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

| | |
|------------------------|---|
| Proceeding | 92066765 |
| Party | Plaintiff Ing. Khachatur Mkrтчyan |
| Correspondence Address | KHACHATUR MKRTCHYAN JEDOVA 189 NERATOVICE, CZ 27711 CZECHIA Email: diacomtechnology@gmail.com |
| Submission | Opposition/Response to Motion |
| Filer's Name | Khachatur Mkrтчyan |
| Filer's email | diacomtechnology@gmail.com |
| Signature | /Khachatur Mkrтчyan/ |
| Date | 10/17/2017 |
| Attachments | PETITIONERS OPPOSITION TO RESPONDENTS MOTION TO DIS-MISS.pdf(2880858 bytes) |

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

KHACHATUR MKRTCHYAN

Petitioner,

v.

Proceeding No: 92066765

BIOSTAR TECHNOLOGY INTERNATIONAL, LLC,

Registrant.

PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION TO DISMISS

I, Khachatur Mkrtchyan, ("Petitioner"), hereby responds to the Motion to Dismiss filed by Biostar Technology International, LLC, ("Registrant"). As explained in details below, the Motion should be denied because Registrant does not dispute the sufficiency and the truth of the evidence, that proves Registrant's violations in the registration of the DIACOM trademark №5011919. Registrant can't provide his Motion to Dismiss my Petition for Cancellation with the material evidence on the merits and tries to abort Cancellation proceeding using insignificant procedural details.

SUMMARY OF ARGUMENT

Both the previous decisions upon this case petitions were issued without my Petitions for Cancellation having been considered on the merits by TTAB expert. Both the previous rejects upon this case are based on the procedural grounds. Previous rejects on the procedural grounds can't be used as the res judicata for this proceeding № 92066765 substantive consideration. In the ongoing case Petitioner represents his interests on his own, which is allowed by the temporary USA legislation. Consequently, Registrant's Motion to dismiss should be denied and my Petition for Cancellation should be considered on the merits.

STATEMENT OF FACTS

1. My first Petition for Cancellation was rejected because it was filed by a foreign attorney, it was not accompanied by the requisite fee, and it was not accompanied by a Petition to the Director.

My first Petition for Cancellation was prepared and filed by my Czech attorney. She was not a licensed USPTO attorney and she made several procedural mistakes, particularly she filed the Petition for Cancellation in paper form, having not paid requisite fee. USPTO rejected this Petition for Cancellation on the above-mentioned basis. In the reject decision on this Petition for Cancellation case USPTO **recommended me to file the Petition for Cancellation again,** having corrected procedural shortcomings **Ex 1.** USPTO April 27, 2017 decision runs: "The remedy for Petitioner lies in submitting a renewed petition to cancel through ESTTA, with the required fee and by the appropriate party". The USPTO wouldn't have given me that recommendation, if the first Petition for Cancellation denial had really been prejudice that had prevented from reconsideration of my Petition on the merits, according to Registrant.

2. I prepared my second Petition for Cancellation on my own with the help of juridical interpreter.

After I had been denied with my first Petition for Cancellation, prepared by my Czech attorney, I studied procedure of Petition to Cancellation filing on my own. I prepared it and asked "Bashuk Chichkanov, the Law Firm" for translation of my Petition for Cancellation. They made up the translation that I filed to the USPTO. I mentioned this firm as the correspondence address, as it was more appropriate for me to have them receiving my correspondence straightly, so they could give me the proper translation to my mother tongue. So the name of this firm in the correspondence line isn't the evidence of being my representative and speaking on behalf of me. The interpreter service isn't the representative service. I represent my interest in USPTO on my own and possess this right according to the USA legislation. It doesn't prohibit me to use interpreter or translation service while dealing with USPTO.

