

Trademark: A Tragedy ™

Scott Coon

Mr. Labowski, Esq., ascends the north wall, Mr. Fredericks, Esq., and Mr. Dessemondi, Esq., the south. Not an alarm in sight. This will be a cakewalk. As Mr. Labowski, Esq., and Mr. Fredericks, Esq., stand guard, Mr. Dessemondi, Esq., carefully cuts a pane of glass of an unknown brand with his officially issued Diamond Glass ™ brand glasscutter. He lowers a strand of Tite Knot ™ brand nylon rope and, in short order, all three are in the target building. It's dark. With MinuteMan ™ brand night vision goggles on, Mr. Labowski, Esq., heads for the files; Mr. Fredericks, Esq., heads for the storefront displays; Mr. Dessemondi, Esq., stops and calls everyone back to the insertion point. "Listen."

Beep.

They break into three different aisles.

Beep.

They close in on the target noise. A red beam of light cuts through the darkness.

Beep.

They spot the unexpected target. Mr. Dessemondi, Esq., holds out a bit of paper as if it were a gun. "Hold it right there!"

Kevin continues reading bar codes, filling his stock database. "If you're looking to rob a place, you've missed it by one door. The check-cashing place is next door. We don't even have money for *me* to steal." Kevin scans another bar code. Beep. "This is a hardware store." Beep.

Mr. Dessemondi, Esq., reaches into his double-breasted suite pocket. “We’re not thieves,” he explains as he extracts a business card. “We’re lawyers.”

Kevin’s eyes swell with fear. The bar code scanner falls to the floor, its light scanning barcodes on its way down. Beep. Beep. Beep. Kevin runs for the panic button but he’s too late. A heavy legal document printed on quality paper stops him in his tracks. Mr. Labowski, Esq., slaps him on his shoulder with the document. “You have been served.” Holding the kid at paper point, Mr. Labowski, Esq., demands, “Now, show us to your glass and glass cutting products.”

From the roof they hear, “What the hell is this?!”

The Burglar slides down the still dangling rope. “What the hell is this?!” He points his gun at the three lawyers and the stock boy. “I’m doing this break in! Who, the hell, are you?”

Mr. Fredericks, Esq., replies, “Go about your business, Sir, this doesn’t concern you.”

“What?! I am pointing a gun at you! I concern YOU!”

“Yes, and you’re lucky I’m distracted right now.”

The Burglar raises his gun, and says snidely, “What? You know Kung Fu or something?”

Mr. Fredericks, Esq., turns his attention towards The Burglar. “No, Sir, I know the law.”

The Burglar fires a warning shot.

Mr. Dessemondi, Esq., steps forward. “Now, you’ve done it. You clearly don’t know who you’re firing at.”

The Burglar yells, “Shut up and sit down.”

“Now you’ve done it,” says Mr. Fredericks, Esq. “Not only have you broken in – clearly without a civil search warrant – you have interrupted a legal proceeding. Diamond Glass™ now has legal grounds to move against you to recoup losses including the cost for our time here. In

essence, every word that comes out of my mouth is costing you, on average, five dollars and forty cents.”

“I think it’s more fair,” explains Mr. Dessemondi, Esq., “to make that estimate based on syllables, Mr. Fredericks, Esq. After all, syllables are more regular in length than individual words.”

“Shut up! Shut up! Shut up!” screams The Burglar. He grabs Silver Streak™ brand duct tape and quickly tapes their hands together, one at a time.

As The Burglar tapes together the hands of Mr. Dessemondi, Esq., Mr. Dessemondi, Esq. says, “I am obligated to inform you that you are interrupting a legal investigation by Diamond Glass™ corporate lawyers into trademark violations by Jake Beagley & Sons™ hardware store.”

“Well, I’m here to break through that wall over there and empty the cash from the next business over.”

Mr. Fredericks, Esq., speaks up. “You realize taping us with Silver Streak™ brand duct tape is assault and battery.”

Mr. Labowski, Esq., nods in agreement and adds, “And, because Silver Streak™ brand duct tape is extra adhesive, pulling it off amounts to AGGRAVATED assault and battery.”

Mr. Dessemondi, Esq., smiles. “Very good, Mr. Labowski, Esq.!”

Mr. Fredericks, Esq., also smiles and nods.

“Oh dear God! Did they grow you people in a lab!!” The Burglar pulls back to hit Mr. Fredericks, Esq., with his gun. Mr. Fredericks, Esq., thrusts out his chin defiantly.

“I wouldn’t do that if I were you,” warns Mr. Dessemondi, Esq. “Mr. Fredericks, Esq., wrote the current law on civil cases resulting from assault, and I mean literally.”

The Burglar stops. “You were writing new laws and now you’re breaking into hardware stores in the middle of the night?! Why?”

Mr. Fredericks, Esq., states simply, “Better pay.”

