

EXHIBIT 1

Side - 1



**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION
MAILING DATE: Sep 13, 2010**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2816474
MARK: KOOL SMILES GENERAL DENTISTRY FOR CHILDR ETC.
OWNER: NCDR, L.L.C.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

R. Lee Fraley
SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 85004-2202

PTO Form 1583 (Rev 5/2006)

OMB No. 0651-0055 (Exp 12/31/2011)

Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2816474
REGISTRATION DATE	02/24/2004
SERIAL NUMBER	76477495
MARK SECTION	
MARK	KOOL SMILES GENERAL DENTISTRY FOR CHILDR (stylized and/or with design)
ATTORNEY SECTION (current)	
NAME	R. Lee Fraley
FIRM NAME	SNELL & WILMER L.L.P.
INTERNAL ADDRESS	400 EAST VAN BUREN
STREET	ONE ARIZONA CENTER
CITY	PHOENIX
STATE	Arizona
POSTAL CODE	85004-2202
COUNTRY	United States
PHONE	(602) 382-6250
FAX	(602) 382-6070
EMAIL	Ifraley@swlaw.com
ATTORNEY SECTION (proposed)	
NAME	R. Lee Fraley
FIRM NAME	SNELL & WILMER L.L.P.
INTERNAL ADDRESS	400 EAST VAN BUREN
STREET	ONE ARIZONA CENTER
CITY	

CITY	PHOENIX
STATE	Arizona
POSTAL CODE	85004-2202
COUNTRY	United States
PHONE	(602) 382-6250
FAX	(602) 382-6070
EMAIL	Ifraley@swlaw.com
DOCKET/REFERENCE NUMBER	40789.0200
OTHER APPOINTED ATTORNEY	J. Damon Ashcraft, David G. Barker, Damon L. Boyd, David O. Caplan, R. Shane Capps, Daniel Chan, H. Michael Drumm, Andrew Flior, Albin H. Gess, Charles F. Hauff, Jr., James M. Hennessee, James W. Henson, Todd P. Komaromy, Sid Leach, Edward Y. Lin, Eric M. Nielsen, David P. Nigro, Cynthia L. Pillote, John H. Platt, Joseph W. Price, Jr., Ryan D. Ricks, Howard I. Sobelman, Adam J. Stegge, J. Rick Taché, Ketan S. Vakil, Will Van Curen, and Mark W. Williams
CORRESPONDENCE SECTION (current)	
NAME	R. LEE FRALEY
FIRM NAME	SNELL & WILMER L.L.P.
INTERNAL ADDRESS	400 EAST VAN BUREN
STREET	ONE ARIZONA CENTER
CITY	PHOENIX
STATE	Arizona
POSTAL CODE	85004-2202
COUNTRY	United States
PHONE	(602) 382-6250
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CORRESPONDENCE SECTION (proposed)	
NAME	R. LEE FRALEY
FIRM NAME	SNELL & WILMER L.L.P.
INTERNAL ADDRESS	400 EAST VAN BUREN

STREET	ONE ARIZONA CENTER
CITY	PHOENIX
STATE	Arizona
POSTAL CODE	85004-2202
COUNTRY	United States
PHONE	(602) 382-6250
FAX	(602) 382-6070
EMAIL	Ifraley@swlaw.com
DOCKET/REFERENCE NUMBER	40789.0200
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	044
GOODS OR SERVICES	general dentistry services
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT11\764\774\76477495\xml1\ 8150002.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\764\774\76477495\xml1\ 8150003.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\764\774\76477495\xml1\ 8150004.JPG
SPECIMEN DESCRIPTION	digital pictures of the mark used on signage and providing contact information for potential consumers to purchase the services
OWNER SECTION (current)	
NAME	NCDR, L.L.C.
STREET	3145 E. Chandler Boulevard
CITY	Phoenix
STATE	Arizona
ZIP/POSTAL CODE	85048
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	NCDR, L.L.C.
STREET	1090 Northchase Parkway, Suite 150
CITY	Marietta