3. I copied and pasted my stamp and sign into my Petition to Cancellation № 92066217 on my own.

I scanned my own stamp and sign into my Petition to Cancellation № 92066217 on my own as far as USPTO has the limits of PDF one can file via ESTTA (6 MB). At first I scanned the whole document, but its size was bigger than allowed. In order to make it smaller, I left just the scan image of the stamp and sign, and made the rest of the document in the form of text. As far as I know, this is not prohibited by the temporary USA legislation, and, moreover, is recommended when using ESTTA Ex 2. It seems that Registrant either has no idea of the demands towards the documents filed via ESTTA or tries to make it look like a fraud.

4. My second petition was denied as I failed to answer Motion to Dismiss

USPTO "NOTICE AND TRIAL DATES SENT" didn't mention that I am to reply Motion to dismiss. Taking into consideration the fact that I represent my interest on my own and am not acquainted with the procedure well enough, I wasn't aware that I am to file my Response to motion to dismiss. I didn't notice straight arguments and evidence against my claims and decided that USPTO doesn't require claiming again with the same arguments. In this regard I didn't file Response to motion to dismiss, and my Petition for Cancellation was rejected on this procedural basis. When I learned the case is terminated, I immediately filed my Petition for Cancellation to USPTO again. Nevertheless, though I admit my procedural failures, it is still obvious that Registrant violated my rights with his trademark registration and that I proved it thoroughly with the evidence, dangerous for Registrant.

5. The third Petition for Cancellation should be considered on the merits as far as all the procedural mistakes are corrected

After my second Petition for Cancellation was denied on the grounds of me having not responded Motion to dismiss, I applied the same Petition for Cancellation once again in order to correct my procedural failure and give response to Motion to dismiss this time. Prejudice cannot be applied this time, as the previous Petition wasn't considered on the merits by USPTO, so only

having corrected all the procedural mistakes I would be given the right to have my Petition for Cancellation considered on the merits. With this Response to Motion to Dismiss I submit my intention to have my Petition for Cancellation considered on the merits by USPTO.

RESPONSE TO THE REGISTRANT'S ARGUMENT

I. Prejudice can't be applied in this case

Under the doctrine of res judicata, a judgment on the merits in a prior suit bars a second suit involving the same parties or their privies based on the same cause of action. In this case neither the first nor the second Petition for Cancellation was considered on the merits. Both denials were based upon the procedural grounds. USPTO didn't analyze standpoints of the parties, Petition for Cancellation on the merits, and evidence presented. So the case wasn't considered on the merits. Consequently, prejudice and collateral estoppels cannot be applied in this case and Petition for Cancellation should be considered on the merits after my fulfilling all the procedural demands.

The reality is that Registrant makes his best to avoid considering Petition for Cancellation on the merits and thus tries to abort the cancellation proceeding using insignificant procedural details without evidence proceeding. This is bad faith. Petition for Cancellation should be considered as far as all the procedural demands were fulfilled. And the evidence truly confirms Registrant's guilty, that is why Registrant tries to avoid consideration of the evidence by USPTO.

II. SANCTIONS CAN'T BE APPROPRIATE

As proved above, my filing of this Petition for Cancellation fulfills USPTO recommendations and intends procedural mistakes correction in order to have the Petition for Cancellation considered on the merits. In this regard my actions are good-faith (on the contrary from Registrant's actions) and Sanctions shouldn't be applied.

III. I REPRESENT MY INTEREST ON MY OWN

As mentioned above, I represent my interest on my own. I have the basic knowledge of the law, and, moreover, I possess the evidence of the Registrant's violation of my rights. Registrant's fancies that my interest is represented by Russian lawyers which is false.

Registrant has failed to allege any facts evidencing that I am represented by foreign lawyers. At most, Registrant simply contends that Petition for Cancellation "overwhelmingly shows" that I am not representing myself. This conclusory statement does not state a valid ground for the dismiss of my Petition for Cancellation.

In other countries beside the USA law firms can provide accounting, translation, and other services, not just juridical ones. "Bashuk Chichkanov, the Law Firm" made for me translation of juridical documents. That is why their address was mentioned as the correspondence address in the previous Petition and my trademark registration case. They received documents, translated them and give me the translations. Translation service isn't attorney service. The USA legislation doesn't prohibit using another correspondence address, different from petitioner's one and doesn't prohibit to use translation service. Consequently, Registrant tries to draw excess attention to these minor details and thus escape the straightforward response to my claims.

