

# ORIGINAL

Judge Ramon E. Reyes  
United States District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201

September 10, 2010  
Re: Index No. CV 08 3367  
Vadim Mikhlyn, et al. v. Ana Bove, et al.

Dear Judge Reyes:

We are Defendants in this litigation (Ana Bove and Polina Dolginov, as well as the Corporate Defendants "Anna Bove Company, LLC" in the name of its president Alex Sakirski, and also "Anna Bove Embroidery Supplies, Inc." in the name of its president Alex Sakirski).

Your Honor, pro se Defendants hereby respond to Plaintiffs' [143] Opposition to our [134] "Motion to defer ruling, or for a 20-day extension to find a corporate attorney".

As we've mentioned in our recent letter to the Court, filed on 09/07/2010, it's possible that we could have misunderstand the rules regarding the corporate defendants. So we won't be repeating these issues here, but will wait for the answer to that letter, and for Your Honor's instructions.

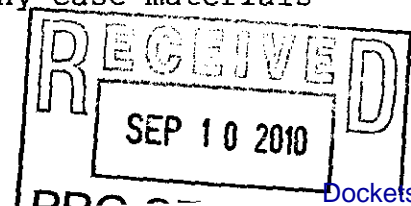
However, there are two more points that Plaintiffs raised, which we'd like to address here:

Within their response #143 to our motion #134 Plaintiffs stated that:

(a) "Finally, the deferral defendants seek would effectively eviscerate plaintiffs' case. The corporate defendants are principal, if not the principal, wrongdoers from plaintiffs' perspective. The individual defendants purportedly assigned to one of the corporations all of the intellectual property at issue in this case and it is the corporations that are the direct legal actors violating plaintiffs' rights on an ongoing basis..."

Here Plaintiffs, as always, dissemble - because to prove that namely the Corporate defendants are offenders, Plaintiffs need to prove that Corporate defendants obtained the intellectual property they own in an illegal way, and that consequently they are illegally using the intellectual property they own (i.e. that they are unfair purchasers).

However, Plaintiffs didn't file such Claims in any case materials



whatsoever, and never stated about any facts indicating illegal purchase of intellectual property rights by the Corporate defendants. Moreover, the case materials include legal documents, unequivocally confirming a legal assignment of IP rights from individual Defendants to Corporate Defendants. We are certain that only due to this it's already possible to assert that Corporate Defendants infringed nothing, since they operated on the basis of legal documents.

We're sure that the entire dispute is namely about who exactly (before March 2008) was the true owner of Intellectual Property rights - the individual Defendants or Plaintiffs. Namely and solely the decision of this major dispute between the individual Defendants and Plaintiffs, wholly and entirely determines the major part of this case, and especially the decision of the question who exactly is the violator, and who is the sufferer due to those violations.

At the same time, the actual proofs for deciding this argument lie within the spectrum of "authorship rights" law, and law of assigning IP rights - which should be quite decidable without direct participation of the Corporate Defendants, who obtained those rights already after the arguable time period, e.g. after March 2008.

(b) "The defendants do not have the right to proceed to trial only on the issues and claims they are interested in."

By this statement Plaintiffs just another time showcase their true face, and the true purpose in this case. This purpose consists of failing the main trial before a jury, and replacing it with resolving procedural issues, in which Plaintiffs have a great advantage against Defendants, because Plaintiffs are using the money and property of Defendants, which Plaintiffs illegally grasped, to pay attorneys, which Defendants just can't afford.

In reality, by these words Plaintiffs just confirm that only Defendants are interested in Court trial regarding the major and key issues in this case - namely the IP issues. In other words, Plaintiffs aren't interested in them, while namely Plaintiffs have filed this IP case, and are now doing all in their power to not allow it to jury trial.

Also, Defendants are not selecting issues they want to try because all issues should be tried. There are facts in dispute on all issues:

- Do Plaintiff have any rights to use the individual copyrights?
- Do Defendants Ana and Polina have such rights because they originally created the works?

- No matter which group - the corporate defendant or Ana Bove (by reason of recent assignment) - owns the copyrights, did the Mikhlyns improperly take the assets and the business from Ana and continue using them, and make money from them that belongs to Ana?  
- By what right do the Mikhlyns even claim to have the right to take the business, lock Ana out, run the business for their benefit, and use the proceeds to pay their lawyers to defeat Ana's correct claims by technicality?

Your Honor, yesterday we have requested a conference to clarify the issue of corporate defendants. We hope that after this conference things will get clear, and Your Honor will schedule a trial. Although we will surely still need the assistance of Pro Se Office, to fight and get our property back.

Respectfully submitted,

Ana Bove,

Alex Sakirski,

Polina Dolginov,

Mp-  
Alex Sakirski  
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Dated:

September 10, 2010

cc. Val Mandol