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

Proceeding	92054201
Party	Defendant Sleep Innovations, Inc.
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Date	09/17/2012
Attachments	Registrant's Notice of Cross-Motion for Summary Judgment.pdf (2 pages) (42386 bytes)

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

In the Matter of Registration No. 3,916,902
For the Mark: BODIPEDIC (& Design)
Registration Date: February 8, 2011

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

**REGISTRANT SLEEP INNOVATIONS, INC.'S
CROSS-MOTION FOR SUMMARY JUDGMENT**

Registrant, by its counsel, hereby moves before the Board pursuant to pursuant to 37 C.F.R. 2.127 and Fed. R. Civ. P. 56(b) for an Order granting Summary Judgment in favor of Registrant and dismissing the Petition for Cancellation with prejudice, on the basis that the confusion is not likely. In support of its Cross-Motion, the Registrant relies on the accompanying Brief and the Declaration of Robert W. Smith.

Dated: September 17, 2012

McCARTER & ENGLISH, LLP

By: Robert W. Smith
Robert W. Smith

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Attorney for Registrant

CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Cross-Motion For Summary Judgment, was electronically filed with the Trademark Trial and Appeal Board, and served on counsel for Petitioner by regular mail on the 17th day of September, 2012, as follows:

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