

ESTTA Tracking number: **ESTTA355958**

Filing date: **07/01/2010**

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	TeleTracking Technologies, Inc.
Granted to Date of previous extension	07/04/2010
Address	The Times Building, 336 Fourth Avenue Pittsburgh, PA 15222 UNITED STATES

Attorney information	Stanley D. Ference III Ference & Associates LLC 409 Broad Street Pittsburgh, PA 15143 UNITED STATES uspto@ferencelaw.com Phone:412-741-8400
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### Applicant Information

Application No	77800048	Publication date	01/05/2010
Opposition Filing Date	07/01/2010	Opposition Period Ends	07/04/2010
Applicant	Qforma, Inc. 1613 Paseo de Peralta Suite 200 Santa Fe, NM 87501 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. First Use: 2008/02/12 First Use In Commerce: 2008/02/12  
All goods and services in the class are opposed, namely: computer software for collecting, analyzing and modeling sales and marketing information in the field of healthcare

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1860092	Application Date	08/17/1992
Registration Date	10/25/1994	Foreign Priority Date	NONE
Word Mark	BED TRACKING		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 042. First use: First Use: 1990/06/00 First Use In Commerce: 1990/06/00 providing computerized patient and guest turnover information to hospitals and hotels

U.S. Registration No.	3700390	Application Date	10/28/2005
Registration Date	10/20/2009	Foreign Priority Date	NONE

Word Mark	PREADMITTRACKING
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 COMPUTER SOFTWARE PROVIDING PATIENT INFORMATION TO HOSPITALS
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U.S. Application No.	77242817	Application Date	07/31/2007
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	TELETRACKING
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: COMPUTER SOFTWARE FOR USE IN THE HEALTH CARE FIELD TO ENHANCE OPERATIONAL EFFICIENCIES RELATED TO PATIENT FLOW, NAMELY, TRACKING AND MANAGEMENT OF BED TURNOVER, PATIENT PLACEMENT AND TRANSPORT Class 044. First use:
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	consulting services in the health care field		
U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TRANSPORTTRACKING		
Goods/Services	providing healthcare information to assist in workflow automation		

Attachments	78742212#TMSN.jpeg ( 1 page )( bytes ) 77242817#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition.pdf ( 18 pages )(516850 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Stanley D. Ference III/
Name	Stanley D. Ference III
Date	07/01/2010

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

In the matter of trademark application Serial No. 77/800,048

For the mark **IQTRAX**

Published in the Official Gazette on January 5, 2010

TeleTracking Technologies, Inc.,	)	
	)	Opposition No.
Opposer,	)	
	)	
vs.	)	
	)	
Qforma, Inc.,	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

TeleTracking Technologies, Inc. (“Opposer”), organized under the laws of the State of Delaware with its principal place of business at The Times Building, 336 Fourth Avenue, Pittsburgh, PA 15222, believes it may be damaged by the registration of the mark shown in the trademark application Serial Number 77/800,048 and hereby opposes the same in International Class 009.

**DESCRIPTION OF APPLICANT’S APPLICATION**

Applicant: Qforma, Inc.  
1613 Paseo de Peralta  
Suite 200  
Santa Fe, NM 87501

Filing Date: August 7, 2009

Mark: **IQTRAX**

Class(es): International Class 009

Goods and/or

Services: “computer software for collecting, analyzing and modeling sales and marketing information in the field healthcare”

### **COUNT ONE – OPPOSITION OF APPLICANT’S MARK**

The grounds for opposition are as follows:

1. Opposer is a corporation organized and existing under the laws of the State of Delaware as TeleTracking Technologies, Inc. and has its principal place of business in Pennsylvania. TeleTracking Technologies, Inc. was formerly organized under the laws of the Commonwealth of Pennsylvania and was re-domiciled in Delaware in July 2008.

2. Opposer sells its products and services to customers throughout the United States and internationally, providing healthcare information.

3. Opposer has been using its TRACKING-formative trademarks, common-law and otherwise, for many years. Opposer has used its TRACKING family of marks in commerce to provide healthcare information to its customers.

4. Opposer is the owner of the valid and subsisting U.S. federal trademark registration No. 1,860,092 for BED TRACKING, registered October 25, 1994, for providing computerized patient and guest turnover information to hospitals and hotels in International Class 042. Said BED TRACKING registration was based on an application filed in the U.S. Patent and Trademark Office on August 17, 1992, which is a date prior to the date of the filing of

Applicant's application. (A true and correct copy of the official USPTO registration is attached hereto and incorporated herein by reference.)

