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HOUSTON CHRONICLE ARCHIVES

Paper: Houston Chronicle**Date:** Sat 11/05/2005**Section:** B**Page:** 1 MetFront**Edition:** 3 STAR**Test firms fight in court to master LSAT market / Similar names cause confusion, claims of sabotage**

By EDWARD HEGSTROM

Staff

CORRECTION: This story incorrectly characterized the history of litigation between Houston-based Test Masters and a California company, TestMasters. It was the Houston company that filed the first lawsuit in 1999. The California company won significant victories in a 2001 jury trial, though most of these were lost on appeal. Also, a statement of an attorney associated with the California company was inaccurately paraphrased. Hassan Zavareei pointed out that the Houston company had not offered courses outside Texas before 2003. Correction published 11/8/05.

College students across the country know that one of the best ways to get into law school is to take a course offered by TestMasters.

Or is it Test Masters?

Two companies using the same name are locked in an ugly trademark fight involving countersuits and allegations of espionage and harassment.

Some students complain that they meant to take the Law School Application Test preparation course offered by the California company known as TestMasters, but were duped into taking a course by Houston-based Test Masters. The state of New York Consumer Protection Board issued a statement last week warning that the Houston company may not be disclosing that it is a different operation.

"We're not saying (the Houston company's) preparation is better or worse than the California company," said Jon Sorensen, a spokesman for the board. "It's just these kids wanted to take the course from the California company."

But representatives of the Houston company point out they have won the right to use the name twice in federal court. In one action, U.S. District Judge Vanessa Gilmore noted in a ruling that it seemed to her the head of the California company, Robin Singh, was willing to spend "unlimited amounts of money" on a "campaign of terror" against the Houston company.



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Caught in the middle are young would-be lawyers like Vanessa Cruz.

Cruz, a paralegal in New York, said she signed up for a course offered by Houston-based Test Masters, thinking she was taking the course from TestMasters. Realizing her mistake only after completing the course, Cruz then took the course offered by California-based TestMasters.

The California course was "100 percent better," she said.

Multiple lawsuits

Both companies were founded in 1991, but the similarity of the name was not initially a problem. Singh's company operated mostly in California with almost an exclusive focus on LSAT preparatory courses. Singh boasts of having gotten a perfect score on the LSAT a record 12 times, and he hires only teachers who have scored in the 99th percentile on the test, according to his Washington D.C.-based attorney, Hassan Zavareei.

The Houston company focused on coaching local high school students taking the SAT. Three of the four Houston area students who got a perfect score on the most recent SAT were graduates of the Test Masters program, company president Roger Israni said.

In 1999, Singh sued the Houston company (SEE CORRECTION) in U.S. District Court of Houston for the use of the name, particularly the site www.testmasters.com. He lost (SEE CORRECTION), appealed to the 5th Circuit Court of Appeals and lost again.

Meanwhile, Singh was expanding his business across the country. He sought to reopen the case in 2003 based on this new information, but lost another time. His second appeal to the 5th Circuit was turned down just last month.

In 2003, Houston-based Test Masters started offering the LSAT courses in several locations across the country. Israni describes this as being part of a natural expansion.

The company first offered courses for engineers and then general graduate school tests before moving on to the LSAT, he said.

Zavareei calls the LSAT classes a deliberate and underhanded effort to undermine Singh's company, and he notes that Israni's company had not previously offered many courses outside Texas (SEE CORRECTION).

"They're doing it to shortcut the hard work it takes to build a national business," Zavareei said. In several cases, he said, students sign up for a course and then learn at the last moment it won't be offered in that city.

The fine print

Israni counters that Singh is trying to disrupt his classes.

"Mr. Singh has relentlessly indulged in various improper, illegal and possibly criminal activities," alleges Israni, who claims Singh sends spies to disrupt his classes.

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Israni notes that his LSAT students are asked to sign an agreement acknowledging that they are aware that there are courses with similar names, and that the course they are taking is not associated with Singh.

"It says specifically: We're not that guy," Israni said. "If you're looking for him, that's not us."

Sorensen noted that students who take Israni's courses by mistake might be faulted for not carefully reading the fine print.

"These future lawyers perhaps need to do a little more due diligence," he said.

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TRADEMARK FIGHT

Two test preparation companies are battling in court over a name.

Test Masters

Base: Houston

Web site: testmasters.com

TestMasters

Base: California

Web site: testmasters180.com

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