

ESTTA Tracking number: **ESTTA456022**

Filing date: **02/13/2012**

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

Proceeding	92054551
Party	Plaintiff Andrey Pinsky
Correspondence Address	ANDREY PINSKY PINSKY LAW 45 SHEPPARD AVE EAST SUITE 900 TORONTO, ON M2N 5W9 CANADA andrey@pinskylaw.ca
Submission	Other Motions/Papers
Filer's Name	Andrey Pinsky
Filer's e-mail	andrey@pinskylaw.ca
Signature	/Andrey Pinsky/
Date	02/13/2012
Attachments	2012-02-13 (Request for Disclosure).pdf (5 pages)(179593 bytes)

PINSKY LAW

Intellectual Property & Technology Law

SUITE 900
45 SHEPPARD AVE. EAST
TORONTO, ONTARIO
CANADA, M2N 5W9

TEL: (416) 221 - 2600
FAX: (416) 221 - 2640
WWW.PINSKYLAW.CA

February 13, 2012

FILED BY ESTTA
AND SENT VIA REGULAR MAIL TO:

Douglas Burda
Koncept Innovative Law
900 Las Vegas Boulevard South
Unit 1009
Las Vegas, Nevada 89101
USA

Dear Mr. Burda

Re: Trademark Cancellation No. 92054551

In my letters to you dated December 29, 2011, January 6, 2012, and January 16, 2012, copies of which are enclosed, I made several discovery requests. I have not received to date either your reply to any of my letters, or the documents I requested. This is my fourth discovery request.

I notice that your websites www.konceptllc.com and www.douglasburda.com are not available online for some time now. Disappearance of your websites suggests to me that you are unwilling or unable to continue to defend registration of your trademark KONCEPT. If I am correct and you are unwilling or unable to continue to defend the cancellation procedure I commenced with the Trademark Trial and Appeal Board (TTAB), please advise the TTAB accordingly and please withdraw your defences to save money and time required by both the TTAB and me to continue with the process of cancellation of registration for your trademark KONCEPT.

I remind you that it is your obligation as a lawyer under the Rules of Professional Conduct of the Nevada Bar to provide timely replies to other lawyer's correspondence. It is my position that your failure to provide timely replies to my correspondence about the issues of cancellation of your trademark KONCEPT is a breach of the Rules of Professional Conduct of the Nevada Bar. Accordingly, if I am not in receipt of your reply to this letter by February 20, 2012, I will have no choice but to bring your conduct in this cancellation proceeding to the attention of the Nevada Bar via a formal complaint.

I require to produce pursuant to the TTAB's Order dated December 1, 2011, and pursuant to the *Federal Rules of Civil Procedure* all documents in your possession, custody, or control that support your affirmative defences listed in paragraphs 12, 13, 14, 15, 16, 17, and 18 of your Second Amended Answer and Affirmative Defences to Petition for Cancellation dated December 7, 2011.

I require to produce pursuant to the TTAB's Order dated December 1, 2011, and pursuant to the *Federal Rules of Civil Procedure* all documents in your possession, custody, or control that support your affirmative defences listed in paragraphs 12, 13, 14, 15, 16, 17, and 18 of your First Amended Answer and Affirmative Defences to Petition for Cancellation dated November 14, 2011.

I require to produce pursuant to the TTAB's Order dated December 1, 2011, and pursuant to the *Federal Rules of Civil Procedure* trademark searches performed prior to submission of your trademark application for the trademark KONCEPT to the USPTO and also trademark registrability opinion letter(s) rendered prior to submission of your trademark application for the trademark KONCEPT to the USPTO.

Please provide these documents not later than February 16, 2012. If I am not in receipt of the abovementioned documents by February 16, 2012, I will bring a motion to compel disclosure without further notice to you.

Yours truly,

A handwritten signature in cursive script that reads "Andrey Pinsky". The signature is written in black ink and is positioned below the "Yours truly," text.

Andrey Pinsky

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CANADA, M2N 5W9

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January 16, 2012

SENT VIA FEDEX TO:

Douglas Burda
Koncept Innovative Law
900 Las Vegas Boulevard South
Unit 1009
Las Vegas, Nevada 89101
USA

Dear Mr. Burda

Re: Trademark Cancellation No. 92054551

In my letters to you dated December 29, 2011, and January 6, 2012, copies of which are enclosed, I requested you to produce certain documents. I have not received to date either your reply to my letters, or the documents I requested. This is my third request to produce these documents.

I require you to produce pursuant to the TTAB's Order dated December 1, 2011, and pursuant to the *Federal Rules of Civil Procedure* all documents in your possession, custody, or control that support your affirmative defences listed in paragraphs 12, 13, 14, 15, 16, 17, and 18 of your Second Amended Answer and Affirmative Defences to Petition for Cancellation dated December 7, 2011.

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Please provide these documents not later than February 16, 2012. If I am not in receipt of the abovementioned documents by February 16, 2012, I will bring a motion to compel disclosure without further notice to you.

Yours truly,



Andrey Pinsky

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January 6, 2012

SENT VIA FEDEX TO:

Douglas Burda
Koncept Innovative Law
900 Las Vegas Boulevard South
Unit 1009
Las Vegas, Nevada 89101
USA

Dear Mr. Burda

Re: Trademark Cancellation No. 92054551

In my letter to you dated December 29, 2011, a copy of which is enclosed, I requested you to produce certain documents. I have not received either your reply to my letter, or the documents I requested to date. This is my second request to provide these documents.

I require you to produce pursuant to the TTAB's Order dated December 1, 2011, and pursuant to the *Federal Rules of Civil Procedure* all documents in your possession, control, or power that support your affirmative defences listed in paragraphs 12, 13, 14, 15, 16, 17, and 18 of your Second Amended Answer and Affirmative Defences to Petition for Cancellation dated December 7, 2011.

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Please provide these documents at your earliest convenience.

Yours truly,



Andrey Pinsky

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TORONTO, ONTARIO
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December 29, 2011

SENT VIA FEDEX TO:

Douglas Burda
Koncept Innovative Law
900 Las Vegas Boulevard South
Unit 1009
Las Vegas, Nevada 89101
USA

Dear Mr. Burda

Re: Trademark Cancellation No. 92054551

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Yours truly,



Andrey Pinsky