5. Opposer's first use in commerce of said BED TRACKING trademark was around June 1990, which is a date prior to the date of the filing of Applicant's application.

6. Opposer has continuously used the BED TRACKING trademark providing computerized patient information as well as related products and services from a date prior to the filing date provided in Applicant's application.

7. Opposer is the owner of additional trademarks, such as PREADMITTRACKING (U.S. federal trademark registration No. 3,700,390) for computer software providing patient information to hospitals in International Class 009. (A true and correct copy of the official USPTO registration is attached hereto and incorporated herein by reference.)

8. Opposer is also the owner of additional common-law trademarks, such as TELETRACKING, which has been filed under U.S. federal trademark application Serial No. 77/242,817, for consulting services in the health care field in International Class 044 and for computer software for use in the health care field to enhance operational efficiencies in International Class 009. Opposer is also the owner of common-law trademark TRANSPORTTRACKING for providing healthcare information to assist in workflow automation.

9. Opposer's use of the TRACKING trademarks have been valid and continuous and have not been abandoned. Said Opposer's Registration and Common-Law usages of its

TRACKING family of trademarks are symbolic of the extensive and valuable goodwill and consumer recognition built up by Opposer through substantial amounts of time, effort, and considerable sums of money, in advertising, marketing, and promotion.

10. Applicant has filed trademark Application Serial No. 77/800,048, intending to have IQTRAX registered as a trademark for “computer software for collecting, analyzing and modeling sales and marketing information in the field of healthcare” in international class 9.

11. Opposer’s goods as identified in the above-listed trademark registrations and as associated with the Opposer’s family of TRACKING trademarks are identical or closely related to the goods and services identified in Application Serial No. 77/800,048. Upon information and belief, Opposer’s goods and services and Applicant’s goods and services are or will be offered to the same classes of customers through the same channels of trade.

12. Applicant’s applied-for mark is substantially and confusingly similar to Opposer’s trademarks and family of TRACKING trademarks identified above.

13. If Applicant uses the applied-for mark for the goods and/or services identified in Application Serial No. 77/800,048, such use would be likely to cause confusion, mistake, and/or deception of the relevant trade and public.

14. If Applicant uses the applied-for mark for the goods and services identified in Application 77/800,048, such use might convey to the relevant trade or public that Applicant’s goods and services are in some way legitimately connected with, licensed or approved by

Opposer, when that is certainly not the case. Said source of confusion, mistake, and/or deception would be a source of damage for Opposer.

15. Since Applicant's applied-for mark is likely to cause confusion with Opposer's marks described above, applicant's mark must be refused registration pursuant to Section 2(d) of the Lanham Act.

**WHEREFORE, Opposer believes it may be damaged by the registration of the mark shown in the trademark application Serial No. 77/800,048 and that the registration of IQTRAX in International Class 9 should be rejected.**

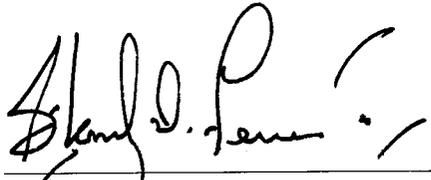
Respectfully Submitted,

FERENCE & ASSOCIATES LLC

Dated: \_\_\_\_\_

7-1-10

By: \_\_\_\_\_

  
Stanley D. Ference III  
Registration No. 33,879

FERENCE & ASSOCIATES LLC  
409 Broad Street  
Pittsburgh, PA 15143  
(412) 741-8400 - Phone  
(412) 741-9292 - Facsimile

Attorneys for Opposer  
TeleTracking Technologies, Inc.

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

**United States Patent and Trademark Office**

Reg. No. 1,860,092

Registered Oct. 25, 1994

**SERVICE MARK  
PRINCIPAL REGISTER**

**BED TRACKING**

CONCEPTS IN COMMUNICATIONS (PENN-  
SYLVANIA LIMITED PARTNERSHIP)  
221 TRIANGLE BUILDING  
701 SMITHFIELD STREET  
PITTSBURGH, PA 15222

FOR: PROVIDING COMPUTERIZED PA-  
TIENT AND GUEST TURNOVER INFORMA-

TION TO HOSPITALS AND HOTELS, IN  
CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 6-0-1990; IN COMMERCE  
6-0-1990.

