  
10 true and accurate transcript of the original  
11 stenographic record.

12 -----

13 JOEL SHAPIRO

14 SR. COURT REPORTER  
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