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

In the Matter of Application  
Serial No. 78/105,469, published in the  
Official Gazette on  
August 6, 2002, page TM 557.

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CENTURYTEL, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
TRANSITEL COMMUNICATIONS, INC.)	)	
	)	
Applicant	)	

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NOTICE OF OPPOSITION

CenturyTel, Inc., a Louisiana corporation, (hereinafter "CenturyTel") with an address at P.O. Box 4065, Monroe, Louisiana 71211-4065, believes that it will be damaged by registration of the mark SIMPLE SERVICE for "telecommunication reseller services, namely providing long distance telecommunication services," in International Class 38 as set forth in Application Serial No. 78/105,469, filed January 29, 2002 and published August 6, 2002 (hereinafter "the Application"), owned by Transitel Communications, Inc., a Delaware corporation (hereinafter "Transitel"), with an address at 11490 Commerce Park Drive, Suite 500, Reston, Virginia 20191, and hereby opposes the same. As grounds for this opposition, it is alleged that:

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1. CenturyTel is the owner and user of the mark SIMPLE CHOICE as set forth in Application Serial No. 76/352,398, filed December 27, 2001 (hereinafter "CenturyTel's Application") for "residential telephone service plans, namely, caller identification, call waiting, call forwarding, three-way calling and voice/text messaging services", in International Class 38.

2. There is no issue as to priority. CenturyTel has commenced use of the mark SIMPLE CHOICE at least as early as April, 2002 and is therefore entitled to a constructive date of first use of December 27, 2001, more than one month prior to the filing date of the Application which is the date of Transitel's constructive use. Attached at Tab A is a specimen showing use of the mark in a promotional campaign in connection with the services of the application.

3. Transitel has used the mark in such a manner for related services that consumers and others familiar with SIMPLE CHOICE will assume (mistakenly) that SIMPLE SERVICE is a service emanating from CenturyTel.

4. The simultaneous use of SIMPLE SERVICE and SIMPLE CHOICE for the parties' respective services, will likely cause confusion, deception or mistake, all to the damage of the holder of prior statutory rights, CenturyTel.

WHEREFORE, CenturyTel prays that this opposition be sustained and registration on the application be refused.

Respectfully submitted,

CENTURYTEL, INC.

*G. F. Rothwell*

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G. Franklin Rothwell  
Attorney for Opposer  
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<sup>1</sup>Simple Choice does not apply to metered/measured line service, PBX accounts, or Centrex accounts. Toll and EAS not included. Call Waiting ID is an enhancement of Caller ID. Both Caller ID and Call Waiting ID work only with a display unit, which is sold separately. Caller ID can be blocked by dialing \*67 (touch-tone) or 1167 (rotary) prior to the call. Caller ID and other Simple Choice products may not be one hundred percent effective. Simple Choice is a trademark of CenturyTel. Simple Choice offer and rate are subject to change and may vary by service area. Simple Choice plan not available in all areas. Eligible features may vary by state. Some restrictions apply.

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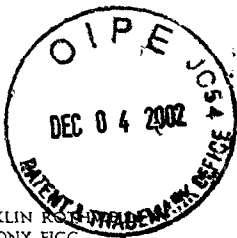
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December 4, 2002

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\* NOT ADMITTED IN D.C.

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Notice of Opposition to Registration  
of SIMPLE SERVICE  
U.S. Serial No. 78/105,469  
Filed : January 29, 2002  
Published : August 6, 2002  
Attorney Docket No.: 1445-455

Sir:

Submitted herewith, in duplicate, is a notice of opposition to the above application.

A check in the amount of \$300.00 is enclosed to cover the appropriate Government opposition fee. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-2135. An extra copy of this letter is attached for that purpose.

Respectfully submitted,

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

By G.F. Rothwell  
G. Franklin Rothwell  
Attorney for Opposer

Attachments  
GFR:lam