

ESTTA Tracking number: **ESTTA47495**

Filing date: **10/06/2005**

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	Alliance for Telecommunications Industry Solutions		
Entity	not-for profit corporation	Citizenship	New York
Address	1200 G Street, N.W.Suite 500 Washington, DC 20004 UNITED STATES		

Attorney information	William S.D. Cravens, Esq. Bingham McCutchen LLP 1120 20th Street, N.W.Suite 800 Washington, DC 20036 UNITED STATES william.cravens@bingham.com, david.johanson@bingham.com, eileen.sullivan@bingham.com Phone:202-778-6150		
-----------------------------	---	--	--

Applicant Information

Application No	76623919	Publication date	09/06/2005
Opposition Filing Date	10/06/2005	Opposition Period Ends	10/06/2005
Applicant	Hall, Edward A. 13124 Fox Path Lane West Friendship, MD 21794 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 19960626 First Use In Commerce: 19960626
All goods and services in the class are opposed, namely: Arranging and conducting business forums for the purpose of creating a uniform system for assignment of mobile identification numbers to support international roaming

Attachments	IFAST.pdf (6 pages)
--------------------	-----------------------

Signature	/william cravens/
Name	William S.D. Cravens, Esq.
Date	10/06/2005

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

In re Application Serial No. 76-623919)	
Published in the Official Gazette of September 6, 2005)	
Mark: IFAST)	Opposition No. _____
Application Filing Date: December 10, 2004)	
Alliance for Telecommunications Industry Solutions,)	
Opposer,)	
v.)	
Edward A. Hall)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer, Alliance for Telecommunications Industry Solutions (“ATIS” or “Opposer”), will be damaged by the issuance of a registration for the mark IFAST, with respect to services in International Class 35 as applied for in Application Serial No. 76-623,919 (the “Application”), as filed by Edward A. Hall (“Hall” or “Applicant”), and subsequently assigned to IFAST, LTD. (“IFAST, LTD.” or “Assignee”).

As grounds for this Opposition, Opposer alleges as follows:

1. Opposer, ATIS, was incorporated in 1983 as a New York not-for-profit corporation. It presently maintains its principal place of business at 1200 G Street, N.W., Suite 500, Washington, D.C. 20004. ATIS’s mission is to develop, implement and promote technical and operational standards, protocols and specifications for the communications and related information technologies industry worldwide.

2. Applicant, Edward A. Hall, is an individual residing at 13124 Fox Path Lane, West Friendship, Maryland 21794. From July 5, 2000 until November 24, 2004, Hall was employed by ATIS as its Vice President-Technology Development.

3. Assignee, IFAST, LTD., is a Maryland Corporation formed by Hall on or about February 17, 2005, with its principal place of business at 13124 Fox Path Lane, West Friendship, Maryland 21794.

A. The Application Should Be Denied Due To The Applicant's Fraud On The PTO

4. In May 2000, the Applicant, Edward A. Hall was hired by ATIS to serve as Vice President-Technology Development.

5. Hall occupied the position of Vice-President-Technology Development at ATIS from July 5, 2000, until his departure on November 24, 2004.

6. In his capacity as an ATIS employee, Hall provided management coordination for an ATIS-sponsored committee called the International Forum on ANSI-41 Standards Technology ("IFAST"), which had become a part of ATIS in 2000. As alleged below, ATIS acquired all rights in and to the IFAST mark when the IFAST forum became a part of ATIS in 2000.

7. At no time whatsoever during the period of his employment with ATIS was Mr. Hall authorized to act in connection with IFAST in a manner that was not consistent with ATIS's interests and subject to ATIS's control.

8. In November 15, 2004, while still employed by ATIS, Hall formed his own company, called TelecomXchange International ("TXI"), and submitted his resignation to ATIS.

9. Approximately one week after his departure from ATIS, Hall began wrongfully using the IFAST mark in commerce for his own personal gain, and without the consent of ATIS.

10. On December 10, 2004, Hall filed the Application seeking federal trademark registration for the IFAST mark in his individual capacity and in his own name. Section 1(a) of the Trademark Act restricts trademark applications to the owner of the mark in question.

