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Filing date: **05/04/2011**

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

| | |
|------------------------|--|
| Proceeding | 91194697 |
| Party | Defendant Sulzer Mixpac AG |
| Correspondence Address | MICHAEL T. MURPHY K&L GATES LLP 1601 K STREET NW WASHINGTON, DC 20006-1600 UNITED STATES chicago.trademarks@klgates.com |
| Submission | Other Motions/Papers |
| Filer's Name | Christopher S. Adkins |
| Filer's e-mail | chicago.trademarks@klgates.com, michael.murphy@klgates.com, christopher.adkins@klgates.com |
| Signature | /Christopher S. Adkins/ |
| Date | 05/04/2011 |
| Attachments | Sulzer App 77848315.PDF (6 pages)(156832 bytes) Sulzer App 77848320.PDF (6 pages)(158891 bytes) Sulzer App 77848338.PDF (6 pages)(155497 bytes) |

In the Matter of Application No. 77848315
Filed: October 14, 2009
For the Mark: Pink Mixing Tip Configuration in International Class 10
Published in the Official Gazette: April 20, 2010

Pac-Dent International, Inc.,)

Opposer,)

v.)

Sulzer Mixpac AG,)

Applicant.)

Opposition No. 91194697

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

OPPOSER'S WITHDRAWAL OF OPPOSITION

Registrant Sulzer Mixpac AG ("Sulzer" or "Applicant"), by its undersigned counsel, K&L Gates LLP, respectfully submits Opposer's Withdrawal of Opposition of Applicant's mark.

I. **INTRODUCTION**

Sulzer filed suit against Opposer based upon trademark and patent infringement in the United States District Court Southern District of New York ("District Court") in *Sulzer Mixpac USA, Inc. and Sulzer Mixpac AG vs. Pac-Dent International Inc., Pac-Dent, Inc., Pac-Dent International (Suzhou), Ltd. and Daniel Y. Wang*, No. 09-Civ 10430-(DAB) on March 18, 2010 (the "Civil Action").

In response, Opposer filed an Opposition against Applicant's Pink Mixing Tip, Application No. 77848315, with the Trademark Trial and Appeal Board ("Board"). Because the

outcome of the Civil Action had a bearing on the Opposition, Applicant filed a Motion to Stay the Opposition and the Board granted Applicant's motion.

II.
WITHDRAWAL OF OPPOSITION

Opposer now withdraws its Opposition. Applicant hereby submits Opposer's Withdrawal of the Opposition which is attached as Exhibit A.

III.
CONCLUSION

WHEREFORE, Applicant respectfully requests that the Board enter Opposer's Withdrawal of its Opposition and dismiss the proceeding in Applicant's favor.

Dated: May 3, 2011.

SULZER MIXPAC AG
Applicant

By: _____


One of Its Attorneys

Michael T. Murphy, Esq.
Christopher S. Adkins, Esq.
K&L GATES LLP
1601 K Street NW
Washington, DC 20006-1600
(312) 807-4272

CERTIFICATE OF SERVICE

Served via Trademark Trial and Appeal Board's electronic system (ESTTA) to the following.


Philip H. Gottfried
Amster, Rothstein & Ebenstein, LLP
Attorneys for Opposer
90 Park Avenue, 21st Floor
New York, New York 10016
(212) 336-8000

Applicant by first-class mail sending the same to the following:

Arnold I. Kalman, Esq.
Law Offices of Arnold I. Kalman
Attorneys for Opposer
245 South Hutchinson Street
Philadelphia, PA 19107-5723
(215) 829-9613

Respectfully submitted,

Michael T. Murphy, Esq.
Christopher S. Adkins, Esq.
Attorneys for Applicant
K&L GATES LLP
1601 K Street NW
Washington, DC 20006-1600
(312) 807-4272

By 

Michael T. Murphy
michael.murphy@klgates.com

Dated: Washington, DC

Nov 3, 2011

EXHIBIT A

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

-----x
PAC-DENT INTERNATIONAL, INC., :
 :
Opposer, : Opposition No. 91194697
 :
v. : **WITHDRAWAL OF OPPOSITION**
 :
SULZER MIXPAC AG, :
 :
Applicant. :
-----x

Honorable Commissioner for Trademarks
Washington, D.C. 20231

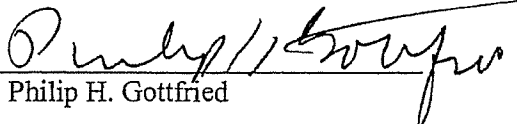
Sir:

The above-identified Opposer hereby withdraws the above-identified Opposition, which has currently been suspended in view of the existence of an Action which had been pending in the United States District Court for the Southern District of New York entitled *Sulzer Mixpac USA, Inc. and Sulzer Mixpac AG v. Pac-Dent International, Inc., Pac-Dent, Inc., Pac-Dent International (Suzhou), Ltd. and Daniel Y. Wang*, in view of such Action itself having been terminated.

