

ESTTA Tracking number: **ESTTA76934**

Filing date: **04/19/2006**

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

Proceeding	91163107
Party	Defendant PeriodonTx Laboratories, Inc. PeriodonTx Laboratories, Inc. 224 W. Washington Street NetPort Center Suite 201 Sequim, WA 983823338
Correspondence Address	Jacques M. Dulin, Esq. INNOVATION LAW GROUP, LTD. 237 N. Sequim Avenue SEQUIM, WA 98382-3456 UNITED STATES betty@innovationlaw.com
Submission	Withdrawal Of Appplication
Filer's Name	Jacques M. Dulin, Esq.
Filer's e-mail	betty@innovationlaw.com
Signature	/Jacques M. Dulin/
Date	04/19/2006
Attachments	Express Withdrawal of Application.pdf ( 1 page )(45711 bytes )

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

In re: **Application No.76/563,879**  
For the Mark: **BreathsTx**  
Filed on: **December 5, 2003**

Bayer HealthCare LLC, Opposer )  
v. )  
PeriodonTx Laboratories Inc., Applicant, )  
and

**Opposition No. 91164559**

Discus Dental Impressions Inc., Opposer )  
v. )  
PeriodonTx Laboratories Inc., Applicant, )

**Opposition No. 91163107**

**EXPRESS WITHDRAWAL OF APPLICATION**

Applicant expressly withdraws Application SN 76/563,879 in favor of Application SN 78/863,081. This withdrawal is not an intention to abandon the mark and is filed pursuant to Settlement Agreement with Opposers in Oppositions 91164559 and 91163107.

Any fee for either or both of this withdrawal may be charged to undersigned Counsel's Deposit Account 04-1699. Please identify any transaction with Attorney Docket 7175-003.

Applicant, PeriodonTx Laboratories Inc.

Date: April 19, 2006  
Innovation Law Group Ltd.  
237 North Sequim Avenue  
Sequim, WA 98382-3456  
Phone: 360-681-7305  
Fax: 360-681-7315  
Email: Dulin@InnovationLaw.com

By Jacques M Dulin  
Jacques M. Dulin, Esq.  
Counsel for Applicant

**Certificate of Faxing**

I hereby certify that the 2 pages of Motion papers to which this Certificate is attached has been transmitted under 37 CFR 16(d), on April 19, 2006 to:

Ray Geraldson, Esq.,  
Counsel for Opposer Bayer HealthCare LLC at Facsimile No. 312-554-8015

David A. Plumley, Esq.,  
Counsel for Opposer Discus Dental Impressions Inc. at Facsimile No. 626-577-8800

Name: Betty Oppenheimer

Signature: 