In this regard Registrant's argument connected with my interest being represented by foreign attorneys isn't valid and can't serve a basis for denial.

IV. PETITIONER PRIORITY BASED ON THE ACTUAL USE IS THE FACT PROVED WITH EVIDENCE

Registrant mentioned that my statement about Registrant haven't been using DIACOM trademark since 2005 is false. At the same time Registrant doesn't provide any evidence of using DIACOM trademark since 2005. Moreover, Registrant asks me to prove him (sic!) haven't been using DIACOM trademark since 2005. Even Roman lawyers were aware, that negative fact cannot be proved — "Nullius nulla sunt praedicata" (there are no features of the thing non-

existing). However, Registrant in 2017 asks me to prove the absence of DIACOM trademark usage by him.

Despite this wonderful approach, I can do it yet and I've done it in my Petition for Cancellation. Despite the fact that Registrant make his best to avoid consideration of the evidence, they should be considered yet. I have an email from registrant where he, Ulysses Angulo, writes, personally, that he first found out about the Diacom in the period from 2011-2012 years, when he purchased his first apparatus of my production from a current distributor in the United States- Anatoly Vyhovantca (his daughter Diana Vyhovanetc, now Brown) according to the letter of registrant of 9 April 2014, **Ex 3**.

Moreover, the Distributor Contract No. 14361 of 1 September 2014, between me and registrant, was originally presented in the petition. In this Contract, signed by registrant, whose existence and truthfulness he does not contest, I act as "manufacturer of original products under the name DIACOM", and registrant acts as "Provider".

Despite this evidence, registrant tries to convince us that he's been using "DIACOM" trademark since 2005 (sic!), although it was only in 2014 that he entered into a distribution contract with me, by which I allowed him to sell my original products under "DIACOM" trademark.

Moreover, registrant does touch upon the fact that, even before the application for the registration of the contested sign №5011919 DIACOM in November 24, 2015, Registrant himself applied for the application №86830759 in Dec 19, 2014 **Ex 4**. At the same time, Registrant mentioned me, Petitioner, as an owner, and he mentioned himself just as a representative (as it was in fact under our contract). Then Registrant worked on my application to register the DIACOM trademark, as confirmed by a letter of address change signed by him **Ex 5**.

This fact confirms that I am the actual owner of the DIACOM trademark with the earlier priority date at the least through actual use. Therefore, my petition must be considered on its merits, and the №5011919 trademark must be cancelled.

V. REGISTRANT FAILED TO DENY A CLAIM FOR MISREPRESENTATION OF SOURCE AND IT'S EVIDENCE

Registrant actions related to unfair competition, particularly the deliberate misleading of consumers about the true manufacturer of the DIACOM apparatus, which he first acquired in 2011-2012, having an original place of production of the Czech Republic and directly related to me are illegal in the United States under article 10 bis, part 2, of the Paris Convention on intellectual Property. Despite the prohibition of such activities in the United States (the Paris Convention on intellectual property, article 10 bis, part 3, paragraph b), the registrant applies false allegations about me as a true manufacturer of the original DIACOM products, to discredit me before my consumers. This is proved by screenshot from Registrant's website **Ex 6**, where Registrant offers to exchange, allegedly, "old" DIACOM apparatus to new ones. However, in the image, the top apparatus is the latest version of the original apparatus received by the registrant from me on the distribution agreement, and the lower one, the supposedly "new" version of the DIACOM apparatus, which is not really produced by me. Another bad faith action registrant is confirmed by **Ex 7**. Here, registrant proposes to replace Diacom apparatus, which, as the Registrant misinforms, I have allegedly stopped producing, on the "new" apparatus "Biostar" produced by Registrant. There is clearly shown complete similarity in the design of the body and other elements of Registrant's and our apparatus in both exhibits. You can also see obvious overlaps in the contours of two images **Ex 8**, which shows how Registrant is confusing consumers by changing brands on the same devices.

