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April 28, 2006

U.S. Patent & Trademark Office
Trademark Trial & Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Opposition No. 91162780 and Counterclaim for Cancellation
Applicant/Petitioner: Keith Cangiarella
Opposer: Gold Shells, Inc.
Respondent: Roger Rojas

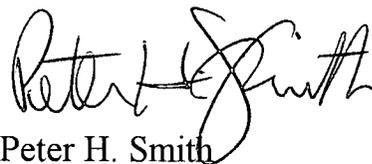
Ladies/Gentlemen:

I am enclosing the original of a Notice of Unavailability for filing in the above-referenced proceeding.

I am also enclosing a post card for you to acknowledge receipt and filing of the notice with your file stamp and return to me.

Thank you.

Very truly yours,


Peter H. Smith

PHS/lmb
Enclosures

cc: Gold Shells, Inc.
Mr. Roger Rojas



05-01-2006

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #3

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

In the Matter of Trademark
Application Serial No. 78/229,875
Mark: MESSAGE IN A BOTTLE

GOLD SHELLS, INC.,
a California corporation,
Opposer,

v.

KEITH CANGIARELLA,
Applicant.

In the Matter of Trademark
Registration No. 2,243,269
Mark: MESSAGE IN A BOTTLE

KEITH CANGIARELLA,
Petitioner,

v.

ROGER ROJAS,
Respondent.

Opposition No. 91162780 and
Counterclaim for Cancellation

NOTICE OF UNAVAILABILITY

TO THE TRADEMARK TRIAL & APPEAL BOARD AND TO APPLICANT
KEITH CANGIARELLA AND HIS ATTORNEY OF RECORD:

NOTICE IS HEREBY GIVEN that commencing Monday, May 15, 2006 and continuing through Friday, May 19, 2006, and again commencing Thursday, June 15, 2006, and continuing through Monday, July 10, 2006, Peter H. Smith, Attorney at Law, will be unavailable for any purpose whatsoever, including but not limited to

receiving notices of any kind, responding to ex parte applications, appearing in court, or attending depositions.

Dated: April 28, 2006.



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Certificate of Service

I hereby certify that a copy of the foregoing NOTICE OF UNAVAILABILITY was faxed to Stephen L. Anderson, Esq., attorney for Applicant at (951) 694-1876, and mailed by first-class mail, postage prepaid, to Stephen L. Anderson, Esq., Anderson & Associates, 32605 Highway 79 South, Suite 208, Temecula, California 92592, attorney for Applicant, on April 28, 2006.

Dated: April 28, 2006.



LUGENE M. BORBA

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR §2.197

Mark: MESSAGE IN A BOTTLE
Opposition No. 91162780
Name of parties filing paper: Gold Shells, Inc.
Type of paper being filed: Notice of Unavailability

I hereby certify that the above-identified Notice of Unavailability, which is attached, is being deposited on April 28, 2006, with the United States Postal Service by first-class mail, postage prepaid under 37 CFR §2.197 in an envelope addressed to: Trademark Trial & Appeal Board, U.S. Patent & Trademark Office, P. O. Box 1451, Alexandria, VA 22313-1451.



LUGENE M. BORBA
Date: April 28, 2006.