

ESTTA Tracking number: **ESTTA449016**

Filing date: **12/30/2011**

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

Proceeding	92054551
Party	Plaintiff Andrey Pinsky
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Submission	Other Motions/Papers
Filer's Name	Andrey Pinsky
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Signature	/Andrey Pinsky/
Date	12/30/2011
Attachments	2011-12-30 (Declaration of Petitioner dated 2011-12-29).pdf ( 97 pages ) (4211611 bytes )

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

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,

Petitioner,

v.

DOUGLAS BURDA

Registrant.

Cancellation No. 92054551

**DECLARATION OF ANDREY PINSKY**

I, Andrey Pinsky, of Toronto, Ontario, Canada, HEREBY DECLARE THAT:

1. I am the Petitioner in this cancellation proceeding. Therefore, I have knowledge of matters to which I hereafter depose except where I expressly state that my knowledge is based on information and belief. In such circumstances I will identify the basis of my information and belief.
2. I am an intellectual property and business lawyer licensed to practice in Ontario, Canada. I am admitted to practice before Canadian Intellectual Property Office and the United States Patent and Trademark Office (USPTO). I provide my

intellectual property and business law services to residents of Canada, to residents of the United States of America, and to international clients.

3. Since January 27, 2010, I have been advertising my intellectual property and business law services in the United States of America via my newsletter titled CONCEPT LAW. I used the newsletter to demonstrate my expertise in Canadian intellectual property and business law and to advertise and offer my intellectual property and business law services to the residents of the United States of America in association with the trademark CONCEPT LAW. I have attached to this Declaration (Exhibit 1 through Exhibit 9) documents that demonstrate samples of advertisements distributed in association with the trademark CONCEPT LAW and that also demonstrate the date of first use (January 27, 2010) of the trademark CONCEPT LAW in the United States of America.

Exhibit 1 Copy of the advertisement of legal services distributed in the United States of America in January 2010 in association with the trademark CONCEPT LAW.

Exhibit 2 Copy of the advertisement of legal services distributed in the United States of America in February 2010 in association with the trademark CONCEPT LAW.

Exhibit 3 Copy of the advertisement of legal services distributed in the United States of America in March 2010 in association with the trademark CONCEPT LAW.

Exhibit 4 Copy of the advertisement of legal services distributed in the United States of America in April 2010 in association with the trademark CONCEPT LAW.

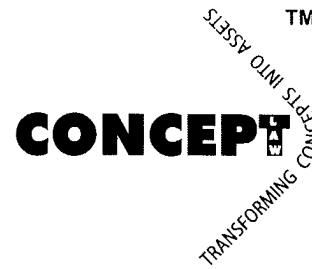
Exhibit 5 Copy of an announcement email accompanying advertisement of legal services in the United States of America in association with the

trademark CONCEPT LAW. The email provided a hyperlink back to the website [www.pinskylaw.ca](http://www.pinskylaw.ca).

- Exhibit 6 Copy of the page titled News of the website [www.pinskylaw.ca](http://www.pinskylaw.ca) archived by [www.archive.org](http://www.archive.org) and [www.waybackmachine.com](http://www.waybackmachine.com) on February 11, 2010, showing a sample of the CONCEPT LAW trademark.
- Exhibit 7 Copy of the page titled News of the website [www.pinskylaw.ca](http://www.pinskylaw.ca) archived by [www.archive.org](http://www.archive.org) and [www.waybackmachine.com](http://www.waybackmachine.com) on April 12, 2010, showing a sample of the CONCEPT LAW trademark.
- Exhibit 8 Copy of the page titled Sitemap of the website [www.pinskylaw.ca](http://www.pinskylaw.ca) archived by [www.archive.org](http://www.archive.org) and [www.waybackmachine.com](http://www.waybackmachine.com) on February 11, 2010, showing a sample of the CONCEPT LAW trademark.
- Exhibit 9 Email sent to attorney Reggie Borkum on January 25, 2010, in relation to legal services provided to his client and copies of advertisement of legal services sent to him and his client in association with the trademark CONCEPT LAW.

4. I clearly marked CONCEPT LAW as my trademark in the advertisements of legal services distributed in the United States of America and in the emails with which the advertisements were distributed. I used the trademark CONCEPT LAW to identify my intellectual property and business law services offered, distributed, and sold to the residents of the United States of America.
5. I used the trademark CONCEPT LAW in association with advertisement, offering, and sale of my intellectual property and business law services in the form exhibited in the samples below:

CONCEPT LAW™



6. Between January 27, 2010 and June 11, 2010, I sold my intellectual property and business law services in association with the trademark CONCEPT LAW to the residents of the United States of America.
7. Since January 27, 2010, and to date, on a continuous basis, I have been advertng, offering, and selling my intellectual property and business law services in association with the trademark CONCEPT LAW to the residents of the United States of America.
8. I have attached to this Declaration affidavits and declarations (Exhibit 10 through Exhibit 25) provided by the United States of America patent and trademark attorneys, which evidence my date of first use (January 27, 2010) of the trademark CONCEPT LAW in the United States of America and which support my Petition to Cancel registration of the trademark KONCEPT (Registration No. 3981394). All declarations and all affidavits listed below will be filed with the Trademark Trial and Appeal Board separately from my declaration.

Exhibit 10 Declaration of Elliot C. Alderman, copyright and trademark attorney and partner of Alderman Law, Washington, DC. Telephone number (202) 973-0188.

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