

ESTTA Tracking number: **ESTTA431989**

Filing date: **09/23/2011**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Mr. Andrey Pinsky		
Entity	Individual	Citizenship	CANADA
Address	45 Sheppard Avenue East, Suite 900 Toronto, ONT M2N 5W9 CANADA		

Correspondence information	Andrey Pinsky Pinsky Law 45 Sheppard Avenue East, Suite 900 Toronto, ONT M2N 5W9 CANADA andrey@pinskylaw.ca Phone:(416) 221-2600
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Registration Subject to Cancellation

Registration No	3981394	Registration date	06/21/2011
Registrant	Burda, Douglas P.O. Box 15533 Las Vegas, NV 89114 UNITED STATES		

Goods/Services Subject to Cancellation

Class 045. First Use: 2010/06/12 First Use In Commerce: 2010/06/12
All goods and services in the class are cancelled, namely: Legal services

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CONCEPT LAW		
Goods/Services	Legal services		

Attachments	2011-09-22 (Petition to Cancel).pdf (2 pages)(85860 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Andrey Pinsky/
Name	Andrey Pinsky
Date	09/23/2011

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Andrey Pinsky (Petitioner)

v.

Douglas Burda (Respondent)

PETITION FOR CANCELLATION

In the matter of mark Registration No.:	3981394
For the mark:	KONCEPT
Date of First Use:	June 12, 2010
Date of Registration:	June 21, 2011

Andrey Pinsky (hereinafter “Petitioner”), a Canadian lawyer, whose main office is located at Suite 900, 45 Sheppard Avenue East, Toronto, Ontario M2N 5W9, Canada, believes that he is or will be damaged by the registration of the mark identified above and hereby petitions to cancel the registration.

As grounds for this petition, Petitioner alleges:

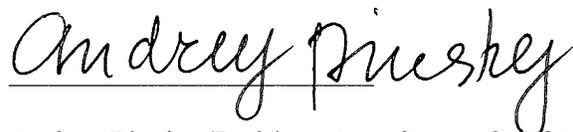
1. Petitioner owns mark CONCEPT LAW. Petitioner's date of first use of the mark CONCEPT LAW in the United States of America is January 27, 2010. Petitioner since January 27, 2010, on a continuous basis, used mark CONCEPT LAW in the United States of America.
2. Douglas Burda (hereinafter “Respondent”), a United States of America attorney licensed to practice law in the State of Nevada, is listed as the owner of Registration No. 3981394 for the mark KONCEPT.
3. Upon information and belief, Respondent’s law office is located at Unit 1009, 900 Las Vegas Boulevard South, Las Vegas, Nevada 89101, United States of America.
4. Commencing long prior to Respondent's claimed date of first use of the mark KONCEPT, Petitioner had been and still is engaged in use of the mark CONCEPT LAW in association with the sale, advertising and promotion of legal services – the commerce that may be lawfully regulated by the Congress.

5. As a result of Petitioner's promotion and use of Petitioner's mark CONCEPT LAW, customers have come to know and recognized Petitioner's mark and have associated it with Petitioner's legal services.
6. Commencing long prior to Respondent's claimed date of first use of the mark KONCEPT, Petitioner used and continues to use the mark CONCEPT LAW to identify the origin of his legal services.
7. Respondent's use and registration of the mark KONCEPT will enable Respondent to trade upon and utilize the goodwill established by Petitioner in Petitioner's mark CONCEPT LAW.
8. Respondent's use and registration of the mark KONCEPT is a simulation and/or a colourable imitation of and/or closely resembles Petitioner's mark CONCEPT LAW.
9. Upon information and belief, Petitioner and Respondent are both engaged in the sale and promotion of their respective legal services through the same channels of trade, and to the same general class of purchasers.
10. Upon information and belief, the public and/or customers are likely to be confused, mistaken or deceived as to the origin and sponsorship of Respondent's legal services marketed under the mark KONCEPT and/or misled into believing that such legal services emanate from, are licensed by, or are in some way directly or indirectly associated with Petitioner, or are the services of Petitioner.
11. Petitioner will be damaged by the continued use and registration by Respondent of the mark KONCEPT as set forth in Respondent's Registration No. 3981394 in that Respondent's mark KONCEPT is confusingly similar to Petitioner's mark CONCEPT LAW for said legal services.

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted and that Registration No. 3981394 for the mark KONCEPT be cancelled.

The filing fee for this Petition to Cancel in the amount of \$ 300.00 is enclosed herewith.

Respectfully submitted by



Andrey Pinsky (Petitioner) on September 21, 2011

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