

JUDr. Eva Winklerová, attorney at law
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Trademark Trial and Appeal Board
U.S. Patent and Trademark Office P.O. Box 1451
Alexandria, VA 22313-1451
USA

Subject:

DIACOM^{USA}, serial Number 86830759

the registrant and owner Biostar Technology International LLC, at the address 4443 West Sunset Blvd., Los Angeles, Ca 90027, USA

- **Protest against the entry trademark DIACOM^{USA} and petition to cancel this trademark registration filed by Khachatur Mkrtychyan - Diacom Technology**

Prague 20th February 2017

I file a protest against the entry of the combined trademark DIACOM USA under serial number 86830759 and I file petition to cancel this trademark - the applicant and owner Biostar Technology International LLC, filed November 24 2015, registration date August 2, 2016, namely due to the fact that I already registered trademark of the DIACOM TECHNOLOGY and DIACOM and DIACOM MEDITRONIC in the intellectual property Office of the Czech Republic, the first number 328076, the filing date on 7.5.2012, record date 24.10.2012, the occurrence of pre-emptive rights on 7.5.2012, the second number 334763, the filing date 2.4.2013, recording date 13.11.2013, the occurrence of pre-emptive rights 2.4.2013 and a third of them under the number 349218, the filing date on 5.7.2015, record date 21.10.2015, the occurrence of pre-emptive rights on 25.5.2015.

You can find this information on the website of the intellectual property Bureau of the Czech Republic www.upv.cz. Further reported that in the Czech Republic I've been engaged in business under the brand name Khachatur Mkrtychyan - Diacom Technology, bin: 28765737, the office of the company at the following address: Neratovice Jedová 189, zip code: 27711 and is a manufacturer and distributor of measuring devices SOLO-NLS, generators of a low-voltage electromagnetic waves SOLO-FREQ generators, plasma generator Plazmotronic, combined devices Lite – FREQ and accessories, which are protected by the combined trademark DIACOM TECHNOLOGY. I have also registered the trademark DIACOM^{DIACOM} at the USPTO USA, serial Number 79196312, International registration Number 1319213. It is obvious that record of the combined DIACOM USA trademark has resulted in replaceability with my trademarks and to damage of my business activity and my trade name.

Proof:

Public information www.upv.cz

The extract from the trade register of the Czech Republic about my firm

In order to inform you, I also announce that the firm Biostar Organix Healthcare Association at 4443 West Sunset Blvd., Los Angeles, Ca 90027, USA, represented by Mr. Ulysses Angulo (both firms is



03-01-2017

U.S. Patent & TM/DO/TM Mail Recpt Dt: 01/03/17

obvious from the title and same address) I signed the agreement from 9.1.2014 on the basis of which I granted to this firm the right to offer and sell my products in the market of the USA, Canada, Mexico and South Korea with Biostar Organix Healthcare Association firm which is represented by mister Ulysses Angulo. In March, 2015, the Biostar Organix Healthcare Association firm declared carrying out and held the Presentation of the products DIACOM in the Czech Republic which is absolutely violated terms of the contract, mister Angulo promised me later that I as the owner of the DIACOM company, will be in attendance, as Dušan Medvec – exclusive distributor in the Czech Republic, as a result they held the presentation without our presence with the explanation that the room where the presentation was held, is too small and we did not have seats.

As a result of pressure of distributors as in their opinion, such activity interferes with a field of activity of the distributor of this region, and in the future similar should not repeat, Ulysses L Angulo apologized to all exclusive distributors. However shortly thereafter it published on the official website that he carries out sales, support and training in work with Diacom worldwide and the official manager there was Maria Sheretova at the present time is the wife of Mr. Angulo and former close assistant and right hand of the company Khachatur Mkrtychyan - Diacom Technology.

The contract in any agreement with the Biostar firm or with Mr. Ulysses L Angulo says nothing about the fact that it provides the right to conduct training of the DIACOM devices to users, as I could not guarantee his knowledge in this field, on the contrary, I am sure, that he was not competent enough, however, he proclaimed himself as the best specialist on training of the DIACOM technologies. As these actions went beyond all the agreements, I demanded a company Biostar – Mr. Angulo, to remove the false information.

