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

Proceeding	91195378
Party	Defendant Sulzer Mixpac AG
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Signature	/Christopher S. Adkins/
Date	05/04/2011
Attachments	Sulzer App 77848301.PDF (6 pages)(157470 bytes)



Filed: October 14, 2009 For the Mark: Blue Mixing Tip Configu Published in the Official Gazette: June	ration in International Class 10
Pac-Dent International, Inc.,)
Opposer,)
v.	Opposition No. 91195378
Sulzer Mixpac AG,)
Applicant.)

United States Patent and Trademark Office Trademark Trial and Appeal Board P.O. Box 1451 Alexandria, VA 22313-1451

OPPOSER'S WITHDRAWAL OF OPPOSITION

Registrant Sulzer Mixpac AG ("Sulzer" or "Applicant"), by its undersigned counsel, K&L Gates LLP, respectfully submits Opposer's Withdrawal of Opposition of Applicant's mark.

I. INTRODUCTION

Sulzer filed suit against Opposer based upon trademark and patent infringement in the United States District Court Southern District of New York ("District Court") in *Sulzer Mixpac USA*, *Inc. and Sulzer Mixpac AG vs. Pac-Dent International Inc.*, *Pac-Dent*, *Inc.*, *Pac-Dent International (Suzhou)*, *Ltd. and Daniel Y. Wang*, No. 09-Civ 10430-(DAB) on March 18, 2010 (the "Civil Action").

In response, Opposer filed an Opposition against Applicant's Blue Mixing Tip, Application No. 77848301, with the Trademark Trial and Appeal Board ("Board"). Because the



outcome of the Civil Action had a bearing on the Opposition, Applicant filed a Motion to Stay the Opposition and the Board granted Applicant's motion.

II. WITHDRAWAL OF OPPOSITION

Opposer now withdraws its Opposition. Applicant hereby submits Opposer's Withdrawal of the Opposition which is attached as Exhibit A.

III. CONCLUSION

WHEREFORE, Applicant respectfully requests that the Board enter Opposer's Withdrawal of its Opposition and dismiss the proceeding in Applicant's favor.

Dated: May 3, 2011.

SULZER MIXPAC AG Applicant

By: One of Its Attorneys

Michael T. Murphy, Esq. Christopher S. Adkins, Esq. K&L GATES LLP 1601 K Street NW Washington, DC 20006-1600 (312) 807-4272



CERTIFICATE OF SERVICE

Served via Trademark Trial and Appeal Board's electronic system (ESTTA) to the following.

Philip H. Gottfried Amster, Rothstein & Ebenstein, LLP Attorneys for Opposer 90 Park Avenue, 21st Floor New York, New York 10016 (212) 336-8000

Applicant by first-class mail sending the same to the following:

Arnold I. Kalman, Esq. Law Offices of Arnold I. Kalman Attorneys for Opposer 245 South Hutchinson Street Philadelphia, PA 19107-5723 (215) 829-9613

Respectfully submitted,

Michael T. Murphy, Esq. Christopher S. Adkins, Esq. Attorneys for Applicant K&L GATES LLP 1601 K Street NW Washington, DC 20006-1600 (312) 807-4272

Bv

Michael T. Murphy

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Dated: Washington, DC

may 3, 2011



EXHIBIT A



DOCKET

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