Dated: New York, New York
March 17, 2011

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN, LLP
Attorneys for Opposer
90 Park Avenue, 21st Floor
New York, New York 10016
(212) 336-8000

By: 
Philip H. Gottfried

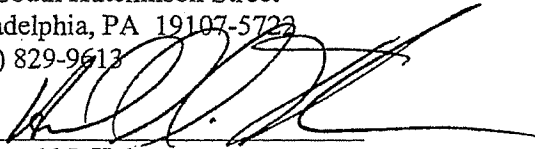
CERTIFICATE OF SERVICE

It is hereby certified that the undersigned has this 20 day of May, 2011 served a true and correct copy of the foregoing WITHDRAWAL OF OPPOSITION on Applicant by e-mail and first-class mail by sending the same to the following:

Michael T. Murphy, Esq.
K&L Gates LLP
1601 K Street, N.W.,
Washington, D.C. 20006
(202) 778-9176
Michael.murphy@klgates.com
Attorneys for Applicant

Respectfully submitted,

Arnold I. Kalman, Esq.
Law Offices of Arnold I. Kalman
Attorneys for Petitioner
245 South Hutchinson Street
Philadelphia, PA 19107-5722
(215) 829-9613

By 
Arnold I. Kalman
arnoldkalman@arnoldkalmanlaw.com

Dated: Philadelphia, PA
May 2, 2011

In the Matter of Application No. 77848320
Filed: October 14, 2009
For the Mark: Purple Mixing Tip Configuration in International Class 10
Published in the Official Gazette: April 20, 2010

Pac-Dent International, Inc.,
Opposer,
v.
Sulzer Mixpac AG,
Applicant.

Opposition No. 91194697

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
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In response, Opposer filed an Opposition against Applicant’s Purple Mixing Tip, Application No. 77848320, with the Trademark Trial and Appeal Board (“Board”). Because the

outcome of the Civil Action had a bearing on the Opposition, Applicant filed a Motion to Stay the Opposition and the Board granted Applicant's motion.

II.
WITHDRAWAL OF OPPOSITION

Opposer now withdraws its Opposition. Applicant hereby submits Opposer's Withdrawal of the Opposition which is attached as Exhibit A.

III.
CONCLUSION

WHEREFORE, Applicant respectfully requests that the Board enter Opposer's Withdrawal of its Opposition and dismiss the proceeding in Applicant's favor.

Dated: May 3, 2011.

SULZER MIXPAC AG
Applicant

By: 

One of Its Attorneys

Michael T. Murphy, Esq.
Christopher S. Adkins, Esq.
K&L GATES LLP
1601 K Street NW
Washington, DC 20006-1600
(312) 807-4272

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Michael T. Murphy, Esq.
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K&L GATES LLP
1601 K Street NW
Washington, DC 20006-1600
(312) 807-4272

By _____


Michael T. Murphy
michael.murphy@klgates.com

Dated: Washington, DC

May 3, 2011

EXHIBIT A

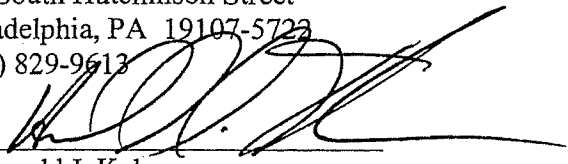
CERTIFICATE OF SERVICE

It is hereby certified that the undersigned has this 22 day of May, 2011 served a true and correct copy of the foregoing WITHDRAWAL OF OPPOSITION on Applicant by e-mail and first-class mail by sending the same to the following:

Michael T. Murphy, Esq.
K&L Gates LLP
1601 K Street, N.W.,
Washington, D.C. 20006
(202) 778-9176
Michael.murphy@klgates.com
Attorneys for Applicant

Respectfully submitted,

Arnold I. Kalman, Esq.
Law Offices of Arnold I. Kalman
Attorneys for Petitioner
245 South Hutchinson Street
Philadelphia, PA 19107-5723
(215) 829-9613

By 
Arnold I. Kalman
arnoldkalman@arnoldkalmanlaw.com

Dated: Philadelphia, PA
May 2, 2011

In the Matter of Application No. 77848338
Filed: October 14, 2009
For the Mark: Brown Mixing Tip Configuration in International Class 10
Published in the Official Gazette: April 20, 2010

Pac-Dent International, Inc.,)

Opposer,)

v.)

Sulzer Mixpac AG,)

Applicant.)

Opposition No. 91194697

United States Patent and Trademark Office
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In response, Opposer filed an Opposition against Applicant's Brown Mixing Tip, Application No. 77848338, with the Trademark Trial and Appeal Board ("Board"). Because the

outcome of the Civil Action had a bearing on the Opposition, Applicant filed a Motion to Stay the Opposition and the Board granted Applicant's motion.

II.
WITHDRAWAL OF OPPOSITION

Opposer now withdraws its Opposition. Applicant hereby submits Opposer's Withdrawal of the Opposition which is attached as Exhibit A.

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WHEREFORE, Applicant respectfully requests that the Board enter Opposer's Withdrawal of its Opposition and dismiss the proceeding in Applicant's favor.

Dated: May 3, 2011.

SULZER MIXPAC AG
Applicant

By:  _____
One of Its Attorneys

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Christopher S. Adkins, Esq.
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By 
Michael T. Murphy
michael.murphy@klgates.com

Dated: Washington, DC

May 3, 2011

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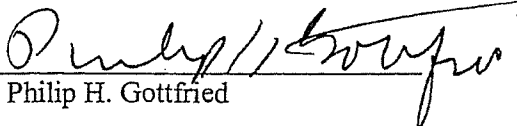
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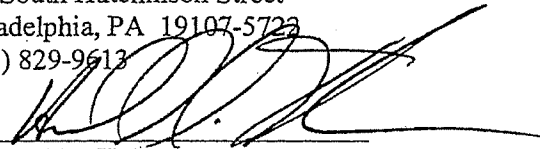
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By 
Arnold I. Kalman
arnoldkalman@arnoldkalmanlaw.com

Dated: Philadelphia, PA
May 2, 2011