In 2015, cooperation with the company Biostar was discontinued, and the firm no longer has the right to offer and sell my product that I already don't provide to this company and in the USA market I have another distributor for the moment. Biostar company could, as a distributor, use the name of the DIACOM only during the period of our cooperation that it completely ignores and still continues to use my trading name DIACOM and DIACOM trademark, namely for the promotion and sale of counterfeit products and seemingly similar products of own production, and Biostar claims that their devices are better than the original products of DIACOM. On the website of Biostar this company also declared that it recruits programmers and developers in the USA. The purpose of this activity is clear - to abuse and use for their enrichment, the DIACOM technologies developed by me.

I repeatedly asked the company Biostar about the complete elimination of the name DIACOM from their website and that they ceased to offer the products under this name, because my they are protected trademarks. After a lengthy red tape they changed the title of their website graphic design, however, they continue to use the name DIACOM on their site, sometimes they use even the original version of the trademark DIACOM TECHNOLOGY. All of these actions can be described as the abuse of my trademarks, unfair competition and damage to my trading name. This activity can be checked on the sites that they use, a total of 3, namely:

diacom-usa.org

diacom-usa.com

diacom-3d-nls.com

and as I found out at the moment, Biostar Technology International LLC (Mr. Ulysses Angulo L /Sheretov) brought his illegal activities to the level that has applied for registration of the trade mark

DIACOM^{USA}, which was registered and it is interchangeable with my TM and still to aggravate, his other firm also filed an application for registration.

Khachatur Mkrtyan - Diacom Technology
Jedová 189
27711 Neratovice
Czech Republic

represent under the power of attorney by
JUDr. Eva Winklerová
Attorney at law
e-mail: eva.winkler@cdipraha.cz
Zelený pruh 52, 147 00 Praha 4, Czech Republic

A handwritten signature in blue ink, appearing to be 'Eva Winklerová', is written over the text of the attorney's information.

POWER OF ATTORNEY

The person signed below:

Khachatur Mkrtchyan – Diacom Technology, identification number: 28765737, tax identification number: CZ28765737, business address Neratovice, Jedová 189, PSČ: 27711, Česká republika

grants Power of Attorney to

JUDr. Eva Winklerová, solicitor, registered with the Czech Bar Association ref. no. 3283, registered solicitor's office Zelený pruh 1294/52, 147 00 Praha 4, Czech Republic.

The Power of Attorney authorises the Solicitor to represent the person stated above and to act on his behalf, to carry out all acts necessary, to take delivery of written matters, to submit proposals and applications, to reconcile and settle, to recover debts, to accept recovered debts, to confirm their receipt, to appoint arbitrators, to negotiate arbitration contracts and supplements and any other matters where a power of attorney is necessary in accordance with legal regulations. This Power of Attorney is granted within the scope of rights and obligations under the Civil Code of the Criminal Act as a **specific Power of Attorney**

to filing of objections against the entry of the trademark DIACOM USA serial number 86830759, registrant and owner Biostar Technology International LLC, Los Angeles California

I hereby acknowledge that the Solicitor is entitled to appoint a representative to act on her behalf.

Prague, 20th February 2017



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Khachatur Mkrtchyan – Diacom Technology

I hereby accept the Power of Attorney and grant the power within the same extent:

JUDr. Eva Winklerová
advokátka
Zelený pruh 52/1294
147 00 Praha 4

.....
JUDr. Eva Winklerová
Solicitor

Výpis

z obchodního rejstříku, vedeného
Městským soudem v Praze
oddíl A, vložka 74900

Datum zápisu:	17. dubna 2009
Spisová značka:	A 74900 vedená u Městského soudu v Praze
Obchodní firma:	Khachatur Mkrtchyan - Diacom Technology
Sídlo:	Neratovice, Jedová 189, PSČ 27711
Identifikační číslo:	287 65 737
Právní forma:	Fyzická osoba - podnikatel
Podnikatel:	KHACHATUR MKRTCHYAN, dat. nar. 17. března 1972
Bydliště:	113 162 Moskva, Dubinskaja 16/5, Ruská federace
Místo pobytu:	Starochodovská 198/20, Chodov, 149 00 Praha 4
Předmět podnikání:	výroba, obchod a služby neuvedené v přílohách 1 až 3 živnostenského zákona