STATE	Georgia
ZIP/POSTAL CODE	30067
COUNTRY	United States
LEGAL ENTITY SECTION (current)	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
LEGAL ENTITY SECTION (proposed)	
TYPE	limited liability company
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Delaware
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
GRACE PERIOD	100
TOTAL FEE PAID	400
SIGNATURE SECTION	
SIGNATURE	/R. Lee Fraley/
SIGNATORY'S NAME	R. Lee Fraley
SIGNATORY'S POSITION	Attorney of Record, Arizona bar member
DATE SIGNED	08/19/2010
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Thu Aug 19 13:49:16 EDT 2010
TEAS STAMP	USPTO/S08N15-12.159.66.29 -20100819134916182689-281 6474-4704cc2f3c621baac614 7a3789a758f2cb7-DA-32-201 00819131531241307

**Combined Declaration of Use and Incontestability under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 2816474

REGISTRATION DATE: 02/24/2004

MARK: (Stylized and/or with Design, KOOL SMILES GENERAL DENTISTRY FOR CHILDR)

The owner, NCDR, L.L.C., a limited liability company legally organized under the laws of Delaware, having an address of

1090 Northchase Parkway, Suite 150

Marietta, Georgia 30067

United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 044, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: general dentistry services; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) digital pictures of the mark used on signage and providing contact information for potential consumers to purchase the services.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

The registrant's current Attorney Information: R. Lee Fraley of SNELL & WILMER L.L.P.

400 EAST VAN BUREN

ONE ARIZONA CENTER

PHOENIX, Arizona (AZ) 85004-2202

United States (USX)

The registrant's proposed Attorney Information: R. Lee Fraley of SNELL & WILMER L.L.P.

400 EAST VAN BUREN

ONE ARIZONA CENTER

PHOENIX, Arizona (AZ) 85004-2202

United States (USX)

The docket/reference number is 40789.0200.

The phone number is (602) 382-6250.

The fax number is (602) 382-6070.

The email address is Ifraley@swlaw.com.

The registrant's current Correspondence Information: R. LEE FRALEY of SNELL & WILMER L.L.P.
400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, Arizona (AZ) 85004-2202
United States (USX)

The registrant's proposed Correspondence Information: R. LEE FRALEY of SNELL & WILMER L.L.P.
400 EAST VAN BUREN
ONE ARIZONA CENTER
PHOENIX, Arizona (AZ) 85004-2202
United States (USX)

The docket/reference number is 40789.0200.

The phone number is (602) 382-6250.

The fax number is (602) 382-6070.

The email address is Ifraley@swlaw.com.

A fee payment in the amount of \$400 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /R. Lee Fraley/ Date: 08/19/2010

Signatory's Name: R. Lee Fraley

Signatory's Position: Attorney of Record, Arizona bar member

Mailing Address (current):

SNELL & WILMER L.L.P.

ONE ARIZONA CENTER
PHOENIX, Arizona 85004-2202

Mailing Address (**proposed**):
SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
PHOENIX, Arizona 85004-2202

Serial Number: 76477495
Internet Transmission Date: Thu Aug 19 13:49:16 EDT 2010
TEAS Stamp: USPTO/S08N15-12.159.66.29-20100819134916
182689-2816474-4704cc2f3c621baac6147a378
9a758f2cb7-DA-32-20100819131531241307



Dr. Tu Tran, DDS

1756

Children's Dental Clinic

404.591.KOOL

PEACHCARE MEDICAID

Dr. Tim Pham, DDS



OAKHURST MEDICAL CENTERS, INC.

(404) 286-2215

• OB/GYN

• PEDIATRICS

• ADULT
MEDICINE





ROUTING SHEET TO POST REGISTRATION (PRU)**Registration Number:** 2816474**Serial Number:** 76477495**RAM Sale Number:** 32**RAM Accounting Date:** 20100820**Total Fees:** \$400

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
\$8 affidavit	7205	20100819	\$100	1	1	\$100
\$15 affidavit	7208	20100819	\$200	1	1	\$200
Grace period combined \$8 & 15	7206	20100819	\$100	1	1	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20100819



Dr. Tu Tran, DDS

1756

Children's Dental Clinic

404.591.KOOL

PEACHCARE MEDICAID

Dr. Tim Pham, DDS



OAKHURST MEDICAL CENTERS, INC.