SER. NO. 74-305,140, FILED 8-17-1992.

DARREN COHEN, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-11-30 07:11:59 ET

Serial Number: 74305140 Assignment Information      Trademark Document Retrieval

Registration Number: 1860092

Mark (words only): BED TRACKING

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2005-01-11

Filing Date: 1992-08-17

Transformed into a National Application: No

Registration Date: 1994-10-25

Register: Principal

Law Office Assigned: LAW OFFICE 13

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-07-13

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

1. TELETRACKING TECHNOLOGIES, INC.

**Address:**

TELETRACKING TECHNOLOGIES, INC.  
THE TIMES BUILDING 336 FOURTH AVENUE  
PITTSBURGH, PA 15222

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Pennsylvania

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**GOODS AND/OR SERVICES**

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**International Class:** 042

**Class Status:** Active

providing computerized patient and guest turnover information to hospitals and hotels

**Basis:** 1(a)

**First Use Date:** 1990-06-00

**First Use in Commerce Date:** 1990-06-00

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**ADDITIONAL INFORMATION**

(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-05-06 - Assignment Of Ownership Not Updated Automatically

2009-04-24 - Counter claim opp. for Proceeding No.

2009-04-22 - Automatic Update Of Assignment Of Ownership

2007-07-13 - Case File In TICRS

2005-01-11 - First renewal 10 year

2005-01-11 - Section 8 (10-year) accepted/ Section 9 granted

2004-10-25 - Combined Section 8 (10-year)/Section 9 filed

2004-10-25 - PAPER RECEIVED

2001-03-15 - Section 8 (6-year) accepted & Section 15 acknowledged

2000-10-24 - Section 8 (6-year) and Section 15 Filed

1994-10-25 - Registered - Principal Register

1994-08-02 - Published for opposition

1994-07-01 - Notice of publication

1993-06-25 - Approved for Pub - Principal Register (Initial exam)

1993-06-17 - Examiner's amendment mailed  
1993-06-03 - Communication received from applicant  
1993-05-14 - Non-final action mailed  
1993-04-22 - Previous allowance count withdrawn  
1993-04-16 - Approved for Pub - Principal Register (Initial exam)  
1993-03-19 - Communication received from applicant  
1992-11-30 - Non-final action mailed  
1992-10-21 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**

STANLEY D. FERENCE III  
FERENCE & ASSOCIATES  
400 BROAD STREET  
PITTSBURGH, PENNSYLVANIA 15143



United States Patent and Trademark Office

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Assignments on the Web &gt; Trademark Query

**Trademark Assignment Abstract of Title****Total Assignments: 4****Serial #:** 74305140**Filing Dt:** 08/17/1992**Reg #:** 1860092**Reg. Dt:** 10/25/1994**Registrant:** Concepts in Communications**Mark:** BED TRACKING**Assignment: 1****Reel/Frame:** 2171/0169**Received:** 11/09/2000**Recorded:** 10/25/2000**Pages:** 6**Conveyance:** CHANGE OF NAME**Assignor:** ENVIRONMENTAL SERVICE CONSULTANTS, INC.**Exec Dt:** 01/01/1996**Entity Type:** CORPORATION**Citizenship:** PENNSYLVANIA**Entity Type:** CORPORATION**Citizenship:** PENNSYLVANIA**Assignee:** CIC HOLDING COMPANY

SEVENTH FLOOR

THE TIMES BUILDING 336 FOURTH AVENUE

PITTSBURGH, PENNSYLVANIA 15219

**Correspondent:** FERENGE & ASSOCIATES

STANLEY D. FERENGE III

129 OAKHURST ROAD

PITTSBURGH, PA 15215

**Assignment: 2****Reel/Frame:** 2172/0899**Received:** 11/09/2000**Recorded:** 10/25/2000**Pages:** 8**Conveyance:** MERGER**Assignor:** CONCEPTS IN COMMUNICATION**Exec Dt:** 02/22/1999**Entity Type:** LIMITED PARTNERSHIP**Citizenship:** PENNSYLVANIA**Entity Type:** CORPORATION**Citizenship:** PENNSYLVANIA**Assignee:** TELE-TRACKING TECHNOLOGIES, INC.