SUPPLEMENT

Registrant, using my trademark DIACOM within the United States, sells counterfeit and uncertified medical devices under the DIACOM trademark. These apparatus are being sold via sites such as Alibaba.com and aliexpress.com, as medical, diagnostic devices **Ex 9**, however, the Registrant's counterfeit apparatus were not tested by the US FDA. These Registrant's actions are not just violating my rights, but also threat the health of American users of Registrant's untested devices.

In doing so, I would like to point out that Registrant was already implicated in another consumer deception scandal, when he was selling biological active additives (BAA) of his own production, unjustified in claiming that they were treating cancer and other heavy diseases. Information on this violation is available on the US FDA official site:

<https://www.fda.gov/Safety/MedWatch/SafetyInformation/SafetyAlertsforHumanMedicalProducts/ucm554777.htm> , **Ex 10**,

<https://www.fda.gov/ForConsumers/ProtectYourself/HealthFraud/ucm533465.htm> **Ex 11**,

<https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2017/ucm554127.htm>

Ex 12

However, Registrant moved these products from one webpage to another one. The US FDA letter specifies the website of the Angiostop product as:

www.biostarorganix.com/chisenterpriseangiostop120capsforangiogenesisirtkinhibition

The product is currently located at this webpage:

www.biostarorganix.com/chis-enterprise-angiostop-120-caps/ **Ex 13**

Registrant satisfied US FDA requirements only partially:

<https://www.biostar-nls.com/store/p105/bionutritionals-cordyceps-qi-60-caps> **Ex 14**, **Ex**

15.

This confirms the Registrant's tendency to various kinds of unfair competition and illegal acts.

In this regard, my Petition for Cancellation must be considered on its merits, all the evidence given must be examined, and the Registrant's DIACOM trademark №5011919 must be cancelled not only to restore my violated right but also to remove the threat to the health of American society.

CONCLUSION

Both previous decisions on the petitions in this case were made without substantive consideration on the merits by the expert of TTAB. The rejection of the first Petition for Cancellation and the second one are procedural. The procedural rejections cannot be considered as prejudice in the judgement on the merits of this case. In accordance with the recommendations of the USPTO, I corrected all procedural mistakes in previous petitions. I represent my own interests in USPTO on my own, and I have the right to do that under USA legislation. This Petition for Cancellation should be considered on its merits.

For the reasons set forth above, Petitioner respectfully requests that the Registrant's Motion to Dismiss be denied.

Dated: October 17, 2017

Khachatur Mkrtchyan

EXHIBIT 1

UNITED STATES PATENT AND TRADE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-85

Mailed: April 27, 2017

Khachatur Mkrtchyan
Diacom Technology
189 Jedova
Neratovice, CZ-277 11
Czech Republic

Biostar Technology International, LLC
4443 W. Sunset Blvd.
Suite B
Los Angeles, CA 90027
United States

In re Registration No. 5011919
Issued: 8/2/2016
Registrant: Biostar Technology International LLC
Mark: DIACOM USA

By the Trademark Trial and Appeal Board:

On March 1, 2017, Eva Winklerova, Attorney at Law, on behalf of Khachatur Mkrtchyan (“Petitioner”) filed a “Petition to Cancel” of Registration No. 5011919, owned by Biostar Technology International, LLC.

through the Board's Electronic System for Trademark Trials and Appeals ("ESTTA") (see below) without a Petition to the Director, as required by the TTAB amended rules of practice, which became effective January 14, 2017.

In regard to the foreign attorney, only attorneys defined under 37 C.F.R. § 11.11 may represent others before the Office in trademark cases. See 37 C.F.R. § 11.14(a)-(d). Petitioner's attorney has not demonstrated to the Board that she is entitled to practice before the USPTO; e.g., that as an attorney in a foreign country she is also an active member in good standing of the highest court of any State of the United States. See Trademark Appeal Board Manual of Procedure (TBMP) § 114.05 (Jan. 2017).

