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

TEST MASTERS EDUCATIONAL SERVICES, INC.,

Applicant,

v.

ROBIN SINGH.

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Concurrent Use No. 94002016



04-25-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**RESPONSE TO ROBIN SINGH'S REQUEST FOR ACCEPTANCE OF LATE FILED
 RESPONSE TO THE BOARD'S ORDER TO SHOW CAUSE**

Test Masters Educational Services, Inc. ("Test Masters") herein responds to Robin Singh's late filed response to the Board Order dated January 9, 2003. In the first instance, Test Masters objects to the late filing of a Response to the Board's January 9, 2003 Order. Despite the fact that Mr. Singh alleges that neither he nor his attorneys received the Board Order, they were responsible for monitoring Trademark Registration No. 2,234,514 with due diligence as a notice or action from the Patent and Trademark Office was expected after the July 24, 2002 Order of the United States Court of Appeals for the Fifth Circuit. In fact, Mr. Singh was notified by the Commissioner's Office on February 10, 2003 that his registration was cancelled. A review of the TARR records of the Trademark Office with respect to Mr. Singh's registration

further indicates that the instant concurrent use proceeding was instituted on January 16, 2003. Accordingly, given the lack of due diligence, contrary to a registrant's responsibilities set forth in T.M.E.P. §413, Robin Singh should not be granted additional time to respond to the Board's Order of January 9, 2003.

As for Robin Singh's Response to the Board's Order, Test Masters submits that Robin Singh has absolutely no standing to request that Test Master's applications be manipulated in any way. Robin Singh's admission that this Concurrent Use Proceeding is moot (see page 4 of Singh's Response) leaves Mr. Singh with no proceeding in which his claims may be asserted or the relief requested may be granted, at this time. Contrary to Robin Singh's conclusion, the issue of concurrent use does not remain with respect to this application because Test Masters requested that the subject application be amended to non-concurrent use status before the publication of the application and institution of the Concurrent Use Proceeding. The Examiner should address Test Master's request for amendment of the status of the application. Thereafter, the issues raised by Robin Singh, may be addressed through an Opposition Proceeding. Furthermore, since the other pending applications are not yet published for opposition, it is premature for the Board to address these other applications at this time.

Though Test Masters denies the allegations in Mr. Singh's Response, Test Masters will not address them now as they are untimely and inappropriate as indicated above.

Conclusion

Accordingly, Test Masters respectfully requests that its application be returned to the Examiner to be amended to a non-concurrent use basis and that this Concurrent Use Proceeding be dissolved.

Respectfully submitted,

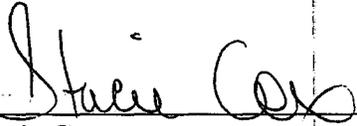


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Dated: April 25, 2003

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Response to Robin Singh's Request for Acceptance of Late Filed Response to the Board's Order to Show Cause was served upon Francie Gorowitz, Esq. 400 South Hope St., Los Angeles, California 90071 by Express Mail, postage prepaid, on April 25, 2003.



Stacie Cox