AO 120 (Rev. 08/10)

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

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 Western District of Texas, Austin Division on the following

☑ Trademarks or ☐ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
1:12-CV-633-SS	7/12/2012	Western District of Texas, Austin Division

PLAINTIFF	DEFENDANT
Whole Foods Market IP, L.P.	Vitamin Shoppe Industries, Inc.

PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 3,927,417		
2 7,016,802		
3		
4		
5		

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

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

Attached

CLERK	(BY) DEPUTY CLERK	DATE
Jeannette Clack	K. Wallace	SEP 12 2016

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**

FILED

SEP 28 2012

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WHOLE FOODS MARKET IP, L.P.,
Plaintiff,

-vs-

Case No. A-12-CA-633-SS

VITAMIN SHOPPE INDUSTRIES, INC.,
Defendant.

ORDER OF DISMISSAL

BE IT REMEMBERED on this day there was presented to the Court the Notice of Dismissal [#6] filed by the plaintiff in the above-styled and numbered cause, and after consideration of the same, the Court enters the following orders:

IT IS ORDERED that the Notice of Dismissal [#6] is GRANTED in all respects and this lawsuit is hereby DISMISSED with prejudice.

IT IS FINALLY ORDERED that all costs are adjudged against the party incurring same.

SIGNED this the 28th day of September 2012.

Sam Sparks
UNITED STATES DISTRICT JUDGE