(404) 286-2215

• OB/GYN

• PEDIATRICS

• ADULT
MEDICINE





Int. Cl.: 44

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,816,474

Registered Feb. 24, 2004

**SERVICE MARK
PRINCIPAL REGISTER**



NCDR, L.L.C. (DELAWARE LTD LIAB CO)
3145 E. CHANDLER BOULEVARD
SUITE 110-636
PHOENIX, AZ 85048

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "GENERAL DENTISTRY FOR
CHILDREN", APART FROM THE MARK AS
SHOWN.

FOR: GENERAL DENTISTRY SERVICES, IN
CLASS 44 (U.S. CLS. 100 AND 101).

SER. NO. 76-477,495, FILED 12-23-2002.

FIRST USE 8-15-2002; IN COMMERCE 8-15-2002.

PAULA MAHONEY, EXAMINING ATTORNEY

Commissioner for Trademarks
2900 Crystal Drive
Arlington , VA 22202-3514
www.uspto.gov

Nov 12, 2003

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|-------------------------------------|---|
| 1. Serial No.:
76/477,495 | 2. Mark:
KOOL SMILES GENERAL DENTISTRY FOR CHILDR
Etc. and design |
| 3. International Class(es):
44 | |
| 4. Publication Date:
Dec 2, 2003 | 5. Applicant:
NCDR, L.L.C. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202) 512-1800

By direction of the Commissioner.

Correspondence Address:

R. LEE FRALEY
SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 85004-2202

TMP&I

Sub Diag

SUBSTITUTE DRAWING

APPLICANT: NCDR, L.L.C.

POST OFFICE ADDRESS: 3145 E. Chandler Boulevard
Suite 110-636
Phoenix, Arizona 85048

SERVICES: General dentistry services.

INTERNATIONAL CLASS: 44



NCDR, LLC for
KOOL SMILES GENERAL DENTISTRY FOR
CHILDREN & DESIGN

Attorney Ref. No. 40789.0200

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.

Date: 8-19-2003

By

[Signature]
Signature of Person Depositing Mail

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Applicant:	NCDR, L.L.C.	Docket No.:	40789.0200
Serial No.:	76/477,495	Examining Attorney:	Paula Mahoney
Filed:	December 20, 2002	Law Office No.:	113
Mark:	KOOL SMILES GENERAL DENTISTRY FOR CHILDREN & DESIGN		

RESPONSE TO OFFICE ACTION

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Dear Commissioner:

Applicant hereby timely responds to the Office Action mailed March 13, 2003 in the above-identified application.

AMENDMENT

Recitation of Services

Please amend the recitation of the services in the application to read as follows:

Class 44: general dentistry services.

Disclaimer

The Examining Attorney has requested Applicant to disclaim all descriptive wording in the mark "GENERAL DENTISTRY FOR CHILDREN". Therefore, Applicant respectfully submits the following disclaimer:

--"No claim is made to the exclusive right to use GENERAL DENTISTRY FOR CHILDREN apart from the mark as shown."--



08-21-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

Mark: PANTHEON CHEMICAL & DESIGN
Serial No.: 76/457,707

Drawing

The Examining Attorney has stated that the submitted drawing is unacceptable because it does not comply with the requirements for a special-form drawing. Therefore, Applicant submits a substitute drawing page which shows the mark in a clear, black, and white fashion, and conforming to 37 C.F.R. Section 2.52, attached hereto.

REMARKS

The Examining Attorney states that the recitation of services in the present application is unacceptable because it is indefinite and it refers to services in additional classes. Applicant has herein amended the recitation of services along the lines of the Examining Attorney's suggestion in specifying the related services, and notes that the amended description lies properly within the scope of the services as set forth in the application as filed.

This response is intended to be fully responsive to all points raised by the examining attorney. The application now being proper in form and substance, it is respectfully requested that this application be passed to publication.

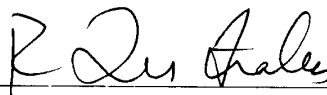
If the undersigned attorney may be of further assistance in advancing this mark towards registration, the Examining Attorney is invited to call at the below listed number.

Respectfully submitted,

Date

8/19/03

By



R. Lee Fraley
Reg. No. 42,550

SNELL & WILMER L.L.P.

