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Filing date: **06/13/2011**

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

Proceeding	91200032
Party	Plaintiff Orange Bang, Inc.
Correspondence Address	Aaron T. Borrowman KELLY LOWRY & KELLEY, LLP 6320 Canoga Avenue Suite 1650 WOODLAND HILLS, CA 91367 UNITED STATES Aaron@KLKPatentLaw.com
Submission	Other Motions/Papers
Filer's Name	Aaron T. Borrowman
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Signature	/Aaron T. Borrowman/
Date	06/13/2011
Attachments	ServiceFailureNotice.pdf (4 pages)(1327475 bytes)

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

In the matter of:

ORANGE BANG, INC.,

Opposer,

v.

JOHN M. OSMANSKI,

Applicant.

Opposition No. 91200032

Application Serial No. 85/022,627

For the mark: **BANG!**

Date Published: May 17, 2011

Trademark Trial and Appeal Board
Commissioner for Trademarks
Via E-File

NOTICE OF FAILURE OF SERVICE

1. On May 31, 2011 the Opposer, through his attorney, electronically filed with the Trademark Trial and Appeal Board its Notice of Opposition. A true and correct copy of the Notice of Opposition was served via Express Mail for overnight delivery, postage prepaid, upon Applicant on May 31, 2011.

2. On June 9, 2011, the Express Mail package containing the service copy of Opposer's Notice of Opposition was returned to the offices of Opposer's attorney, as shown in the attachment hereto.

3. It appears from notations made on the Express Mail envelope, that service was attempted on June 1, 2011, June 4, 2011 and June 7, 2011 before the package was returned as undeliverable.

4. This Notice is filed pursuant to 37 CFR §2.101(b), and is made within ten (10) days of the service copy of the Opposition being returned to Opposer's attorney as undeliverable.

5. Notwithstanding the foregoing, Opposer's attorney believes that Opposer received the Notice of Opposition as Opposer's attorney, Aaron Borrowman, received a telephone call from John Osmanski (Applicant) on June 8, 2011 and discussed the Opposition with Mr. Osmanski.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP

/Aaron T. Borrowman/

Aaron T. Borrowman
Attorneys for Opposer

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the above Notice of Failure of Service is being electronically filed with the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (“ESTTA”) on June 13, 2011.

/Aaron T. Borrowman/

Aaron T. Borrowman
for KELLY LOWRY & KELLEY, LLP

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the attached Notice of Failure of Service to be served on this date via United States first-class mail, postage prepaid, upon Applicant, as follows:

John M. Osmanski
P.O. Box 511485
Milwaukee, WI 53203-0251

Dated: June 13, 2011

/Nancy Hoover/

Nancy Hoover
for KELLY LOWRY & KELLEY, LLP

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