

ESTTA Tracking number: **ESTTA52698**

Filing date: **11/09/2005**

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>	Answer
<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>	11/09/2005
<b>Attachments</b>	Answer cancellation No 92044751.pdf ( 3 pages )

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

KRISTALL CLASSICS, INC., a ) Cancellation No.92044751  
Nevada Corporation )  
 )  
Petitioner, )  
 V )  
THE DIAMONDS OF RUSSIA, LTD., a )  
Delaware Corporation )  
 )  
Registrant )

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I hereby certify that on November 11, 2005  
correspondence and all listed attachments being  
deposited with the United States Postal Service as  
First Class Mail, postage prepaid, in an envelope  
addressed to: Commissioner for Trademarks, PO BOX  
22313-1451, Arlington, Virginia  
ATTN: TTAB



Name: Leon Fingergut

REGISTRANT ANSWER TO PETITION FOR CANCELLATION

Commissioner for Trademarks  
PO BOX 1451  
Alexandria VA 22313-1451

Registrant The Diamonds Of Russia Ltd. ("Registrant") a Delaware Corporation, having its principal place of business in Las Vegas, Nevada answer PETITION OF CANCELLATION ("POC") as follows:

1. Registrant admits Petitioners allegation in paragraph 1 of POC
2. Registrant admits Petitioners allegation in paragraph 2 of POC
3. Registrant admits Petitioners allegation in paragraph 3 of POC
4. Registrant admits that Kristall Jeweler Inc instituted an action in the United States District Court for the Central District of California against Petitioner, said action has action being identified by Court as Kristall Jeweler Inc. V. Kristall Classics Inc., Case No CV03-860-CJC (VBKx). Registrant denies petitioner allegation that said action was relating to ownership or KRISTALL Trademark. Said action was relating to petitioner Kristall Trade Mark infringement and Petitioners breach of contract to pay agreed royalties.
5. Registrant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 5 of POC and accordingly denies the same.
6. Registrant does not have sufficient information or knowledge to admit or deny the allegations of paragraph 6 of POC and accordingly denies the same.
7. Registrant denies allegations of paragraph 7 of POC

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

8. Petition For Cancellation fails to state claims upon which relief can be granted

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

9. By continues use and infringement of The Diamonds Of Russia™, Petitioner breached Paragraph 8e of above referenced Confidential Settlement Agreement and invalidated the same.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

10. Registrant and its predecessors in interest have never discontinued use of mark.

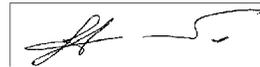
AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

11. Petitioner is not existent business entity. Conducted search of California Secretary Of State data base and Nevada Secretary Of State database revealed no record of business entity " Kristall Classics Inc."

WHEREFORE, the petition to cancel should be denied.

Dated: Los Angeles, California  
November 9, 2005

Respectfully submitted,  
The Diamonds Of Russia Ltd.



By \_\_\_\_\_  
Leon Fingergut  
President  
848 N. Rainbow Blvd, Suite 1052  
Las Vegas, NV 89107

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  
ISAACMAN, KAUFMAN & PAINTER  
A Professional Corporation  
8484 Wilshire Blvd, Suite 850  
Beverly Hills, CA 90211

This 9<sup>th</sup> day of November 2005.

A rectangular box containing a handwritten signature in black ink. The signature is stylized and appears to read 'L. Fingergut'.

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Leon Fingergut