

TTAB



Attorney Ref.: K-9166 LAL/kcl

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

In re the Matter of:



TherOx, Inc.

02-19-2004

Serial No: 78/116,976

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Filed: March 22, 2002

Mark: OXIUM

Publication Date: February 3, 2004

Honorable Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
Box TTAB NOFEE

REQUEST FOR EXTENSION OF TIME TO OPPOSE

Sir:

SmithKline Beecham Corporation, a Pennsylvania corporation with a business address of 709 Swedeland Road UW2221, King of Prussia, Pennsylvania 19406, hereby requests a 90-day extension of time in which to oppose registration of the above-identified mark. When granted, the new date for filing an opposition will be extended to **June 3, 2004**.

As grounds in support of this request for extension of time to oppose, Prospective Opposer states that the publication of Applicant's mark has recently come to its attention. Additional time is needed to investigate this matter. Potential Opposer has contacted Applicant's attorney to determine whether an opposition can be avoided.

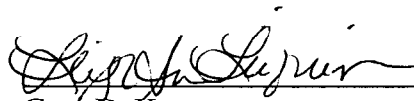
Extension of Time to Oppose
Application Serial No. 78/116,976
Mark: OXIUM

Accordingly, it is respectfully requested that this extension of time be granted and that the due date for filing an opposition be extended to June 3, 2004.

Respectfully submitted,

SMITHKLINE BEECHAM CORPORATION

By:



Gary D. Krugman

Leigh Ann Lindquist

Attorneys for Prospective Opposer

SUGHRUE MION, PLLC

2100 Pennsylvania Avenue, N.W.

Washington, DC 20037-3202

Telephone: (202) 663-7484

Facsimile: (202) 293-7860

Date: February 19, 2004

cc: Christopher A. Sidoti, Esq.