

ESTTA Tracking number: **ESTTA70940**

Filing date: **03/15/2006**

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	S-T-N Holdings, Inc.
Granted to Date of previous extension	03/15/2006
Address	800 North Rainbow Blvd. Suite 157 Las Vegas, NV 89107 UNITED STATES

Attorney information	Kenneth D. Suzan Hodgson Russ LLP One M&T Plaza Suite 2000 Buffalo, NY 14203 UNITED STATES ksuzan@hodgsonruss.com Phone:(716) 856-4000
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Applicant Information

Application No	78568998	Publication date	11/15/2005
Opposition Filing Date	03/15/2006	Opposition Period Ends	03/15/2006
Applicant	Electric Power Research Institute, Inc. 3412 Hillview Avenue Palo Alto, CA 94304 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software used to perform quantitative assessment of proposed turbine upgrades

Attachments	fastopp.pdf (4 pages)
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Signature	/Kenneth D. Suzan/
Name	Kenneth D. Suzan
Date	03/15/2006

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

S-T-N HOLDINGS, INC.,	:	In the Matter of Trademark
	:	Application Serial No.
Opposer	:	78/568,998
	:	Filed February 16, 2005
v.	:	For: Registration of
	:	FAST in International
ELECTRIC POWER RESEARCH	:	Class 9 published on
INSTITUTE, INC.,	:	November 15, 2005
Applicant.	:	
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Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

NOTICE OF OPPOSITION

Sir:

In the matter of trademark registration application Serial No. 78/568,998 filed February 16, 2005 for FAST for computer software used to perform quantitative assessment of proposed turbine upgrades published for opposition in the Official Gazette of November 15, 2005, the Trademark Trial and Appeal Board has granted Opposer an extension until March 15, 2006 to oppose Serial No. 78/568,998.

S-T-N Holdings, Inc. ("S-T-N Holdings"), a Nevada corporation with its principal place of business at 800 North Rainbow Blvd., Suite 157, Las Vegas, Nevada, believes that it will be damaged if such registration is granted, and therefore gives notice of its opposition to the registration of said trademark.

The grounds of opposition are as follows:

1. Applicant seeks to register FAST as a trademark for computer software used to perform quantitative assessment of proposed turbine upgrades in International Class 9. Applicant's application is an intent-to-use application.

2. The Opposer through its predecessor and licensee has used in interstate commerce the word mark FASTGATE as a trademark for computer software for use in database management for utilities and other energy distribution businesses since at least January 31, 2001.

3. S-T-N Holdings has a date of first use for FASTGATE of January 31, 2001 in connection with computer software for use in database management for utilities and other energy distribution businesses, long before Applicant applied to register FAST by filing an intent-to-use application on February 16, 2005.

4. Opposer, through an assignment, owns a federally registered trademark for FASTGATE covering computer software for use in database management for utilities and other energy distribution businesses issued by the United States Patent and Trademark Office on October 1, 2002 under U.S. Trademark Registration No. 2,629,227 ("Opposer's Mark").

5. S-T-N Holdings, through its predecessor and licensee, has sold and sells its goods under the FASTGATE trademark in interstate commerce since at least January 31, 2001 in the United States. Opposer has developed exceedingly valuable goodwill in respect to Opposer's Mark.

6. By virtue of its methods, and the expenditure of considerable sums for promotional activities, and by virtue of the excellence of its products, the Opposer has obtained for Opposer's Mark a most valuable reputation.

7. The trademark proposed for registration by the Applicant, namely FAST, includes a substantial duplicate of Opposer's Mark and is applied to goods of the same or similar descriptive properties as that of Opposer's goods and so nearly resembles the Opposer's Mark, as to be likely to be confused therewith and mistaken therefor. The Applicant's Mark is deceptively similar to Opposer's Mark so as to be likely to cause confusion and lead to deception as to the origin of Applicant's goods bearing the Applicant's Mark.

8. If the Applicant is permitted to use and register its mark for its goods, as specified in the application herein opposed, confusion in trade resulting in damage and injury to the Opposer would be caused or would result by reason of the similarity between Applicant's Mark and Opposer's Mark. Many persons familiar with Opposer's Mark would be likely to buy Applicant's goods as and for a product made and sold by Opposer. Moreover, even if such persons should notice any difference whatever between the Applicant's Mark and the Opposer's Mark, they would nevertheless be likely to believe that the Applicant's Mark and the Opposer's Mark are, in fact, companion marks used by the same manufacturer on companion or related products. Any such confusion in trade inevitably would result in loss of sales to the Opposer. Furthermore, any defect, objection or fault found with Applicant's products marked under its mark would necessarily reflect upon and seriously injure the reputation which the Opposer has established for its products sold under its mark.

If the Applicant is granted the registration herein opposed, it would obtain thereby at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to the Opposer.

This Notice of Opposition is being electronically filed with the Trademark Trial and Appeal Board and the fee of \$300.00 is submitted herewith. If there are any additional fees due and owing in connection with this request, please feel free to charge our Deposit No. 08-2442.

WHEREFORE, the Opposer prays that application Serial No. 78/568,998 filed February 16, 2005 be rejected and that the registration of the mark therein sought for the goods therein specified be denied and refused.

Dated: Buffalo, New York
March 15, 2006

Respectfully submitted,

HODGSON RUSS LLP

By:  _____

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