

TTAB

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December 21, 2005

Peter W. Cataldo, Interlocutory Attorney
U.S. Patent & Trademark Office
Trademark Trial & Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Gold Shells, Inc. v. Cangiarella
Opposition No. 91162780

78/229,875

Dear Mr. Cataldo:

I have detected an error in the TTAB's prosecution history in regard to the above-referenced proceeding, and request correction of the record.

I am the attorney for Opposer Gold Shells, Inc. In that capacity, I filed a motion to compel interrogatories, mailing it with a certificate of express mailing under 37 CFR §2.198 on November 23, 2005. However, the TTAB prosecution history indicates that this motion was filed on December 6, 2005. I am enclosing a copy of my certificate of mailing. Please correct the record to show the filing on November 23, 2005.

To avoid further confusion, I also note that I filed a motion to compel documents with a certificate of express mailing under 37 CFR §2.198 on November 28, 2005. The TTAB prosecution history has note of a document filed on that date, entitled "P's Motion to Compel Discovery". I request clarification of record to show that this was Opposer's Motion to Compel Documents so that it will not be confused with the other motion which was filed on November 23, 2005.

Applicant's counsel, in his response to the motions to compel, appears to have relied on the incorrect portion of the Board's prosecution history, and has argued that neither of Opposer's motions was timely filed. Thus, it is important that the record be corrected.



12-23-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #26

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Thank you for your assistance.

Respectfully submitted,



Peter H. Smith

PHS/lmb

Enclosures

cc: Stephen L. Anderson, Esq.
Gold Shells, Inc.

CERTIFICATE OF FIRST CLASS MAILING
UNDER 37 CFR §2.197

Mark: MESSAGE IN A BOTTLE

Serial No.: 78/229,875

Opposition No. 91162780

Name of party filing paper: Gold Shells, Inc.

Type of paper being filed: Letter to Peter W. Cataldo, Interlocutory Attorney, dated December 21, 2005

Date of Deposit: December 21, 2005

I hereby certify that the above-identified letter to Peter W. Cataldo, Interlocutory Attorney, which is attached, is being deposited on December 21, 2005, with the United States Postal Service by first class mail, postage prepaid, under 37 CFR §2.197, in an envelope addressed to: Peter W. Cataldo, Interlocutory Attorney, U.S. Patent & Trademark Office, Trademark Trial & Appeal Board, P. O. Box 1451, Alexandria, VA 22313-1451.



Lugene M. Borba

Date: December 21, 2005

CERTIFICATE OF EXPRESS MAILING
UNDER 37 CFR §2.198

Mark: MESSAGE IN A BOTTLE
Serial No.: 78/229,875
Opposition No. 91162780
Name of party filing paper: Gold Shells, Inc.
Type of paper being filed: Motion of Opposer Gold Shells, Inc., to Compel
Applicant's Answers to First Set of Interrogatories

Express Mail Mailing Label Number: EQ 041849370 US
Date of Deposit: November 23, 2005

I hereby certify that the above-identified motion to compel answers to first set of interrogatories, which is attached, is being deposited on November 23, 2005, with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §2.198 in an envelope addressed to: U.S. Patent & Trademark Office, Trademark Trial & Appeal Board, P. O. Box 1451, Alexandria, VA 22313-1451.



Lugene M. Borba

Date: November 23, 2005