

ESTTA Tracking number: **ESTTA261285**

Filing date: **01/19/2009**

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

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|------------------------|--|
| Proceeding | 92046928 |
| Party | Plaintiff BILLION DOLLAR SMILE, LTD. |
| Correspondence Address | MARK A. TIDWELL JACKSON WALKER LLP 1401 McKinney, Ste. 1900 Houston, TX 77010 UNITED STATES mtidwell@jw.com, tadolph@jw.com |
| Submission | Other Motions/Papers |
| Filer's Name | Mark Tidwell |
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| Signature | /s/ Mark Tidwell |
| Date | 01/19/2009 |
| Attachments | Stip.pdf (1 page)(50370 bytes) |

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

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| Billion Dollar Smile, Ltd., | § | Cancellation No.: 92046928 |
| Petitioner, | § | |
| v. | § | Mark: MILLION DOLLAR SMILE |
| William M. Dorfman, | § | Registration No. 3,084,967 |
| Registrant. | § | Date of Issue: April 25, 2006 |

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451


STIPULATION

Petitioner, Billion Dollar Smile Ltd. ("Petitioner") and Registrant, William M. Dorfman ("Registrant") (collectively, the "Parties"), agree and stipulate as follows:

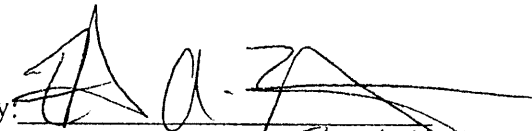
The Parties agree that testimony of the witnesses may be submitted into evidence in the form of an Affidavit or Declaration by said witnesses sworn to under penalty of perjury of the laws of the United States of America. The Parties also may submit and rely on documentary exhibits attached to said Affidavits and Declarations.

Notwithstanding the foregoing, each Party reserves the right to object to the stipulated evidence in accordance with the Federal Rules of Civil Procedure and the and the Trademark Trial and Appeal Board Manual of Procedure, including without limitation, on the grounds of competency, relevance or materiality.

AGREED:

By: 
Mark A. Tidwell, Reg. No. 37,456
JACKSON WALKER L.L.P.
1401 McKinney Street, Suite 1900
Houston, Texas 77010

ATTORNEYS FOR PETITIONER
BILLION DOLLAR SMILE, LTD.

By: 
Kristine M. Boylan, Elizabeth A. Zidone
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80 South Eighth Street, Ste. 3200
Minneapolis, MN 55402-2215

ATTORNEY FOR REGISTRANT
WILLIAM M. DORFMAN