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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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Signature	/robert w. smith/
Date	09/19/2012
Attachments	Declaration of Irene M. Hurtado Correcting Certificate of Filing and Service.pdf (3 pages)(85897 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.)	

**DECLARATION OF IRENE M. HURTADO
CORRECTING CERTIFICATE OF FILING AND SERVICE**

IRENE M. HURTADO, being of full age, hereby declare as follows:

1. I am an attorney at law of the State of New Jersey and an associate with the firm of McCarter & English, LLP, counsel for Registrant Sleep Innovations, Inc. (“Registrant” or “SI”). I submit this Declaration in connection with Registrant’s Opposition to Petitioner’s Motion for Summary Judgment and Registrant’s Cross-Motion for Summary Judgment, which was filed and served on September 17, 2012.

2. The Certificate of Filing and Service attached to Registrant’s Brief in Opposition to Petitioner’s Motion for Summary Judgment and In Support of Registrant’s Cross-Motion for Summary Judgment (the “Brief”) incorrectly states that an unredacted copy of the Brief and Declaration of Robert W. Smith (collectively, the “Papers”) were filed on paper under seal by express mail to the U.S. Trademark Trial and Appeal Board (the “TTAB”) at the following address:

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

3. The Papers were actually filed on paper under seal by express mail to the TTAB on September 17, 2012, at the following address:

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

I declare that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: September 19, 2012



Irene M. Hurtado

CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on counsel for Petitioner by regular mail on the 19th day of September, 2012, as follows:

Amy Sullivan Cahill
Stites & Harbison PLLC
400 West Market Street, Suite 1800
Louisville, KY 40202-3352



Irene M. Hurtado