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Member of California
and Oregon State Bars

PETER H. SMITH
ATTORNEY AT LAW
1535 J STREET, SUITE A
MODESTO, CALIFORNIA 95354
WEBSITE: WWW.PHSMITH.COM
E-MAIL: PETERHSMITH@SBCGLOBAL.NET

Telephone:
Facsimile (209) 579-9940

July 23, 2008

Trademark Trial & Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

7/23/08, PHS

Re: Message In A Bottle, Inc. vs. Cangiarella and Related Counterclaim
Opposition No. 91162780

Ladies/Gentlemen:

I am enclosing a copy of a notice of unavailability in the above opposition/counterclaim proceeding, along with a certificate of service on the applicant. Please file the notice and take note of it when you are re-setting the schedule in this proceeding.

Thank you.

Very truly yours,



Peter H. Smith

PHS/clf
Enclosures

cc: Mr. Roger Rojas, Message In A Bottle, Inc.



07-28-2008

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

<p>In the Matter of Trademark Application Serial No. 78/229,875 Mark: MESSAGE IN A BOTTLE</p> <p>MESSAGE IN A BOTTLE, INC., a California corporation, Opposer,</p> <p>v. KEITH CANGIARELLA, Applicant.</p> <p>-----</p> <p>In the Matter of Trademark Registration No. 2,243,269 Mark: MESSAGE IN A BOTTLE</p> <p>KEITH CANGIARELLA, Petitioner,</p> <p>v. MESSAGE IN A BOTTLE, INC., Respondent.</p>	<p>Opposition No. 91162780 and Related Counterclaim</p>
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NOTICE OF UNAVAILABILITY

TO THE TRADEMARK TRIAL AND APPEAL BOARD AND THE APPLICANT IN
PROPRIA PERSONA:

NOTICE IS HEREBY GIVEN that Peter H. Smith, counsel for Opposer and Respondent Message In A Bottle, Inc., will be unavailable from Monday July 28, 2008, through August 24, 2008, and again from September 6, 2008, through September 21, 2008, and again from October 25, 2008, through November 12, 2008, for any purpose whatsoever, including, but not limited to, receiving notices of any kind, responding to notices, appearing

before the Board, or attending depositions.

Dated: July 23, 2008

Respectfully submitted,



PETER H. SMITH, Attorney at Law
Attorney for Opposer/Respondent
MESSAGE IN A BOTTLE, INC.
1535 J Street, Suite A
Modesto, CA 95354
Telephone: (209) 579-9524
Facsimile: (209) 579-9940
peterhsmith@sbcglobal.net

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF UNAVAILABILITY was mailed by first-class mail, postage prepaid, to Applicant/Petitioner Keith Cangiarella, 331 N. Harrington Drive, Fullerton, California, 92831, on July 23, 2008.

Dated: July 23, 2008



PETER H. SMITH