11. As part of the Application, Mr. Hall attested that he personally was the owner of the IFAST mark, that he was entitled to use the mark in commerce, that he personally began to use the mark in commerce in June 1996, and that “to the best of his knowledge and belief no other person, firm, corporation or association has the right to use the above identified mark in commerce, either in the identical form thereof or in connection with the goods/services of such person.”

12. These representations are false.

13. Mr. Hall made these representations with the intent that the PTO would rely on them in granting the Application.

14. Several months after submitting the Application, Mr. Hall acknowledged in sworn testimony in the case *Alliance For Telecommunications Industry Solutions, Inc. v. Hall, et al.*, Civil Action No. CCB-05-0440 (United States District Court for the District of Maryland) (the “Hall Litigation”) that the representations contained in the Application are false, and that he does not own the IFAST mark. Further, Mr. Hall knew that these representations were false at the time he made them to the PTO.

15. Mr. Hall has never made any attempt to correct the misrepresentations contained in the Application or to bring them to the attention of the PTO.

16. On or about February 17, 2005, Mr. Hall filed articles of incorporation forming a company he called "IFAST, LTD." as a Maryland non-profit corporation.

17. On March 17, 2005, Mr. Hall purported to assign the pending trademark Application to this newly-formed corporation, IFAST, LTD., for consideration of \$100.00, falsely representing again that he is the owner of the mark.

18. Like Mr. Hall, a corporate representative for IFAST, LTD. testified in the Hall Litigation that the representations contained in Mr. Hall's application concerning his personal ownership of the IFAST mark are false.

19. IFAST, LTD. has made no attempt to correct these misrepresentations or to bring them to the attention of the PTO, and continues to rely on those misrepresentations as the assignee of the Application.

20. IFAST, LTD., therefore, obtained no rights as the "assignee" of this Application, and has no standing to obtain rights in or to the IFAST mark through registration thereof. In fact, IFAST Ltd. has been complicit in perpetuating Hall's fraud on the PTO.

B. ATIS Was Assigned The IFAST Mark in July 2000 When IFAST Became A Part of ATIS

21. IFAST began in 1996 as an open international forum to resolve a Mobile Identification Number (MIN) ambiguity issue in the context of international roaming services used by subscribers to ANSI-41 based networks.

22. To resolve this problem, IFAST used International Roaming MINs (IRMs), which are wireless telephone codes assigned to domestic cellular telephones so that

individuals traveling internationally will not experience conflicts with telephone numbering systems in foreign countries.

23. From the time it was founded in 1996 until it became a part of ATIS in 2000, IFAST functioned as an independent forum. It was not sponsored or sustained by any other entity.

24. In July 2000, IFAST became a sponsored forum of ATIS. As a result, ATIS acquired, *inter alia*, all IFAST's rights in and to the IFAST mark for use in connection with the services performed by the ATIS-sponsored IFAST forum, which were a continuation of the same services previously performed by the formerly independent IFAST group.

25. Consistent with its acquisition of the IFAST mark by assignment, ATIS began using the IFAST mark in commerce in July 2000, and has not abandoned it.

WHEREFORE, Opposer, ATIS, believes and avers that it will be damaged by said registration and prays that registration of the IFAST mark for use in connection with the services in International Class 35, as applied for in Application Serial No. 76-623,919, filed by Applicant, and subsequently assigned to the Assignee be refused, and that this Opposition be sustained.

The filing fee for this Notice of Opposition in the amount of \$300.00 is enclosed, for Opposer's opposition to registration of the IFAST mark. Also enclosed are the original and one copy of this Notice of Opposition.

Please recognize as attorneys for Opposer in this proceeding Richard A. Ripley and William S.D. Cravens (members of the Bar of the District of Columbia), and Richard S. Taffet (member of the bar of the State of New York) and the firm of Bingham McCutchen LLP, 1120 20th Street, N.W., Washington, D.C. 20036.

All correspondence should be addressed to Richard A. Ripley, of Bingham McCutchen LLP, 1120 20th Street, N.W., Washington, D.C. 20036.

Respectfully submitted,

Richard S. Taffet
richard.taffet@bingham.com
Richard A. Ripley
richard.ripley@bingham.com
William S.D. Cravens
william.cravens@bingham.com
BINGHAM McCUTCHEN LLP
1120 20th Street, N.W., Suite 800
Washington, DC 20036
202-778-6150
202-778-6155 (facsimile)
Attorneys for Plaintiff