

ESTTA Tracking number: **ESTTA680091**

Filing date: **06/25/2015**

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

| | |
|------------------------|--|
| Proceeding | 92054201 |
| Party | Plaintiff Dan Foam ApS |
| Correspondence Address | AMY S CAHILL STITES HARBISON PLLC 400 W MARKET STREET, SUITE 1800 LOUISVILLE, KY 40202 UNITED STATES acahill@stites.com |
| Submission | Other Motions/Papers |
| Filer's Name | Amy S. Cahill |
| Filer's e-mail | acahill@stites.com |
| Signature | /Amy S. Cahill/ |
| Date | 06/25/2015 |
| Attachments | NOTICE.pdf(9047 bytes) |

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

| | | |
|---------------------------------|---|---|
| DAN FOAM APS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Cancellation Proceeding 92/054,201 |
| |) | |
| SLEEP INNOVATIONS, INC., |) | |
| |) | |
| Respondent. |) | |

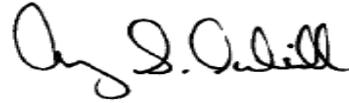
**PETITIONER’S NOTICE OF INTENT TO RE-FILE
MATERIALS IN SUPPORT OF PETITION FOR CANCELLATION**

Petitioner, Dan Foam Aps, provides notice that it will re-file certain materials originally submitted under seal in connection with the trial of this matter in an unsealed or partially unsealed manner in an effort to comply with the letter and spirit of Board procedures for confidential submissions by Friday, June 26, 2015.

Certain materials included in the trial record under seal were originally submitted under seal pursuant to confidentiality designations requested by Respondent and by third-party Overstock.com. Overstock.com provided certain documents and testimony pursuant to subpoena subject to a separate confidentiality agreement entered by the parties.

Respectfully submitted,

STITES & HARBISON PLLC
Attorneys for Petitioner

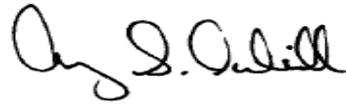
A handwritten signature in black ink, appearing to read "Amy S. Cahill". The signature is fluid and cursive, with the first name "Amy" being the most prominent.

Amy S. Cahill
400 W. Market Street
Suite 1800
Louisville, KY 40202
Telephone: (502) 681-0597
Facsimile: (502) 779-9805
Email: acahill@stites.com

CERTIFICATE OF SERVICE

I, Amy S. Cahill, an attorney, state that I served a true and correct copy of the forgoing by depositing said copy in a properly addressed envelope, first class postage prepaid, and depositing same in the United States mail on this 25th day of June, 2015 on:

Irene Hurtado
Scott S. Christie
MCCARTER & ENGLISH, LLP
Four Gateway Center, 100 Mulberry Street
Newark, NJ 07102



Amy S. Cahill