

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of New York on the following Patents or Trademarks:

DOCKET NO. 08 cv 3196 (WHP)	DATE FILED 9/23/2008	U.S. DISTRICT COURT Southern District of New York
PLAINTIFF Energy Brands Inc.		DEFENDANT Dollar Tree, Inc., et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See Attached List		See Attached List
2 3,974,987		
3 2,975,087		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT Notice of Voluntary Dismissal

CLERK J. Michael McMahon	(BY) DEPUTY CLERK 	DATE 9/30/2008
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED

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ENERGY BRANDS INC. d/b/a GLACÉAU, :
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 Plaintiff, :
 :
 : 08 Civ. 8196 (WHP)
 v. :
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 DOLLAR TREE, INC. and :
 GREENBRIER INTERNATIONAL, INC., :
 :
 :
 Defendants. :
 :
 :
----- X

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), plaintiff Energy Brands Inc. d/b/a Glacéau hereby issues and files this Notice of Voluntary Dismissal dismissing the above-entitled action without prejudice.

Dated: September 29, 2008
New York, New York

DEBEVOISE & PLIMPTON LLP

By: /s/ David H. Bernstein
David H. Bernstein
(dhbernstein@debevoise.com)
S. Zev Parnass
(szparnass@debevoise.com)
919 Third Avenue
New York, New York 10022
(212) 909-6696 (telephone)
(212) 521-7696 (facsimile)

*Attorneys for Plaintiff Energy Brands Inc.
d/b/a Glacéau*

CERTIFICATE OF SERVICE

This is to certify that on September 29, 2008, I caused a copy of the foregoing

NOTICE OF VOLUNTARY DISMISSAL to be served by U.S. mail upon:

Dollar Tree, Inc.
500 Volvo Parkway
Chesapeake, Virginia 23320

Greenbrier International, Inc.
500 Volvo Parkway
Chesapeake, Virginia 23320

Defendants.

/s/ S. Zev Parnass
S. Zev Parnass