THE TIMES BUILDING

336 FOURTH AVENUE, SEVENTH FLOOR

PITTSBURGH, PENNSYLVANIA 15219

**Correspondent:** FERENGE & ASSOCIATES

STANLEY D. FERENGE III

129 OAKHURST ROAD

PITTSBURGH, PA 15215

**Assignment: 3****Reel/Frame:** 3970/0566**Received:** 04/14/2009**Recorded:** 04/14/2009**Pages:** 4**Conveyance:** CHANGE OF NAME**Assignor:** TELE-TRACKING TECHNOLOGIES, INC.**Exec Dt:** 08/14/2007**Entity Type:** CORPORATION**Citizenship:** PENNSYLVANIA**Entity Type:** CORPORATION**Citizenship:** PENNSYLVANIA**Assignee:** TELETRACKING TECHNOLOGIES, INC.

THE TIMES BUILDING 336 FOURTH AVENUE

PITTSBURGH, PENNSYLVANIA 15222

**Correspondent:** FERENGE & ASSOCIATES LLC

409 BROAD STREET

PITTSBURGH, PA 15143

**Assignment: 4****Reel/Frame:** 3978/0463**Received:** 04/29/2009**Recorded:** 04/29/2009**Pages:** 9**Conveyance:** CHANGE IN STATE OF INCORPORATION**Assignor:** TELETRACKING TECHNOLOGIES, INC.**Exec Dt:** 07/03/2008

**Assignee:** TELETRACKING TECHNOLOGIES, INC.  
TIMES BUILDING 336 FOURTH AVENUE  
PITTSBURGH, PENNSYLVANIA 15222

**Correspondent:** FERENGE & ASSOCIATES LLC  
409 BROAD STREET  
PITTSBURGH, PA 15143

**Entity Type:** CORPORATION  
**Citizenship:** PENNSYLVANIA  
**Entity Type:** CORPORATION  
**Citizenship:** DELAWARE

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.  
Web interface last modified: October 18, 2008 v.2.0.2

Search Results as of: 03/29/2010 03:33 PM

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# United States of America

United States Patent and Trademark Office

## PREADMITTRACKING

**Reg. No. 3,700,390** TELETRACKING TECHNOLOGIES, INC. (PENNSYLVANIA CORPORATION)  
Registered Oct. 20, 2009 THE TIMES BUILDING 336 FOURTH AVENUE  
PITTSBURGH, PA 15222

**Int. Cl.: 9** FOR: COMPUTER SOFTWARE PROVIDING PATIENT INFORMATION TO HOSPITALS, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

**TRADEMARK** FIRST USE 1-1-2000; IN COMMERCE 1-1-2000.  
**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-742,212, FILED 10-28-2005.

NAKIA HENRY, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-11-30 07:19:08 ET

Serial Number: 78742212 Assignment Information      Trademark Document Retrieval

Registration Number: 3700390

Mark

## PREADMITTRACKING

(words only): PREADMITTRACKING

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-10-20

Filing Date: 2005-10-28

Transformed into a National Application: No

Registration Date: 2009-10-20

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-09-16

---

### LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. TELETRACKING TECHNOLOGIES, INC.

Address:

TELETRACKING TECHNOLOGIES, INC.  
THE TIMES BUILDING 336 FOURTH AVENUE  
PITTSBURGH, PA 15222  
United States  
**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Pennsylvania

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**GOODS AND/OR SERVICES**

---

**International Class:** 009  
**Class Status:** Active  
COMPUTER SOFTWARE PROVIDING PATIENT INFORMATION TO HOSPITALS  
**Basis:** 1(a)  
**First Use Date:** 2000-01-01  
**First Use in Commerce Date:** 2000-01-01

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**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

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**PROSECUTION HISTORY**

---

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2009-10-20 - Registered - Principal Register  
2009-09-16 - Law Office Registration Review Completed  
2009-09-15 - Allowed for Registration - Principal Register (SOU accepted)  
2009-08-06 - Statement of use processing complete  
2009-08-05 - Amendment to Use filed  
2009-08-05 - TEAS Statement of Use Received  
2009-05-06 - Assignment Of Ownership Not Updated Automatically  
2009-04-22 - Automatic Update Of Assignment Of Ownership  
2009-02-18 - Extension 2 granted