The Burglar finishes taping them and stands back and looks at his work. “That should hold you. Lawyers.” He shakes his head. “Goddamn Lawyers! You know what you call 5000 lawyers chained together at the bottom of the sea?”

Mr. Labowski, Esq., interrupts, “A good start.”

“So, you heard that one.”

Mr. Fredericks, Esq., nods. “How about this one: It was so cold last week that I saw several lawyers with their hands in their own pockets.”

Mr. Dessemondi, Esq., chuckles. “Or this one: How was copper wire invented? Two lawyers were arguing over a penny.”

Mr. Labowski, Esq., tearfully interrupts the jocularity. “Everyone hates lawyers but, when you want to sue someone, who do you turn to? When you want a will or a contract or any other legal document too complex for The Kiss-Soft Household Lawyer™ brand legal document software, who do you turn to?”

“Only because people like you make the laws so complex,” replies The Burglar.

“And why do we make the laws so complex? Because criminals like you look for every crack, every loop-hole, every edge to skirt around the law and we have to Spackle™, Spackle™, Spackle™!”

“What the hell are you talking about? I broke in; I have a gun; I’m here to steal stuff. What’s complicated about that?”

“Not you!” roars Mr. Labowski, Esq. “Him!” Mr. Labowski, Esq., thrusts his shaking, duct-taped hands towards the stock boy. “Yes you, mister putting Steeley Glass™ products in a display container clearly provided by and for Diamond Glass™ products! You know kerosene was once a trademarked product but for people . . . I mean, CRIMINALS like you.”

Kevin looks to The Burglar. “Dude, get me out of here. These guys are nuts.”

Mr. Labowski, Esq., huffs. “Nuts! My father . . . my father . . .” Mr. Labowski, Esq., breaks down in tears.

Mr. Fredericks, Esq., explains, “His father had a company and a corporation was able to steal the product and the product name right out from under him. Mr. Labowski, Esq. wrote a ballad about it. Recite the ballad for us, Mr. Labowski, Esq.”

Mr. Labowski, Esq., tearfully recited:

“This is a ballad of a noble man  
Who knew not the Lahnam Act.  
This man would lose his only trademark  
And he would not get it back.”

“Just shut up,” says The Burglar, exasperatedly. “Please, just shut up.”

“Wait,” insists Mr. Dessemondi, Esq., “I have a back story, too. See, I am a Diamond Glass™ man as was my father before me and his father before him and his father before him and . . . umm . . . I think that’s as far back as it goes.”

“Shut up! Shut up!” The Burglar grabs his own head as if trying to hold it together.

“Damn! It’s almost dawn! I don’t have time to break down the wall! You lawyers cost me this job! Now, I have to get out of here with nothing!” The Burglar starts to leave.

Mr. Fredericks, Esq., calls out, “To save us some pain and to save you one more line item in the pending law suite from Diamond Glass™ glass manufactures, I strongly recommend that you use Earth Hugger™ brand commercial solvent to remove the Silver Streak™ brand duct tape from our wrists before you leave.”

“Argh!”

“The fact that Mr. Fredericks, Esq., has mentioned this fact,” explains Mr. Labowski, Esq., “adds weight to your negligence should you leave without providing us with the Earth Hugger™ brand commercial solvent.”

Mr. Dessemondi, Esq., chimes in. “Yes, and there is an Earth Hugger™ brand commercial solvent display right next to you – which is properly marked and stocked, unlike the glass and glass cutting products display. Your negligence at this point would be most profound.”

Weak and confused, The Burglar tosses them the solvent.

Mr. Fredericks, Esq., nods bemusedly. “I would consider that an act in good faith. You may have just saved yourself a lot of money.”

The Burglar turns to Kevin. “Kid, I would rescue you from these nuts but I just don’t have the time.” The Burglar turns to leave.

“For the love of . . .” cries Kevin. “At least shoot me!”

Mr. Labowski, Esq., asks Mr. Fredericks, Esq., “Would that be considered slander, calling us nuts?”

The Burglar screams and runs out the front door and into a police officer writing a ticket on The Burglar's car.

As the officer's backup arrives to help apprehend The Burglar, the lawyers and the stock boy free themselves with the solvent. Mr. Fredericks, Esq., heads out to deal with the police.

Mr. Dessemondi, Esq., turns to Kevin. "Now, back to the business at hand."

After a short negotiation, they come to an agreement, which releases Kevin from liability but leaves the store open to legal repercussions if the violation is not corrected in seven days.

After signing the agreement, Kevin asks, "Can I get a Xerox of that?"

Mr. Labowski, Esq., breaks down in tears. "Have you learned nothing?!"

Mr. Dessemondi, Esq., holds his distraught colleague close, comforting him. Over the shoulder of Mr. Labowski, Esq., he scolds Kevin. "It's 'a photocopy from a Xerox™ photocopy machine' thank you!" He hold's Mr. Labowski, Esq., closer. "One day they will learn."