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Filing date: **08/23/2012**

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

Proceeding	92054201
Party	Plaintiff Dan Foam ApS
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Date	08/23/2012
Attachments	GENIDOCs LOUISVILLE- #894711-v1-BODIPEDIC - Notice_of_Refiling_Motion_fo_Summary_Judgment .pdf (3 pages)(7536 bytes)

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

DAN FOAM APS)	
)	
Petitioner,)	
)	Cancellation No. 92054201
v.)	
)	
SLEEP INNOVATIONS, INC.,)	
)	
Registrant.)	

**NOTICE OF PETITIONER’S RE-FILING OF
NON-CONFIDENTIAL MOTION FOR SUMMARY JUDGMENT**

Petitioner Dan Foam APS, by counsel, submits this Notice of Re-Filing Petitioner’s Motion for Summary Judgment and Exhibits in support for the public record, which version of the motion is redacted to exclude CONFIDENTIAL information and materials pursuant to the Stipulated Protective Order in the proceeding.

In response to the Board’s Order dated August 22, 2012, Petitioner states that this same non-confidential version of Petitioner’s motion was originally submitted via ESTTA on August 2, 2012 [Docket Entry Nos. 12,13,14], but was designated CONFIDENTIAL through attorney error in selecting the type of filing. The CONFIDENTIAL version of the same motion (without confidential materials redacted) was also filed, in hard copy by hand with the Board on August 2, 2012 and posted to TTABVUE on August 7, 2012 [Docket Entry Nos. 15, 16].

Respectfully submitted,

s/Amy Sullivan Cahill

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on counsel for Registrant, this 23rd day of August, 2012, by sending same via First Class Mail, postage prepaid, to:

Irene Hurtado
Robert W. Smith
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Four Gateway Center
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s/Amy Sullivan Cahill

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