

ESTTA Tracking number: **ESTTA43391**

Filing date: **08/28/2005**

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

<b>Proceeding</b>	92044751
<b>Party</b>	Defendant THE DIAMONDS OF RUSSIA LTD. THE DIAMONDS OF RUSSIA LTD. 848 N. Rainbow Blvd, Suite 1052 Las Vegas, NV 89107
<b>Correspondence Address</b>	THE DIAMONDS OF RUSSIA LTD. 2029 Century Park East, Suite 1060 Los Angeles, CA 90049
<b>Submission</b>	Motion to Dismiss - Rule 12(b)
<b>Filer's Name</b>	Leon Fingergut
<b>Filer's e-mail</b>	leon.fingergut@kristall.us
<b>Signature</b>	/Leon Fingergut/
<b>Date</b>	08/28/2005
<b>Attachments</b>	Cancellation 92044751.pdf ( 2 pages ) CorpSearch.pdf ( 1 page ) ShowList.pdf ( 1 page ) CERT OF MAILING.pdf ( 1 page )

1                                   **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
2                                   **BEFORE THE TRADEMARK TRIAL AND APEAL BOARD**

3 In the matter of Trademark Registration No. 2, 728,636  
4 For the mark: Kristall The Diamonds of Russia  
5 Date registered: June 24, 2003

6 Kristall Classics Inc., a Nevada                    )  
7 Corporation    )  
8                                    Petitioner,                                    )  
9                                    vs.    ) Cancellation No. 92043340  
10 The Diamonds Of Russia Ltd., a                    )  
11 California Corporation                                    )  
12                                    Registrant

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13   **ANSWER FOR PETITION TO CANCEL**

14 Registrant The Diamonds Of Russia Ltd., a Delaware Corporation answers  
15 petition to cancel as follows:

16            1. Lacks knowledge or information sufficient to believe in existence of  
17 Kristall Classics Inc., in State of Nevada and State of California Precludes  
18 Petitioner to institute Cancellation proceedings. Search conducted on  
19 internet sites of Nevada Secretary of State and California Secretary Of State  
20 Showed no records for Kristall Classics Inc., in State of Nevada and State of  
21 California.

22   **AS AND FOR FIRST AFFIRMATIVE DEFENSE**

23  
24            2. The Petitioner fails to meet minimum requirements to institute  
25 legitimate trademark cancellations proceedings due to its non existence.  
26 Printouts from Nevada Secretary of State Internet site and California  
Secretary of State are attached as evidence.





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Kristall Classics Inc

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Search

No results for search on "Kristall Classics Inc"

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## Corporations

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For information about certification of corporate records or for additional corporate information, please refer to **Corporate Records**. If you are unable to locate a corpo record, you may submit a request to this office for a more extensive search. Fees and instructions for requesting this search are included on the **Corporate Records Ord Form**.

**No results matched the search term : "Kristall Classics Inc"**

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO PETITION TO CANCEL was served by first class mail, postage prepaid, on the following counsel of record for Petitioner:

Michael Painter Esq.  
ISAACMAN, KAUFMAN & PAINTER  
A PROFESSIONAL CORPORATION  
8484 Wilshire Blvd., Suite 850  
Beverly Hills, CA 90211

This 28<sup>th</sup> day of August 2005.



Leon Fingergut