With respect to the fee, "[p]etitions for cancellation are not accepted for filing unless accompanied by the statutory fee." *Fred Bevs., Inc. v. Capital Mgmt. Co.*, 605 F.3d 963, 94 USPQ2d 1958, 1959 (Fed. Cir. 2010), cert. denied, 131 S.Ct. 1064, 37 C.F.R. § 2.111(a); TBMP § 302 ("[A] cancellation proceeding is commenced by the timely filing of a petition for cancellation, together with the required fee, in the USPTO.").¹ Inasmuch as the petition to cancel was not accompanied by the required fee, the petition cannot be given consideration. Petitioner's failure to include the required fee alone, is a basis for not issuing a petition to cancel.

Miscellaneous No. 86830759

Board published its NOTICE OF FINAL RULEMAKING at 81 Fed. Reg. 6998, providing the public three months advance notice of these changes to trademark practice. The NOTICE alerted the public that Trademark Rule 2.126, 37 CFR 2.126, was being amended to state affirmatively that filing via ESTTA is required for all filings and that a Petition to the Director is required for certain filings filed in paper form, including a petition for cancellation.

In sum, Petitioner's submission of the petition to cancel in paper form is not acceptable because it was filed by a foreign attorney, it was not accompanied by the requisite fee, and it was not accompanied by a Petition to the Director. The fault for Petitioner lies in submitting a renewed petition to cancel through the required fee and by the appropriate party. As a reminder, ESTTA strongly urges to plan ahead. TBMP § 110.01(b). Brief outages of ESTTA or any computerized system, occur from time to time without prior notice.²

cc:

JUDr. Eva Winklerova
Zeleny Pruh 1294/52,
147 00 Praha 4
Czech Republic
eva.winkler@cdipraha.cz

EXHIBIT 2

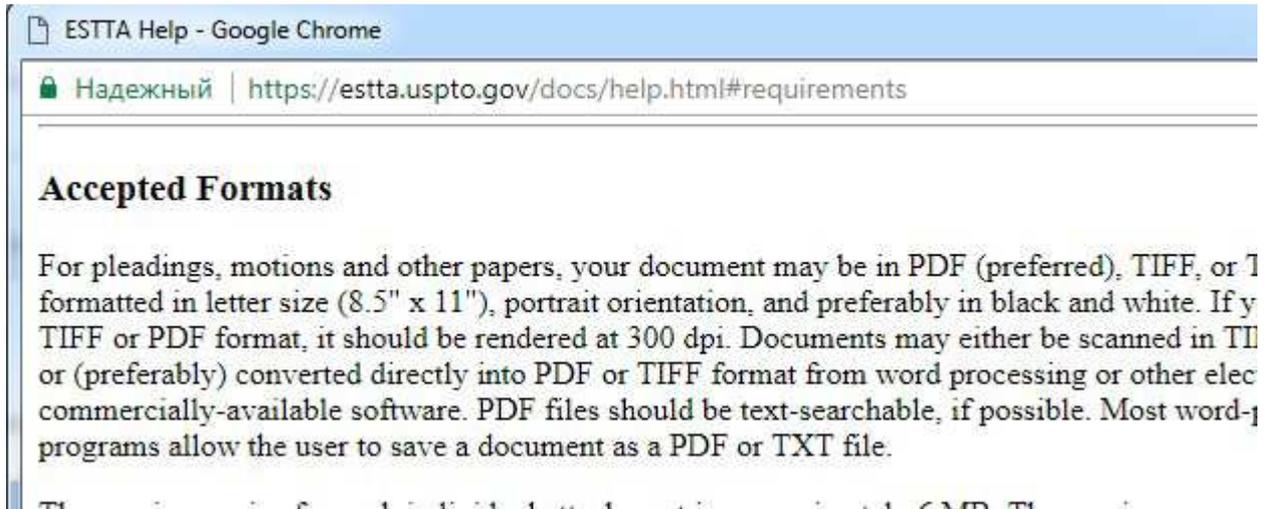


EXHIBIT 3

 **Biostar Organix (orders)** <orders@biostarorganix.com> 09.04.2014 ☆ ↶ ▾

кому: мне ▾

английский ▾ > русский ▾ [Просмотреть переведенное сообщение](#) Всегда переводить: английский

