

ESTTA Tracking number: **ESTTA285175**

Filing date: **05/20/2009**

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	TeleTracking Technologies, Inc.
Granted to Date of previous extension	05/20/2009
Address	336 Fourth Avenue Pittsburgh, PA 15222 UNITED STATES

Attorney information	Stanley D. Ference III Ference & Associates LLC 409 Broad Street Pittsburgh, PA 15143 UNITED STATES uspto@ferencelaw.com Phone:4127418400
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**Applicant Information**

Application No	77561677	Publication date	01/20/2009
Opposition Filing Date	05/20/2009	Opposition Period Ends	05/20/2009
Applicant	SecurLinx Holding Corporation 150 Clay Street, Suite 440 Morgantown, WV 26501 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Computer software for use in the extraction, analysis, and comparison of biometric information regarding individuals derived from documents, pictures, and databases
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Application No.	78742212	Application Date	10/28/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PREADMITTRACKING		

Design Mark	<b>PREADMITTRACKING</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: COMPUTER SOFTWARE PROVIDING PATIENT INFORMATION TO HOSPITALS

Attachments	78742212#TMSN.jpeg ( 1 page )( bytes ) IDTRAC_Notice_of_Opposition _May 20 2009.pdf ( 5 pages )(10597 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Stanley D. Ference III/
Name	Stanley D. Ference III
Date	05/20/2009

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

In the matter of trademark application Serial No. 77/561,677  
For the mark IDTRAC  
Published in the Official Gazette on January 20, 2009

TeleTracking Technologies, Inc.,	)	
	)	Opposition No. _____
Opposer,	)	
	)	
vs.	)	
	)	
SecurLinx Holding Corporation,	)	
	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

TeleTracking Technologies, Inc. (“Opposer”), organized under the laws of the State of Delaware with its principal place of business at The Times Building, 336 Fourth Avenue, Pittsburgh, Pennsylvania 15222, believes it may be damaged by the registration of the mark shown in the trademark application Serial Number 77/561,677, and hereby opposes the same in International Class 009.

**DESCRIPTION OF APPLICANT’S APPLICATION**

Applicant: SecurLinx Holding Corporation  
150 Clay Street, Suite 440  
Morgantown, West Virginia 26501

Filing Date: September 3, 2008

Mark: IDTRAC

Class(es): International Class 009

Goods and/or

Services: International Class 009: Computer software for use in the extraction, analysis, and comparison of biometric information regarding individuals derived from documents, pictures, and databases.

### GROUND OF OPPOSITION

The grounds for opposition are as follows:

1. Opposer is a corporation organized and existing under the laws of the State of Delaware as TeleTracking Technologies, Inc. and has its principal place of business in Pennsylvania. TeleTracking Technologies, Inc. was formerly organized under the laws of the Commonwealth of Pennsylvania and was re-domiciled in Delaware in July 2008.

2. Opposer sells its products and services to customers throughout the United States and internationally, providing healthcare information.

3. Opposer has been using its TRACKING-formative trademarks, common-law and otherwise, for many years. Since at least as early as 1998, Opposer has using its TRACKING family of marks in commerce to provide healthcare information to its customers.

4. Opposer is the owner of the common-law trademark PREADMITTRACKING (allowed U.S. federal trademark application no. 78/742,212) for computer software providing patient information to hospitals in International Class 009. Opposer is also the owner of the common-law trademark TELETRACKING, which has been filed under U.S. federal trademark application no. 77/242,817, for consulting services in the health

care field in International Class 044 and for computer software for use in the health care field to enhance operational efficiencies in International Class 009. Opposer is also the owner of common-law trademark TRANSPORTTRACKING for providing healthcare information to assist in workflow automation.

5. Opposer's use of the TRACKING trademarks has been valid and continuous and has not been abandoned. Said Opposer's Registration and Common-Law usages of its TRACKING family of trademarks are symbolic of the extensive and valuable goodwill and consumer recognition built up by Opposer through substantial amounts of time, effort, and considerable sums of money, in advertising, marketing, and promotion.

6. Applicant has filed the present trademark application seeking to have IDTRAC registered as a trademark for "Computer software for use in the extraction, analysis, and comparison of biometric information regarding individuals derived from documents, pictures, and databases" in International Class 009 based upon Applicant's alleged intent to use the mark in commerce.

7. The use by applicant of the trademark IDTRAC is likely to result in confusion, mistake or deception with Opposer's TRACKING family of trademarks, or in the belief that applicant or its products/service are in some way legitimately connected with, licensed or approved by Opposer.

8. Upon information and belief, Applicant did not have a bona fide intent to use the mark IDTRAC in commerce at the time of filing in connection with all of the identified goods asserted in its trademark application and the application therefore is void.

9. Upon information and belief, Applicant is not the owner of the mark sought to be registered and the application for IDTRAC therefore is void.

10. Upon information and belief, the application for the mark is void as the mark was assigned in violation of 15 U.S.C. § 1060.

WHEREFORE, Opposer believes it may be damaged by the registration of the mark shown in the trademark application Serial No. 77/561,677, and further, Opposer respectfully requests that registration of the opposed application, Serial No. 77/561,677, be denied and the registration of the trademark IDTRAC in International Class 009 be rejected.

The amount of three hundred dollars (\$300.00) required under 37 C.F.R. § 2.6(a)(17) is being paid herewith.

Respectfully Submitted,

FERENCE & ASSOCIATES LLC

Dated: May 20 , 2009

By: /Stanley D. Ference III/

Stanley D. Ference III  
Registration No. 33,879

FERENCE & ASSOCIATES LLC  
409 Broad Street  
Pittsburgh, PA 15143  
(412) 741-8400 - Phone  
(412) 741-9292 - Facsimile

Attorney for Opposer  
TeleTracking Technologies, Inc.

**CERTIFICATE OF TRANSMISSION AND SERVICE**

I certify that the foregoing NOTICE OF OPPOSITION is being electronically  
filed with:

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

and that the forgoing NOTICE OF OPPOSITION is being served by first-class mail,  
postage pre-paid, to:

Michael B. Pallay  
Steptoe & Johnson PLLC  
P.O. Box 2190  
Clarksburg, West Virginia 26302

Attorney for Applicant

this 20<sup>th</sup> day of May, 2009.

/Stanley D. Ference III/  
Stanley D. Ference III