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08-14-2003
U.S. Patent & TMOtc/TM Mail Rcpt Dt. #22

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

Test Masters Educational Services, Inc.) Concurrent Use No. 94002016
)
)
)
v.)
)
)
Robin Singh)
)
)

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**REQUEST FOR WITHDRAWAL OF DOCUMENTS FILED ON
APRIL 21, 2003 AND MAY 13, 2003**

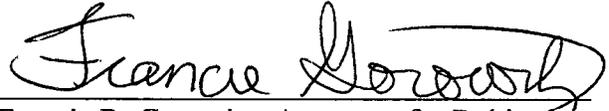
Robin Singh, through his attorneys, O'Melveny & Myers, LLP, hereby requests the withdrawal of the documents filed on April 21, 2003 (REQUEST FOR ACCEPTANCE OF LATE RESPONSE TO CONCURRENT USE ACTION AND TO "COMMUNICATION" AND RESPONSE TO THE SAME) and on May 13, 2003 (REPLY BRIEF). This action is requested to comply with the unprecedented ruling by the United States District Court for the Southern District of Texas Houston Division permanently enjoining Mr. Singh from interfering with or opposing Test Masters Educational Service's registrations of the TESTMASTERS or TESTMASTERS marks. A copy of the Court's Order is attached hereto as Exhibit A. Mr. Singh is currently appealing this Order to the Fifth Circuit and is seeking a stay and an expedition of the appeal. A copy of Mr. Singh's Notice of Appeal is attached hereto as Exhibit B. Mr. Singh will

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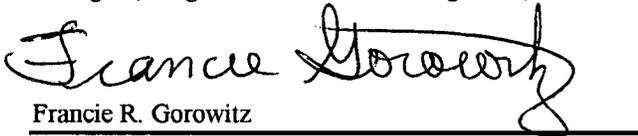
not interfere with or oppose Test Masters Educational Service's registrations of the TESTMASTERS or TEST MASTERS marks until and if the Fifth Circuit reverses the Order.

Dated: August 11, 2003

Respectfully submitted,


Francie R. Gorowitz, Attorneys for Robin Singh

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on August 11, 2003

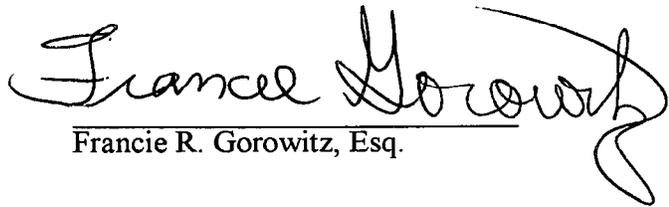

Francie R. Gorowitz

O'Melveny & Myers LLP
1999 Avenue of the Stars, Suite 700
Los Angeles, California 90067-6035
Telephone: (310) 246-6805

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing, REQUEST FOR WITHDRAWAL OF DOCUMENTS FILED ON APRIL 21, 2003 AND MAY 13, 2003, was served by depositing it with the United States Postal Service as first class mail in an envelope addressed to Michelle P. Schwartz, Esq., Hughes & Luce L.L.P., 1717 Main Street, Suite 2800. Dallas, Texas 75201 on August 11, 2003.


Francie R. Gorowitz, Esq.

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U.S. Patent & TMOfo/TM Mail Rcpt Dt. #22

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

JUL 14 2003

Michael N. Milby, Clerk of Court

TEST MASTERS EDUCATIONAL
SERVICES, INC., and VIVEK ISRANI

Plaintiffs,

vs.

ROBIN SINGH d/b/a
TESTMASTERS,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION No. H-99-2781

JUDGE VANESSA D. GILMORE

**ORDER GRANTING TEST MASTERS EDUCATIONAL SERVICES, INC.'S MOTION
FOR MODIFICATION OF FINAL JUDGMENT AND PERMANENT INJUNCTION**

Having considered Plaintiff Test Masters Education Services, Inc.'s Motion for
Modification of Final Judgment and Permanent Injunction^{#229} the Court finds that there is just cause
to grant the requested relief. Accordingly, it is hereby ORDERED that:

1. Defendant Robin Singh is permanently enjoined from pursuing registration of the TESTMASTERS or TEST MASTERS marks in the United States Patent and Trademark Office;
2. Defendant Robin Singh is permanently enjoined from interfering with or opposing Test Masters Education Services, Inc.'s registration of the TESTMASTERS or TEST MASTERS marks in the United States Patent and Trademark Office;
3. Defendant Robin Singh is permanently enjoined from using the TESTMASTERS or TEST MASTERS marks, or any confusingly similar marks, within the State of Texas or directed at the State of Texas, including but not limited to uses via the Internet; and

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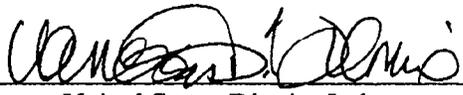
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Exhibit A

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4. Pursuant to 15 U.S.C. § 1119, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office must rectify the register by canceling as invalid Defendant Robin Singh's federally-registered service mark for TESTMASTERS.

SIGNED this 11th day of July, 2003


United States District Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TEST MASTERS EDUCATIONAL
SERVICES, INC. AND VIVEK ISRANI,

Plaintiffs,

v.

ROBIN SINGH d/b/a/ TESTMASTERS,

Defendant.

Civil Action No. H-99-2781

JUDGE VANESSA D. GILMORE

NOTICE OF APPEAL

Notice is hereby given that Defendant Robin Singh d/b/a Testmasters, defendant in the above named case, hereby appeals to the United States Court of Appeals for the Fifth Circuit from the District Court's order, entered on the 14th day of July, 2003, granting Plaintiff Test Masters Educational Services, Inc.'s Motion for Modification of Final Judgment and Permanent Injunction and from the District Court's order, entered July 31, 2003, denying Defendant Singh's July 28, 2003 motion under Fed. R. Civ. P. 59 and 60 to amend or alter the order and injunction.

Date: August 6, 2003

Respectfully submitted:

Paul D. Heardby,

Paul Douglas Heard
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Attorney for DEFENDANT
ROBIN SINGH DBA TESTMASTERS

HOU:279444.1
J824.1

Exhibit B

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CERTIFICATE OF SERVICE

I certify by my signature below that a true and correct copy of the foregoing document has been forwarded pursuant to the Federal Rules of Civil Procedure by U. S. First Class Mail and by facsimile to all counsel herein as listed below on this the 6th day of August, 2003.

David J. Schenck
John W. Patton
Hughes & Luce, L.L.P.
1717 Main Street, Suite 2800
Dallas, Texas 75201