Here are problems I have experienced with the selling of the Diacom device in the USA, and this experience started in 2013: In late 2011/2012, I purchased the Diacom from Diana with the agreement that I would learn the device and the Los Angeles, Regional Distributor, she said she would refer clients in Los Angeles to me but she never did. Without

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EXHIBIT 4

USPTO TSDR Case Viewer [?](#)

Case Id
86486523

Document Description
9. TEAS Plus New Application

Mail/Create Date
Dec. 19, 2014

Prev Doc

| | |
|---|---|
| USPTO-GENERATED IMAGE | NO |
| LITERAL ELEMENT | Diacom Diacom |
| *COLOR MARK | NO |
| *COLOR(S) CLAIMED (If applicable) | |
| *DESCRIPTION OF THE MARK (and Color Location, if applicable) | The mark consists of stylized letters of the word "Diacom" to the left is an earth globe surrounded with rings, which an oval circle with the word "Diacom" is superimposed on the globe. |
| PIXEL COUNT ACCEPTABLE | YES |
| PIXEL COUNT | 850 x 274 |
| REGISTER | Principal |
| APPLICANT INFORMATION | |
| *OWNER OF MARK | Mkrtchyan, Khachatur |
| *STREET | Jedová 189 |
| *CITY | Neratovice |
| *COUNTRY | Czech Republic |
| *ZIP/POSTAL CODE (Required for U.S. applicants only) | 27711 |
| PHONE | 8005901872 |
| FAX | 3236652498 |
| EMAIL ADDRESS | diacomtechnology@gmail.com |
| AUTHORIZED TO COMMUNICATE VIA EMAIL | Yes |
| LEGAL ENTITY INFORMATION | |

Case Id
86486523

Document Description
9. TEAS Plus New Application

Mail/Create Date
Dec. 19, 2014

Prev Doc

| | |
|--|----------------------|
| CONCURRENT USE CLAIM (if applicable) | |
| DOMESTIC REPRESENTATIVE INFORMATION | |
| NAME | Angulo, Ulysses |
| DOCKET/REFERENCE NUMBER | 37262867 |
| FIRM NAME | DIACOM USA |
| INTERNAL ADDRESS | Suite B |
| STREET | 4443 W Sunset Blvd |
| CITY | Los Angeles |
| STATE | California |
| COUNTRY | United States |
| ZIP CODE | 90027 |
| PHONE | 8189741422 |
| FAX | 3236652498 |
| EMAIL ADDRESS | sales@diacom-usa.com |
| AUTHORIZED TO COMMUNICATE VIA EMAIL | Yes |
| CORRESPONDENCE INFORMATION | |
| *NAME | Angulo, Ulysses |
| FIRM NAME | DIACOM USA |
| INTERNAL ADDRESS | Suite B |
| *STREET | 4443 W Sunset Blvd |
| *CITY | Los Angeles |

EXHIBIT 5

USPTO TSDR Case Viewer 

Case Id
86486523

Document Description
5. Change of Address

Mail/Create Date
Apr. 22, 2015

Prev Doc

Change Of Correspondence Address

The table below presents the data as entered.

| Input Field | Entered |
|--------------------------------------|---|
| SERIAL NUMBER | 86486523 |
| LAW OFFICE ASSIGNED | LAW OFFICE 106 |
| MARK SECTION | |
| MARK | DIACOM DIACOM (stylized and/or with design) |
| NEW CORRESPONDENCE ADDRESS | |
| NEW ADDRESS | |
| AUTHORIZED TO COMMUNICATE VIA E-MAIL | YES |
| SIGNATURE SECTION | |
| SIGNATURE | /Ulysses Angulo/ |
| SIGNATORY NAME | Ulysses Angulo |
| SIGNATORY DATE | 04/21/2015 |
| SIGNATORY POSITION | President |
| SIGNATORY PHONE NUMBER | (323) 698-8777 |
| AUTHORIZED SIGNATORY | YES |
| FILING INFORMATION SECTION | |
| | |

EXHIBIT 6

diacom-espanol.com/comprar.html



Upgrade the old Diacom

DIACOM-USA - NUEVO DISEÑO - Desarrollo 2017



Designed in the USA
More Accurate. More Features. Faster

Estamos en el proceso de traerle un nuevo dispositivo que es seguro de daños y reputación para comprar de los EE.UU. Vea nuestro vídeo sobre dispositivos falsificados y listados en negro que se venden en Europa.

