

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: June 29, 2005

Opposition No. 91162780

GOLD SHELLS, INC.¹

v.

Cangiarella, Keith

Peter Cataldo, Interlocutory Attorney

On June 1, 2005, the Board issued a notice of default against opposer and counterclaim defendant, Gold Shells, Inc., based upon its failure to timely file its answer to applicant's counterclaim. In its response, filed on June 16, 2005, opposer indicates that on April 27, 2005, it timely filed its answer and motion to substitute Gold Shells, Inc. as counterclaim defendant herein.² Based upon the showing made in opposer's response, the June 1, 2005 notice of default is hereby discharged and opposer/counterclaim defendant's answer to applicant's counterclaim is accepted as its responsive pleading herein.

¹ It is noted that opposer and counterclaim defendant Gold Shells, Inc. is owner of the registration subject to applicant's counterclaim herein by virtue of an assignment from original registrant recorded with the Assignment Branch of this Office on October 15, 2004 at Reel 3061/Frame 0965.

² It is noted that the Board is not in receipt of opposer's April 27, 2005 filing.

Trial dates remain as indicated in the Board's March 30, 2005 order.

If the parties stipulate to any extension of these dates, the stipulation should set forth the dates in the format shown in this order. See Trademark Rule 2.121(d).

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