

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:11-cv-00049-FL**

THE NORTH CAROLINA STATE)	
BOARD OF DENTAL EXAMINERS,)	
)	NOTICE OF APPEAL
Plaintiff,)	
v.)	
)	
FEDERAL TRADE COMMISSION,)	
Defendant.)	

Notice is hereby given that the North Carolina State Board of Dental Examiners, plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Fourth Circuit from a judgment granting defendant's motion to dismiss for lack of subject matter jurisdiction entered in this action on the 9th day of May, 2011.

Respectfully submitted, this the 27th day of June, 2011.

ALLEN AND PINNIX, P.A.

/s/ Noel L. Allen

Noel L. Allen
NC State Bar No. 5485
Alfred P. Carlton, Jr.
NC State Bar No. 6544
M. Jackson Nichols
NC State Bar No. 7933
Attorneys for Plaintiff
Post Office Drawer 1270
Raleigh, North Carolina 27602
Telephone: 919-755-0505
Facsimile: 919-829-8098
Email: nallen@allen-pinnix.com
acarlton@allen-pinnix.com
mjn@allen-pinnix.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 27th of June, 2011, I filed the foregoing Notice of Appeal with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Seth M. Wood
Assistant United State Attorney
Civil Division
310 New Bern Avenue, Suite 800
Raleigh, NC 27601
Seth.wood@usdoj.gov

M. Keith Kapp
Brian C. Vick
Williams Mullen
Post Office Box 1000
Raleigh, NC 27602
kkapp@williamsmullen.com
bvick@williamsmullen.com

/s/ Noel L. Allen
Noel L. Allen