Diacom-USA contratará un nuevo sistema a medida para todos los países que hablan español como España, México, América Latina, incluyendo América Central y del Sur). Nuestro nuevo equipamiento diseñado por Diacom-USA será presentado exclusivamente en nuestro nuevo sitio web <http://Diacom-Espanol.com> - si desea ser uno de los primeros distribuidores exclusivos contáctenos a ventas@diacom-espanol.com - no te pierdas esta gran ocasión.

Contáctanos

EXHIBIT 7

upgrade register a device private medical membership contact



Consumer Alert!
Diacom-NLS is DISCONTINUED

BIOSTAR ™
Nonlinear Measurement System

Bigger. Better. Faster.

EXHIBIT 8

[upgrade](#) [register a device](#) [private medical membership](#)



Dis

Upgrade the o



EXHIBIT 9



Sourcing Solutions

Services & Membership

Help & Community



Shenzhen Macon Technology Co., Ltd.

China (Mainland) Manufacturer, Trading Company, Distributor/Wholesaler

4 YRS



I'm looking for...

Product Range

Home

Company Profile

Contact Details



Diacom Original Russian Software 3D NLS Health Ar

FOB Reference Price: [Get Latest Price](#)

US \$500-1,250 / Unit | 1 Unit/Units (Min. Order)

Supply Ability: 1000 Unit/Units per Month

Port: Shenzhen

[Contact Supplier](#)

EXHIBIT 10

Надежный | <https://www.fda.gov/Safety/MedWatch/SafetyInformation/SafetyAlertsforHumanMedicalProducts/ucm554777.htm>

U.S. Department of Health and Human Services

FDA U.S. FOOD & DRUG ADMINISTRATION [A to Z Index](#) | [Follow FDA](#)

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Safety

Home > Safety > MedWatch The FDA Safety Information and Adverse Event Reporting Program > Safety Information > Safety Alerts for Human Medical Products

Safety Alerts for Human Medical Products

- 2017 Safety Alerts for Human Medical Products
- 2016 Safety Alerts for Human Medical Products

Illegal Cancer Treatments: FDA Warns of Fraudulent Claims of Diagnosis, Treatment, Prevention or Cure

[SHARE](#) [TWEET](#) [LINKEDIN](#) [PIN IT](#) [EMAIL](#) [PRINT](#)

[Posted 04/25/2017]

AUDIENCE: Oncology, Patient, Consumer

ISSUE: FDA issued warning letters addressed to 14 U.S.-based companies illegally selling products that fraudulently claim to prevent, diagnose, treat or cure cancer.

EXHIBIT 11

Надежный | <https://www.fda.gov/ForConsumers/ProtectYourself/HealthFraud/ucm533465.htm>

U.S. Department of Health and Human Services

FDA U.S. FOOD & DRUG ADMINISTRATION

A to Z Index | Follow FDA | En

Search FDA

Home Food Drugs Medical Devices Radiation-Emitting Products Vaccines, Blood & Biologics Animal & Veterinary Cosmetic

For Consumers

Home > For Consumers > Protect Yourself > Health Fraud

Health Fraud

- For Consumers
- Warning Letters - Health Fraud
- Health Fraud Scams - Be Smart, Be Aware, Be Careful (Video)
- Public Notifications and Safety Alerts - Health Fraud
- Recalls - Health Fraud

Illegally Sold Cancer Treatments

SHARE TWEET LINKEDIN PIN IT EMAIL PRINT

The FDA has issued [14 warning letters](#) and [four online advisory letters](#) to companies illegally products that claim to prevent, diagnose, treat, mitigate or cure cancer. The products are mai without FDA approval, most commonly on websites or social media platforms. They have not FDA for safety and efficacy, and can be dangerous to both people and pets.

