

Response to Genora Collmann (Legal Assistant to Mr. Michael A. Givton)
Sent September 14, 2009 at 23:58 hours
Mr. Givton acts as solicitor for Active Fire and Safety Services Ltd.

Hello Genora:

Thank you for your correspondence of September 14th. After careful review of our articles, the comments offered by Mr. Givton in his correspondence, and the facts at our disposal, we will NOT be removing the referenced material. It is a newsworthy item in keeping with the other items we've reported on. Furthermore, ASTTBC is not only familiar with the situation, it was their investigation that resulted in the removal of the material and the website's present "under construction" condition (since March). I have given your client the means to publicly explain his actions (the material was NOT removed from Active's server as he had assured ASTTBC it would be) as a courtesy (please reference the email I sent him over the weekend). It is my sincerest wish that our readers and members may actually benefit from this situation by recognizing the need to remain vigilant in defending their Intellectual Property (IP). It was certainly NOT my intention to cause "harm" to your client. I believe I am entitled to express my opinion as to Active's "lack of corporate citizenship, integrity, and ethics" but recognize it should have been couched as an editorial comment rather than a "news" item. On further reflection, I will be moving the newsletter "archives" to the "Members Only" directory anyway (which will require a login and password to access) so this point is rendered "moot".

Allow me to make one thing perfectly clear. There are no "allegations" of wrong-doing here. We have documented the pages in which the stolen IP was included and spoken to the individuals involved directly. In fact, it is our understanding that these same individuals also contacted ASTTBC and filed formal complaints in the matter. I have a letter from ASTTBC detailing Mr. Sangha's explanation of the facts and which was supposed to have concluded the matter. If Active Fire wishes to pursue this further as you indicate (to the Supreme Court of British Columbia), I would welcome the opportunity to advance the cause of justice and truth.

Was the Intellectual Property (IP) of other individuals/organizations stolen by your client for use on a public Internet site marketing his products and services? YES!

Did those organizations contact ASTTBC to apprise them of the infringements? YES!

Did ASTTBC investigate the matter? YES! The headline at

<http://firetechs.net/library/newsarchives/technews-0909.asp> is completely true (as is the information presented in the article)

Was the stolen information removed? NO. It was "transferred" to a publicly accessible folder on the hosting computer. Google has archived every folder in Active's "DEV" directory (as have numerous other search engines).

Was an additional complaint filed with ASTTBC as a result? YES!

Was the information then removed? YES!

Please show me where I have provided any "statements or allegations on my (sic) site which (sic) are false, defamatory, and calculated to harm your (sic) client's business"? I take great offence to Mr. Givton's remarks that what I wrote may be "false, defamatory, and calculated to harm your (sic) client's business". This is NOT what <http://www.firetechs.net> is about and certainly not what I'm

about. There are object lessons here that I believe will benefit anyone that writes or publishes material for dissemination on the Internet.

The facts speak for themselves. ASTTBC may not wish to “go public” with the details of either their investigation or findings (their policy regarding this has changed over the last several years) but in ANY court you care to name, they will be called as witness.

When all is said and done, consider this: Working Chemical Solutions (the makers of Fire Blockade – a fire retardant additive) were “caught” using the “UL” mark illegally. How is my reporting of these facts any different than what your client actually did? You’ve managed to focus your largest objection on a news item published in March that didn’t even mention your client’s name, but now that the “cat’s out of the bag”, it’s suddenly going to “adversely affect” his business. Perhaps he should have thought of that back in January (or earlier) when he decided that purloining “The Competition” and the other pages he so proudly displayed for his customers (and potential clients) to see (rather than pay someone to write new material) was “cheaper” and would “get the job done”. Please ask your client how long Flynn Canada’s (<http://flynn.ca>) “mission statement” was featured prominently on his main page: *To be a company that is self sustaining, efficient, profitable and ethical; providing value to its clients as well as security and opportunity for its employees.*

I look forward to your reply. In the mean time, I will post these responses at <http://www.firetechs.net> and copy Brian Stegavig at ASTTBC.

Sincerely,

Frank Kurz

www.firetechs.net

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