

ESTTA Tracking number: **ESTTA709427**

Filing date: **11/18/2015**

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

Proceeding	92053315
Party	Defendant The American University for Science and Technology
Correspondence Address	DR M A WAHAB THE AMERICAN UNIVERSITY FOR SCIENCE AND TECHNOLOGY 18345 VENTURA BLVD STE 210 TARZANA, CA 91356 UNITED STATES president@austc.us
Submission	Response to Board Order/Inquiry
Filer's Name	Mohamed Abdulwahab
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Signature	/Mohamed Abdulwahab/
Date	11/18/2015
Attachments	Answer to Board Order 11-18-2015.pdf(193094 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRAIL AND APPEAL BOARD**

US registration No. 3, 836, 388

For the mark THE AMERICAN UNIVERSITY FOR SCIENCE AND TECHNOLOGY

American University.

Serviced: November 18, 2015

Petitioner,

Cancellation No. 92053315

VS.

The American University for  
Science And Technology

Respondent

**Response to TRADEMARK TRAIL AND APPEAL BOARD order to submit an  
answer on Petitioner's move to amend the petition**

On August 31, 2015 TRADEMARK TRAIL AND APPEAL BOARD ordered the respondent to submit an answer on Petitioner's move to amend the petition to add Count IV (fraud), Count V (void ab initio), Count VI (failure to make lawful use of mark in commerce), and Count VII (abandonment) as grounds for cancellation.

Due to the fact that the Petitioner did not actually show documented evidence, and because such documents haven't been served upon the Respondent, it was beyond the respondent's ability to provide an answer to an unknown.

During the phone prearranged counseling on 11/17/2015 managed by Benjamin U. Okeke, Interlocutory Attorney and attended by representatives of both parties, the respondent had been verbally ordered by Mr. Okeke to answer within 5 days. The respondent appreciated the granted chance to correct the current situation. Even though the petitioner haven't served the subject amendments upon the respondent for clear review and to have full chance of understanding as per proceeding rules, and as a sign of respect to board's orders, the respondent herein comprehensively submitting its answer.

- (1) Count IV (fraud): Respondent refuses this amendment and keeps its rights to take any legal action against the petitioner and its attorney for the attempt to kill its reputation and its business. Respondent had submitted its official evidence of being in practice at the United States of America since 7/15/2004
- (2) Count V (void ab initio): Respondent refuses this amendment based on the fact that it is a state of California corporation # C2666548 and a 501 (c) (3) public charity organization that is federally documented under its mark since 2004
- (3) Count VI (failure to make lawful use of mark in commerce): Respondent refuses this amendment based on the fact that it is an educational services provider with more than 200 students currently enrolled and a large number of graduates throughout its operational life since 2004 until now.
- (4) Count VII (abandonment): Respondent refuses this amendment based on the fact that it is currently operational as per business codes of the state of California and Federal protection. If the petitioner uses BPPE's notice of denial of respondent's application for approval to operate a postsecondary degree granting institution, which is a real technical issue that may be hard for the petitioner attorney to understand, or may be understood but used as a possible trouble generating issue. The Respondent clarifies that it is a corporation that runs a high school, training center and a postsecondary distance learning institution. Notice of denial is not final as the respondent requested a court hearing which is scheduled to be held on the year 2016. Until a final decision shall be taken, respondent's postsecondary institution is legally operational. Meanwhile, respondent's high school and training services are legally operational without any kind of administrative or legal trouble.
- (5) Petitioner uses registration of logos and art designs as a basis to compete with respondent's ownership of its registered trademark "The American University for Science and Technology"
- (6) Petitioner's claimed mark was not registered at petition's date but only approved by US Trade Marks Board few months before today's date after more than 15 years of straggling and after petitioner's disclaimed "university" from it mark that is only of two words "American" and "University".

- (7) Respondent does not accept any of Petitioner's claims and consider such an amendment as additional attempts to mislead the board's proceeding, and a clear fabrication of non material evidence.
- (8) Petitioner does not have any justification or a material evidence to proof its claims, while respondent is fully able to provide all official documents to support its status and to proof its ownership of its mark since 2004.
- (9) The Respondent had already submitted all the information as requested by the Petitioner, and is unable to provide any additional details other than what had been already provided.
- (10) Petitioner seems to be fishing between lines to pick up a word from here and another from there just to proof its synopsis without any ability to submit materialistic evidence. While the respondent is based on solid ground of official documents that clearly proofs its ownership of its mark with complete good faith of causing any harm to the petitioner or any others.

Requests:

Respondent respectfully requests not to look at petitioner's amendments based on the obvious fabrication and absence of supporting documents.

Respondent respectfully requests the board to take its final decision in favor of the respondent based on the above listed facts and after review of the official documents that shall be submitted to the board in the appropriate time or when ordered.

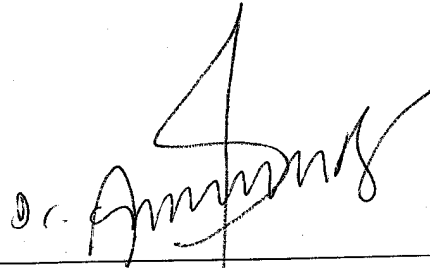
## Certificate of Service

The undersigned hereby certifies that a copy of the forgoing 'Response to Petitioner's Response Dated 11/18/2015' was served via first class mail, postage paid, upon:

**Alisa C. Simmons**

FITCH, EVEN, TABIN & FLANNERY LLP  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406

On this 18<sup>th</sup> day of November, 2015



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