One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
(602) 382-6250

1394619

SUBSTITUTE DRAWING

APPLICANT: NCDR, L.L.C.

POST OFFICE ADDRESS: 3145 E. Chandler Boulevard
Suite 110-636
Phoenix, Arizona 85048

SERVICES: General dentistry services.

INTERNATIONAL CLASS: 44



UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/477495

APPLICANT: NCDR, L.L.C.

CORRESPONDENT ADDRESS:

R. LEE FRALEY
SNELL & WILMER L.L.P.
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX, AZ 85004-2202

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom113@uspto.gov

MARK: KOOL SMILES GENERAL DENTISTRY FOR CHILDR
ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO : 40789.0200

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 76/477495

The assigned examining attorney has reviewed the referenced application and determined the following.

Recitation of Services

The applicant's recitation of services is unacceptable as indefinite. Specifically, "dental services" could include services classified in International Classes other than those identified by applicant. The applicant may adopt any of the following, if accurate:

International Class 40: dental services, namely dental technician and laboratory services.

International Class 44: general dentistry services.

Please note that, while an application may be amended to clarify or limit the recitation of services, additions to the recitation of services are not permitted. 37 C.F.R. §2.71(a); TMEP §§1402.03(a) and 1402.11. Therefore, the applicant may not amend to include any services that are not within the scope of services set forth in the present recitation.

Multiple Class Application

The recitation of services contains services that may be classified in several International Classes. If the applicant prosecutes this application as a combined, or multiple-class application based on use in commerce under Trademark Act Section 1(a), 15 U.S.C. §1051(a), the applicant must comply with each of the following:

(1) The applicant must specifically identify the services in each class and list the services by international class with the classes listed in ascending numerical order. TMEP §1403.01.

(2) The applicant must submit a filing fee for each international class of goods/services not covered by the fee already paid. 37 C.F.R. §§2.6(a)(1) and 2.86(b); TMEP §§810.01 and 1403.01.

Effective January 1, 2003, the fee for filing a trademark application is \$335 for each class. This applies to classes added to pending applications as well as to new applications filed on or after that date.

(3) The applicant must submit:

(a) dates of first use and first use in commerce and one specimen for each class that includes goods or services based on use in commerce under Trademark Act Section 1(a). The dates of use must be at least as early as the filing date of this application, 37 C.F.R. §§2.34(a)(1) and 2.86(a), and the specimen(s) must have been in use in commerce at least as early as the filing date of the application, and/or

(b) a statement of a bona fide intention to use the mark in commerce on or in connection with all the goods or services specified in each class that includes goods or services based on a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), where such statement was not included for the goods or services in the original application.

(4) The applicant must submit an affidavit or a declaration under 37 C.F.R. §2.20 signed by the applicant to verify (3) above. 37 C.F.R. §§2.59(a) and 2.71(c).

Disclaimer

The applicant must disclaim the descriptive wording “GENERAL DENTISTRY FOR CHILDREN” apart from the mark as shown. Trademark Act Section 6, 15 U.S.C. §1056; TMEP §§1213 and 1213.03(a). Applicant is providing general dentistry services to children. Thus, the wording merely describes the services.

A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use “GENERAL DENTISTRY FOR CHILDREN” apart from the mark as shown.

Drawing

The submitted drawing is unacceptable because it does not comply with the requirements for a special-form drawing. Specifically, the drawing contains gray. A drawing must be entirely in black-and-white. Therefore, the applicant must submit a new drawing showing the mark clearly and conforming to 37

C.F.R. Section 2.52. If the applicant wishes to depict color in the drawing, then the applicant must provide a clear and specific description of what the color is and where the color appears in the mark. 37 C.F.R. Section 2.52(a)(2)(v).

The requirements for a special form drawing are as follows:

- (1) The drawing must appear in black and white; no color is permitted.
- (2) Every line and letter must be black and clear.
- (3) The use of gray to indicate shading is unacceptable.
- (4) The lining must not be too fine or too close together.
- (5) The preferred size of the area in which the mark is displayed is 2½ inches (6.1 cm.) high and 2½ inches (6.1 cm.) wide. It should not be larger than 4 inches (10.3 cm.) high or 4 inches (10.3 cm.) wide.
- (6) If the reduction of the mark to the required size renders any details illegible, the applicant may insert a statement in the application to describe the mark and these details.