- [News Release: FDA takes action against 14 companies for selling illegal cancer trea](#)
 - [En Español; 简体中文](#)
- [Questions and Answers: FDA alerts companies to stop the illegal sale of products c](#)

EXHIBIT 12

https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2017/ucm554127.htm

 **FDA U.S. FOOD & DRUG ADMINISTRATION**

Los Angeles District
19701 Fairchild Road
Los Angeles, CA 92612

WARNING LETTER

**UNITED PARCEL SERVICE
SIGNATURE REQUIRED**

April 17, 2017

Mr. Ulysses Angulo
BioStar Technology International, LLC
4443 W Sunset Blvd
Suite B
Los Angeles, CA 90027

Dear Mr. Angulo:

This is to advise you that the Food and Drug Administration (FDA) has reviewed your website at the addresses www.biostarorganix.com, in March 2017 and has determined that you take orders there

EXHIBIT 13

https://www.biostarorganix.com/chis-enterprise-angiostop-120-caps/

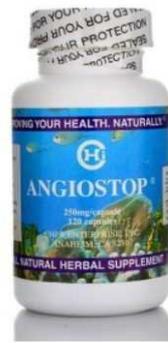


◀ Back to 'Products by Biostar Health'

RU

ganix™
ip Association

ology
health
health
ny
s
r Health
ts



Chi's Enterprise Chi's Enterprise, Ang caps)

py611,629

DESCRIPTION **DETAILS**

Chi's Enterprise, Angiostop (120 caps blends that helps to maintain healthy

Call for more information about our p

† These statements have not been e
and Drug Administration (FDA) or

EXHIBIT 14

https://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2017/ucm554127.htm

On the Kidney Chi product flyer:

- "effective in inhibiting different types of bacteria, including *E. coli*, *Staphylococcus aureus* and *Streptococcus*"
- "For LYME DISEASE, use Kidney Chi"

On the Revivin product flyer:

- "attacks cancer at the DNA level. This results in a more comprehensive cancer inhibiting effect"
- "a 71 y/o/f from CA, had colorectal cancer in 2001 that spread to her pancreas and liver and metastasized to her lungs. She has been on Angiostop, Revivin ... etc., since May 2002. Now 6 years later she is still alive and well."

On the webpages www.biostarorganix.com/chi-protocol and www.biostar-health.org/chi-protocol table with various medical conditions and recommended products for sale on your website under these conditions and products include the following:

- "Arthritis (Rheumatoid) ... Autocin, Myosteo ... Angiostop, Bathdetox"
- "Breast Cancer ... Angiostop, Myomin ... Revivin, Reishi Spore, Asparagus Extract"
- "Bronchitis ... OxyPower, **Cordyceps** Extract ... Bamboo Extract, Reishi Spore Extract, Asparagus Extract"
- "Cancer ... Angiostop, Revivin, Reishi Spore Extract, Asparagus Extract ... Myomin is : related cancers"
- "Coronary Heart Disease ... Vein Lite, OxyPower, Asparagus Extract ... Chi Energy, Chi Spore"
- "Diabetes ... Diabend, OxyPower, Myomin ... Digestron, **Cordyceps** Extract, Wine Extract"
- "Parkinson's Disease ... Vein Lite, Asparagus Extract"

Your www.biostarorganix.com website also contains evidence of intended use in the form

EXHIBIT 15



HOME PRODUCTS SCIENCE LEARNING CONTACT U

Online Store > Nutritional > BioNutritionals - Cordyceps Qi (60 caps)



BioNutritionals - Cordyceps Qi (60 caps)

69,95 \$

SKU: bio-cord

Cordyceps Qi (Cordyceps Clinical Strength Proprietary Blend)

[Download Product Flyer](#)

Cordyceps is not an herb, but rather a rare mushroom. Cor