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

Proceeding	91167219
Party	Plaintiff CYI, Inc. CYI, Inc. CYI, Inc. 9314 Eton Avenue Chatsworth, CA 91311 UNITED STATES
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PATENT, TRADEMARK, COPYRIGHT,
INTELLECTUAL PROPERTY
UNFAIR COMPETITION

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October 25, 2006

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
Attn: Cheryl S. Goodman

Re: Opposition No.91167219
Serial No. 78447127
Megazooka Trademark Published 6/14/05

I represent the Opposer, Can You Imagine, Inc. in this opposition. A communication dated October 12th was sent to you at the trademark office in this case from a Mr. Gary Ahlert. Opposer requests that this letter be stricken since it is solely a vehicle for Mr. Ahlert to make deliberate, abusive and vicious, personal attack on Opposer's counsel (besides his convoluted reasoning being wrong).

Apparently not having any argument on the merits to support this case this purported communication instead launches a libelous attack on Opposer's counsel and accusing the Trademark Office of playing favorites, by following the Rules of Practice

While difficult, I will ignore the diatribe of Mr. Ahlert, which will be taken up later at a separate venue. This lack of argument by Opposer's counsel must not be construed that Mr. Ahlert's rambling communication bears the slightest resemblance to the truth.

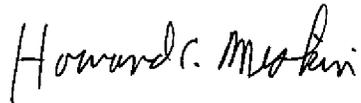
This alleged "communication" to the Trademark Office allegedly to support his filing, is totally inadequate and insufficient to raise any defense to the Opposition or explain his delay.

Besides all the other misstatements on page 2, second paragraph of No. 1, of Mr. Ahlert's communication makes a false and unresponsive statement that I "represented Brian Jordan." I never represented Brian Jordan in any way, or in any manner.

Regardless how much leeway the United States Trademark Office gives a pro bono individual in trademark procedures, the filing of this character assassinating communication does not meet any Rule of the Trademark Office procedure regardless of the normal leeway normally given by the Trademark Trial and Appeal Board.

Mr. Ahlert does have counsel in the Federal litigation involving this matter, so I assume that such counsel is advising him on this matter, so that the proper form should have been used.

Respectfully submitted,



Howard C. Miskin

HCM/oq

cc: Mr. Gary Ahlert