2009-02-05 - Extension 2 filed  
2009-02-18 - Case Assigned To Intent To Use Paralegal  
2009-02-05 - TEAS Extension Received  
2008-08-05 - Extension 1 granted  
2008-08-05 - Extension 1 filed  
2008-08-05 - TEAS Extension Received  
2008-02-05 - Noa Mailed - SOU Required From Applicant  
2007-11-13 - Published for opposition  
2007-10-24 - Notice of publication  
2007-10-10 - Law Office Publication Review Completed  
2007-10-10 - Approved for Pub - Principal Register (Initial exam)  
2007-09-11 - Amendment From Applicant Entered  
2007-08-23 - Communication received from applicant  
2007-09-11 - Legal Instrument Examiner (LIE) - Correction  
2007-08-28 - Response To ITU Office Action Entered  
2007-08-27 - Assigned To LIE  
2007-08-23 - FAX RECEIVED  
2007-07-25 - Notification Of Action Denying Req For Recon E-Mailed  
2007-07-25 - Action Granting Req For Recon E-Mailed  
2007-07-25 - Continuation of final refusal mailed  
2007-07-03 - Amendment From Applicant Entered  
2007-07-03 - Communication received from applicant  
2007-07-02 - FAX RECEIVED  
2007-01-03 - Final refusal e-mailed  
2007-01-03 - Final Refusal Written  
2006-11-29 - Amendment From Applicant Entered

2006-11-29 - Communication received from applicant

2006-11-29 - Assigned To LIE

2006-11-06 - FAX RECEIVED

2006-05-06 - Non-final action e-mailed

2006-05-06 - Non-Final Action Written

2006-05-02 - Assigned To Examiner

2005-11-01 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Stanley D. Ference III

**Correspondent**

STANLEY D. FERENCE III  
FERENCE & ASSOCIATES  
409 BROAD STREET  
PITTSBURGH, PA 15143-1557  
Phone Number: 412 741-8400  
Fax Number: 412 741-9292

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## Trademark Assignment Abstract of Title

### Total Assignments: 2

Serial #: [78742212](#)

Filing Dt: 10/28/2005

Reg #: [3700390](#)

Reg. Dt: 10/20/2009

Registrant: TELETRACKING TECHNOLOGIES, INC.

Mark: PREADMITTRACKING

### Assignment: 1

Reel/Frame: [3970/0566](#)

Received: 04/14/2009

Recorded: 04/14/2009

Pages: 4

Conveyance: CHANGE OF NAME

Assignor: [TELE-TRACKING TECHNOLOGIES, INC.](#)

Exec Dt: 08/14/2007

Entity Type: CORPORATION

Citizenship: PENNSYLVANIA

Entity Type: CORPORATION

Citizenship: PENNSYLVANIA

Assignee: [TELETRACKING TECHNOLOGIES, INC.](#)THE TIMES BUILDING 336 FOURTH AVENUE  
PITTSBURGH, PENNSYLVANIA 15222

Correspondent: FERENGE &amp; ASSOCIATES LLC

409 BROAD STREET  
PITTSBURGH, PA 15143

### Assignment: 2

Reel/Frame: [3978/0463](#)

Received: 04/29/2009

Recorded: 04/29/2009

Pages: 9

Conveyance: CHANGE IN STATE OF INCORPORATION

Assignor: [TELETRACKING TECHNOLOGIES, INC.](#)

Exec Dt: 07/03/2008

Entity Type: CORPORATION

Citizenship: PENNSYLVANIA

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [TELETRACKING TECHNOLOGIES, INC.](#)TIMES BUILDING 336 FOURTH AVENUE  
PITTSBURGH, PENNSYLVANIA 15222

Correspondent: FERENGE &amp; ASSOCIATES LLC

409 BROAD STREET  
PITTSBURGH, PA 15143

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Web interface last modified: October 18, 2008 v.2.0.2

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**CERTIFICATE OF TRANSMISSION AND SERVICE**

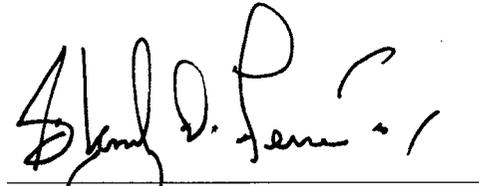
I certify that the foregoing NOTICE OF OPPOSITION is being electronically filed with:

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

and that the forgoing NOTICE OF OPPOSITION is being served by First Class Mail, postage pre-paid, to:

Ashley Krause, Esq.  
Brownstein Hyatt Farber Schreck, LLP  
410 Seventeenth Street, Suite 2200  
Denver, CO 80202-4432

Dated: July 1, 2010

  
\_\_\_\_\_  
Stanley D. Ference III