

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
**Trademark Trial and Appeal Board**  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Taylor

Mailed: September 7, 2005

Concurrent Use No. 94002016

TEST MASTERS EDUCATIONAL  
SERVICES, INC.

v.

ROBIN SINGH

Applicant, Test Masters Educational Services, Inc.'s proposed amendment filed on March 12, 2003 is noted.

By the proposed amendment applicant seeks to amend its involved application Serial No. 76306308 for the mark "TEST MASTERS" to that of a non-concurrent use status. Applicant indicates that it filed an amendment to its application with the Trademark Examining Attorney to remove the concurrent use status prior to the issuance of the notice of publication but the amendment was not acted on prior to the Board's institution of this concurrent use proceeding. Applicant further indicates that in a decision rendered by the United States Court of Appeal for the Fifth Circuit, Dallas Division, Robin Singh's Registration No. 2234514 (excepted user herein) was cancelled.

It is also noted that Mr. Singh did not contest the amendment.

In view thereof, the concurrent use proceeding is dissolved and applicant's application Serial No. 76306308 will be forwarded to the Trademark Examining Operation for republication as an unrestricted application.

***By the Trademark Trial  
and Appeal Board***