

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: CytoRed
Applicant: Biomoda, Inc.
Serial No.: 78/431,053
Publish Date: October 25, 2005

TTAB

SECOND REQUEST FOR EXTENSION OF TIME

It is hereby requested that, pursuant to Rule 2.102, a second extension of time of thirty (30) days to file an opposition to the above application be granted to potential opposer Invitrogen Corporation.


This request is presented in order to permit potential opposer's attorney time to investigate the files of the application; to consult with the client; and, to possibly avoid the necessity of an opposition proceeding.

It is therefore requested that the time for filing a Notice of Opposition be extended for thirty (30) days or until January 20, 2006.

Respectfully submitted,

GORDON & REES, LLP

By:


Matthew D. Murphey
Texas SBN 24049166
2100 Ross Avenue
Suite 2600
Dallas, TX 75201
(214) 461-4050 telephone
(214) 461-4053 facsimile

ATTORNEYS FOR
INVITROGEN CORPORATION



12-16-2005

Date of Deposit December 15, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner of Trademarks, P. O. Box 1451, Alexandria, Virginia 22313-1451, Box TTAB.

Pat McHan

(Name of person mailing paper or fee)

Pat McHan

(Signature of person mailing paper or fee)

December 15, 2005, 2005

(Date of Signature)

ED683884334US

Doc Code:

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

Complete If Known

Application Number	78/431,053
Filing Date	
First Named Inventor	
Examiner Name	
Art Unit	
Attorney Docket No.	TNVT CYTORED

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 501990 Deposit Account Name: Gordon & Rees LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 20 or HP = _____	x _____	= _____	

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 3 or HP = _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): request for 2nd extension of time for filing

SUBMITTED BY		Opposition	
Signature		Registration No. (Attorney/Agent)	244 461 4050
Name (Print/Type)	John J. Murphrey	24896	Date 12-15-05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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For FY 2005

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		Application Number	78/431,053
		Filing Date	
		First Named Inventor	
		Examiner Name	
		Art Unit	
		Attorney Docket No.	INVT CYTORED

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 501990 Deposit Account Name: Gordon & Rees LLP

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Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

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Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

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_____ - 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

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SUBMITTED BY

Signature	Registration No. (Attorney/Agent)	Telephone
	24896	214 461 4050
Name (Print/Type)		Date
John J. Murphey		12-15-05

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