

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO **BOX TTAB, NO FEE, ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513**, ON AUGUST 16, 2002.

NAME: KIMBERLY FLAHERTY

SIGNATURE: *Kimberly Flaherty*



08-20-2002

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

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

In the Matter of	
Serial No.	: 76/072712
Applicant	: Xenogen Corporation
Publication Date	: December 25, 2001
Mark	: XENOGEN
Classes	: 35, 37 and 42

Box TTAB, NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**FIFTH REQUEST FOR EXTENSION OF TIME  
TO FILE NOTICE OF OPPOSITION**

Dear Sir or Madam:

Xenotech, Inc., a Delaware corporation having its principal place of business at 6701 Kaiser Drive, Fremont, CA 94555, by and through its attorneys, hereby requests that the Board grant a sixty (60) day extension of time to file a Notice of Opposition, through October 21, 2002, in the above-identified matter.

The extension is necessary in order for Xenotech, Inc. to investigate and evaluate the necessity of filing a Notice of Opposition and is not made for the purpose of delay.

Stephanie K. Wade, counsel for Applicant, granted consent to this extension in a telephone conversation with Beth M. Goldman of Heller Ehrman White & McAuliffe LLP on August 14, 2002.

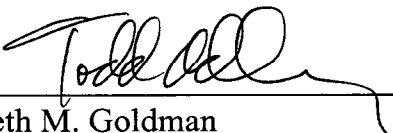
This request is being submitted in triplicate as required by 37 C.F.R. § 2.102(d).

Dated: August 16, 2002

Respectfully submitted,

HELLER EHRMAN WHITE & McAULIFFE LLP

By:



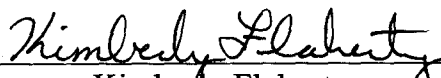
Beth M. Goldman  
Todd E. Adler  
333 Bush Street  
San Francisco, CA 94104-2878  
(415) 772-6881

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing FIFTH REQUEST FOR EXTENSION OF TIME TO FILE NOTICE OF OPPOSITION upon Applicant's counsel by depositing one copy thereof in a sealed envelope in the United States mail, first-class, on August 16, 2002, addressed as follows:

Stephanie K. Wade, Esq.  
Dickstein Shapiro Morin & Oshinsky LLP  
2101 L Street NW  
Washington, DC 20037

Dated: August 16, 2002

  
\_\_\_\_\_  
Kimberly Flaherty


TTAB

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TRADEMARK TRIAL AND  
APPEAL BOARD  
02 AUG 27 PM 8:44

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08-20-2002  
U.S. Patent & TMO/TM Mail Rcpt Dt. #11

**TRANSMITTAL LETTER**

Dear Sir or Madam:

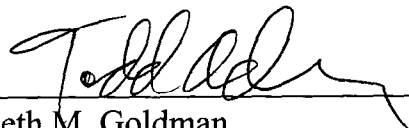
We are attorneys representing Xenotech, Inc. Enclosed are an original and two copies of a **Fifth Request for Extension of Time To File Notice of Opposition** filed by Xenotech, Inc.

Please address all correspondence to me at the address below. Please stamp the enclosed self-addressed postcard to evidence your receipt of this document.

Dated: August 16, 2002

Respectfully submitted,

HELLER EHRMAN WHITE & McAULIFFE LLP

By:   
Beth M. Goldman  
Todd E. Adler  
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San Francisco, CA 94104-2878  
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