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Filing date: **05/04/2011**

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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Date	05/04/2011
Attachments	Sulzer App 77848301.PDF (6 pages)(157470 bytes)

In the Matter of Application No. 77848301
Filed: October 14, 2009
For the Mark: Blue Mixing Tip Configuration in International Class 10
Published in the Official Gazette: June 1, 2010

Pac-Dent International, Inc.,)

Opposer,)

v.)

Sulzer Mixpac AG,)

Applicant.)

Opposition No. 91195378

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

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CERTIFICATE OF SERVICE

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

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

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Respectfully submitted,

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Dated: Washington, DC

May 3, 2011

EXHIBIT A

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