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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: November 30, 2005

Opposition No. 91160810

The Mentholatum Company

v.

TherOx, Inc.

David Mermelstein, Attorney:

Motion to substitute party plaintiff

Plaintiff's consented motion, filed October 21, 2005, to substitute the party plaintiff, is granted. Accordingly, the Board has changed the proceeding caption, substituting The Mentholatum Company in place of SmithKline Beecham Corporation.¹

Stipulated Protective Agreement

The stipulated protective agreement, filed on October 21, 2005, is noted. The parties are referred, as appropriate, to TBMP §§ 416.03 (signature of protective prder), 416.04 (filing confidential materials with Board),

¹ The assignment was recorded with the Assignment Unit of the USPTO at Reel/Frame 3149/0867.

416.05 (handling of confidential materials by Board) (2d ed. rev. 2004).

The parties are advised that only confidential or trade secret information should be filed pursuant to a stipulated protective agreement. Such an agreement may not be used as a means of circumventing paragraphs (d) and (e) of 37 CFR § 2.27, which provide, in essence, that the file of a published application or issued registration, and all proceedings relating thereto, should otherwise be available for public inspection.

Trial dates remain as set.

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