37 C.F.R. §2.52; TMEP §§807.01(b) and 807.07(a). The Office will enforce these drawing requirements strictly.

The Office prefers that the drawing be depicted on a separate sheet of smooth, nonshiny, white paper 8 to 8½ inches (20.3 to 21.6 cm.) wide and 11 inches (27.9 cm.) long, and that the sheet contain a heading listing, on separate lines, the applicant's complete name; the applicant's address; the goods or services recited in the application; and, if the application is filed under Section 1(a) of the Act, the dates of first use of the mark and of first use of the mark in commerce; or, if the application is filed under Section 44(d), the priority filing date of the foreign application. 37 C.F.R. §2.52(b); TMEP §§807.01(a), 807.01(b), 807.01(c) and 807.07(a).

General Information

The examining attorney has searched the Office records and has found no similar registered or pending mark which bars registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

/Richard R. Alves, Jr./
Trademark Examining Attorney
Law Office 113
(703) 308-9113 x 298

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

*** User: ralves ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	54079	N/A	0	0	0:07	*{"ck"}{"ou"}{v0:1}l*[bi,ti]
02	1822	N/A	0	0	0:05	*{"sz"}m{"iey"}l*[bi,ti]
03	1369	N/A	0	0	0:01	270101[DC]
04	22	13	9	2	0:01	1 and 2
05	16	8	8	8	0:01	1 and 3
06	7	4	3	3	0:01	2 and 3
07	13248	N/A	0	0	0:05	1 and "040"[cc]
08	757	N/A	0	0	0:04	1 and ("040" or a or b or "200")[ic]
09	13248	N/A	0	0	0:06	1 and "044"[cc]
10	349	N/A	0	0	0:03	1 and ("044" or a or b or "200")[ic]
11	813	N/A	0	0	0:04	2 and "040"[cc]
12	38	12	24	5	0:01	2 and ("040" or a or b or "200")[ic]
13	813	N/A	0	0	0:05	2 and "044"[cc]
14	38	2	36	6	0:02	2 and ("044" or a or b or "200")[ic]
15	244	0	244	98	0:05	10 not dead[ld]

Session started 5/12/03 2:45:35 PM
 Session finished 5/12/03 3:17:27 PM
 Total search duration 0 minutes 51 seconds
 Session duration 31 minutes 52 seconds

Default NEAR limit= 1 ADJ limit= 1

Sent to TICRS as Serial Number: 76477495



12-23-2002

U.S. Patent & TMO/c/TM Mail RcptDt. #67

DRAWING

APPLICANT: NCDR, L.L.C.

P.O. ADDRESS: 3145 E. Chandler Boulevard
Suite 110-636
Phoenix, Arizona 85048

DATE OF FIRST USE: August 15, 2002

DATE OF FIRST USE IN COMMERCE: August 15, 2002

SERVICES: Dental services.

CLASS: 44



NCDR, L.L.C. for
KOOL SMILES GENERAL DENTISTRY FOR
CHILDREN & DESIGN

- 3 -

U.S. Patent & TM Ofc/TM



76477495

Use Based 40789.0200
Express Mail Label No. EL599951419US

76477495

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

12/26/2002 SWILSON1 00000269 76477495

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325.00 OP

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L.L.P.
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DENVER, COLORADO

LAS VEGAS, NEVADA

December 20, 2002

Assistant Commissioner for Trademarks
Box NEW APP FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Re: NCDR, L.L.C.
Application for Federal service mark registration
Mark: KOOL SMILES GENERAL DENTISTRY
FOR CHILDREN & DESIGN
Our Docket No.: 40789.0200

Dear Assistant Commissioner:

Enclosed is the Application of NCDR, L.L.C. for the service mark:

KOOL SMILES GENERAL DENTISTRY FOR CHILDREN & DESIGN

in respect of dental services (Int'l Class 44).

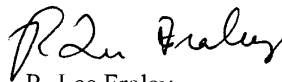
Also enclosed are:

at least one (1) specimen of the mark as actually used;
a drawing; and
a check in the amount of \$325.00 to cover the filing fee.

