

ESTTA Tracking number: **ESTTA438532**

Filing date: **10/31/2011**

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

Proceeding	92054551
Party	Defendant Douglas Burda
Correspondence Address	DOUGLAS BURDA PO BOX 15533 LAS VEGAS, NV 89101 UNITED STATES
Submission	Answer
Filer's Name	Douglas Burda
Filer's e-mail	dbb@konceptlaw.com
Signature	/Douglas Burda/
Date	10/31/2011
Attachments	Answer.2 with certificate of service.pdf ( 8 pages )(204030 bytes )

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

**ANDREY PINSKY**

**Petitioner,**

**v.**

**Cancellation No. 92054551**

**DOUGLAS BURDA**

**Respondent.**

**ANSWER AND AFFIRMATIVE DEFENSES TO PETITION FOR CANCELLATION**

Respondent, Douglas Burda (Registrant), an individual having an address of 900 Las Vegas Boulevard South, Unit 1009 in Las Vegas, Nevada 89101, believing it is rightfully and lawfully entitled to the continued use of the trademark delineated in United States Trademark Registration No. 3981394 on the Principal Register, hereby responds to Andrey Pinsky's (Petitioner's) Petition For Cancellation (Petition) as follows:

Any paragraph of the Petition stating a conclusion of law does not require Registrant's response, but to the extent that such a response is required, it is provided below.

The unnumbered paragraphs before numbered paragraph 1 in the Petition do not call for a response. Notwithstanding the foregoing, Registrant is without knowledge or information sufficient to form a belief as to the truth of the averment that Petitioner is, in fact, a Canadian lawyer.

1. Registrant denies that Petitioner owns the mark CONCEPT LAW. Regarding the remaining allegations of this averment, Registrant is without knowledge or

information sufficient to form a belief as to the truth of these allegations and therefore denies same.

2. Registrant admits that Registrant is an attorney licensed to practice in the State of Nevada in the United States, and that Registrant is the owner of United States Trademark Registration No. 3981394. Registrant denies the remaining allegations of this averment.
3. Registrant admits the allegations of this averment.
4. Registrant admits that Congress may regulate the sale, advertising, and promotion of legal services. Registrant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this averment and therefore denies same.
5. Registrant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies same.
6. Registrant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies same.
7. Registrant admits that Registrant uses and has obtained a federal registration for Registrant's mark (the Mark) (See a current printout of information from the Office's electronic database records showing the current status and title of the registration of the Mark, attached hereto as Exhibit 1). Registrant denies the remaining allegations of this averment.
8. Registrant admits that Registrant uses and has obtained a federal registration for the Mark (See Exhibit 1). Registrant denies the remaining allegations of this averment.

9. Registrant admits that Registrant is engaged in the offering of legal services.

Registrant denies the remaining allegations of this averment.

10. Registrant denies the allegations of this averment.

11. Registrant admits that Registrant uses and has obtained a federal registration for the Mark (See Exhibit 1). Registrant denies the remaining allegations of this averment.

### **AFFIRMATIVE DEFENSES**

Without waiver of its Answer, Registrant asserts the following affirmative defenses to the Petition:

12. Petitioner fails to state a cognizable basis upon which relief can be granted as Petitioner's alleged use of Petitioner's alleged mark, even if proven, could not establish that Petitioner has or ever had superior rights to that of Registrant's.

13. Petitioner has knowingly and with intent to deceive made misrepresentations to Registrant and before the United States Patent and Trademark Office (USPTO) in this matter, which were relied upon, and such misrepresentations warrant denial of the Petition.

14. Petitioner lacks standing to practice before the United States Patent and Trademark Office in this matter because Petitioner, as an alleged Canadian attorney, has failed to provide information sufficient to establish that Petitioner may practice before the Office. Such circumstances warrant denial of the Petition.

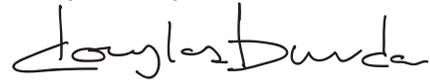
15. Petitioner has unclean hands that warrant denial of the Petition.

16. Petitioner's claims are barred by the doctrine of laches.

17. Petitioner's claims are barred because there is no likelihood of confusion.

October 31, 2011

Respectfully submitted,

A handwritten signature in black ink that reads "Douglas Burda". The signature is written in a cursive style with a large, prominent 'D' and 'B'.

Douglas Burda  
KONCEPT® LLC  
900 Las Vegas Boulevard South  
Unit 1009  
Las Vegas, Nevada 89101  
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Email. [dbb@konceptlaw.com](mailto:dbb@konceptlaw.com)  
Attorney & Registrant

## EXHIBIT 1

Latest Status Info

10/30/11 12:45 PM

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-10-30 15:45:07 ET

Serial Number: 85176628 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3981394

Mark

# KONCEPT

(words only): [KONCEPT](#)

Standard Character claim: [Yes](#)

Current Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Date of Status: [2011-09-23](#)

Filing Date: [2010-11-15](#)

Filed as TEAS Plus Application: [Yes](#)

Currently TEAS Plus Application: [Yes](#)

Transformed into a National Application: [No](#)

Registration Date: [2011-06-21](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 108](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: [650 -Publication And Issue Section](#)

**Date In Location:** [2011-06-21](#)

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. [Burda, Douglas](#)

**Address:**

[Burda, Douglas](#)  
[900 Las Vegas Boulevard South, Unit 1009](#)  
[Las Vegas, NV 89101](#)  
[United States](#)

**Legal Entity Type:** [Individual](#)

**Country of Citizenship:** [United States](#)

**Phone Number:** [\(248\) 217-0002](#)

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**GOODS AND/OR SERVICES**

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**International Class:** [045](#)

**Class Status:** [Active](#)

[Legal services](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [2010-06-12](#)

**First Use in Commerce Date:** [2010-06-12](#)

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

[2011-09-25 - TEAS Change Of Correspondence Received](#)

[2011-09-23 - Cancellation Instituted No. 999999](#)

[2011-09-22 - Applicant/Correspondence Changes \(Non-Responsive\) Entered](#)

2011-09-22 - TEAS Change Of Owner Address Received  
2011-06-21 - Registered - Principal Register  
2011-06-16 - FAX RECEIVED  
2011-04-05 - Notice Of Actual Publication E-Mailed  
2011-04-05 - Published for opposition  
2011-02-24 - Approved for Pub - Principal Register (Initial exam)  
2011-02-24 - Assigned To Examiner  
2010-11-19 - Notice Of Pseudo Mark Mailed  
2010-11-18 - New Application Office Supplied Data Entered In Tram  
2010-11-18 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Douglas Burda

**Correspondent**

Douglas Burda  
Koncept LLC  
900 Las Vegas Boulevard South, Unit 1009  
Las Vegas NV 89101  
Phone Number: (248) 217-0002

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### **CERTIFICATE OF ELECTRONIC FILING**

I certify that on October 31, 2011, the foregoing ANSWER AND AFFIRMATIVE DEFENSES TO PETITION FOR CANCELLATION is being electronically transmitted to:

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office

By:   
Douglas Burda

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES TO PETITION FOR CANCELLATION has been served on Andrey Pinsky by mailing said copy on October 31, 2011, via First Class Mail International, postage prepaid to:

ANDREY PINSKY  
PINSKY LAW  
45 SHEPPARD AVE EAST SUITE 900  
TORONTO, ON M2N 5W9  
CANADA

By:   
Douglas Burda