Should there be a deficiency in the fee enclosed, please charge our deposit account (19-2814) for the difference, **for which purpose a duplicate copy of this sheet is enclosed.**

Please stamp and date the enclosed postcard to acknowledge receipt of the above materials and return it to us.

Very truly yours,
Snell & Wilmer


R. Lee Fraley
Attorney for Applicant

RLF:lla
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application for Service Mark Registration

Mark: KOOL SMILES GENERAL
DENTISTRY FOR CHILDREN &
DESIGN

Int'l Class: 44

Applicant: NCDR, L.L.C.
a Delaware limited liability company

Business Address 3145 E. Chandler Boulevard
and Situs: Suite 110-636
Phoenix, Arizona 85048

TO THE ASSISTANT COMMISSIONER FOR
TRADEMARKS
Box NEW APP FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Assistant Commissioner:

Applicant has adopted and is using in commerce the above-identified service mark shown in the accompanying drawing and requests registration of such mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051, *et seq.*, as amended) for the following services:

Dental services in Class 44.

The mark was first used by applicant in connection with such services at least as early as August 15, 2002, was first used in interstate commerce in connection with such services at least as early as August 15, 2002; and is now in use in such commerce by applicant.

POWER OF ATTORNEY AT LAW

Applicant hereby appoints Snell & Wilmer L.L.P. and attorneys at law thereof R. Lee Fraley, Michael K. Kelly, Charles F. Hauff, Jr., Howard I. Sobelman, Laura J. Zeman, David O. Caplan, Cynthia L. Pillote, Daniel R. Pote, Sid Leach; Damon L. Boyd, Thomas V. DelRosario, Wendy Neal,

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Michelle Whittington, Shahpar Shahpar, Allan Watts, Thomas Finn, Patrick Mixon, William F. Mulholland, II, John Platt and Dave Wood all of One Arizona Center, 400 East Van Buren, Phoenix, AZ 85004-2202, telephone (602) 382-6000, as its attorneys to prosecute this application, to register with full power of substitution and revocation, to transact all business in the U.S. Patent and Trademark Office in connection therewith, and to receive the Certificate of Registration. Every member of the firm of Snell & Wilmer L.L.P. and every attorney at law associated with that firm is hereby authorized to sign any paper and to conduct any business on behalf of the applicant in this case. It is requested that correspondence be sent to Snell & Wilmer L.L.P., One Arizona Center, 400 East Van Buren, Phoenix, AZ 85004-2202, Attention: Intellectual Property Dept.

DECLARATION

The undersigned, being hereby duly warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he or she is properly authorized to execute this application on behalf of the applicant, that he or she believes the applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he or she believes the applicant to be entitled to use in commerce the mark sought to be registered, that to the best of his or her knowledge and belief no other person, firm, corporation, or association has the right to use such mark in commerce, either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive, and that all statements made of his or her own knowledge are true and all statements made on information and belief are believed to be true.

NCDR, L.L.C.

12/19/2002
Date

By

Signature

Mark Blomquist

Printed Name

Member - NCDR LLC

Title

SPECIMENS

MARK: KOOL SMILES GENERAL DENTISTRY FOR
CHILDREN & DESIGN

APPLICANT: NCDR, L.L.C.

BUSINESS ADDRESS AND SITUS: 3145 E. Chandler Boulevard
Suite 110-636
Phoenix, Arizona 85048

Submitted: One (1) color and one (1) black and white copy
of the signage displaying the mark, identifying
the services and providing contact information to
enable potential customers to obtain the services.



12-23-2002

U.S. Patent & TMO/c/TM Mail RcptDt. #67

DRAWING

APPLICANT: NCDR, L.L.C.

P.O. ADDRESS: 3145 E. Chandler Boulevard
Suite 110-636
Phoenix, Arizona 85048

DATE OF FIRST USE: August 15, 2002

DATE OF FIRST USE IN COMMERCE: August 15, 2002

SERVICES: Dental services.

CLASS: 44



NCDR, L.L.C. for
KOOL SMILES GENERAL DENTISTRY FOR
CHILDREN & DESIGN

- 3 -

U.S. Patent & TM Ofc/TM



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