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TRADEMARK

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

In the matter of Application Serial No. 78/301,767
Published in the Official Gazette: November 1, 2005

SmithKline Beecham plc,)

Opposer)

v.)

Bio Therapeutics, Inc.,)

Applicant.)

Mark: PHYLODERM

Opposition No. 91/169856

ASSOCIATE POWER OF ATTORNEY

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

The undersigned, counsel of record in the above-identified Opposition, hereby appoints the following attorneys as co-counsel and attorneys of record to transact all business in the United States Patent & Trademark Office in connection with the opposition to registration of the above-referenced trademark application:

Leigh Ann Lindquist
Gary D. Krugman

and the firm of Sughrue, Mion PLLC.




09-20-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

Please direct all future correspondence regarding the opposition to the following
address:

Leigh Ann Lindquist, Esq.
Sughrue Mion, PLLC
2100 Pennsylvania Avenue, NW
Washington, D.C. 20037-3213
Telephone: 202-293-7060
Telefax: 202-293-7860

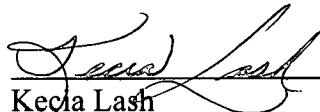
Date: 9/11/08

By: 
Richard A. Sharpe
Attorney for Opposer

CERTIFICATE OF SERVICE

I, Kecia Lash, an employee of Sughrue Mion, PLLC hereby certify that on this 20th day of September, 2006, a true and correct copy of the foregoing **ASSOCIATE POWER OF ATTORNEY** has been properly served, via First Class U.S. Mail, postage prepaid to:

Philip M. Goldman
FREDRIKSON & BYRON, P.A.
200 Sixth Street South
Minneapolis, MN 55402-1425
Attorney for Applicant



Kecia Lash
Sughrue Mion, PLLC

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

SMITHKLINE BEECHAM PLC,

Opposer,

v.

BIO THERAPEUTICS, INC.,

Applicant.

Opposition No.: 91/169,856

MOTION TO SUBSTITUTE OPPOSER

Opposer respectfully requests that The Mentholatum Company, a Delaware corporation with an address of 707 Sterling Drive, Orchard Park, New York 14127, be substituted as the party Opposer in the above-captioned proceedings.

SmithKline Beecham PLC assigned all of its rights and interests in and to the marks pleaded in this proceeding to Signal Investment & Management Co. on June 7, 2006. That Assignment was filed at the Trademark Office and the Assignment was recorded at Reel/Frame 3367/0819. Attached as Exhibit A hereto is a copy of that assignment.

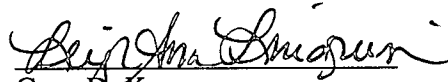
On August 14, 2006, Signal Investment & Management Co. assigned all of its rights and interests in and to the marks pleaded in this proceeding to The Mentholatum Company. That assignment was filed at the Trademark Office and the Assignment was recorded at Reel/Frame 3384/0255. Attached as Exhibit B hereto is a copy of that assignment.

In view of the assignment of the pleaded registrations, it is respectfully requested that
The Mentholatum Company be substituted for SmithKline Beecham PLC in these proceedings.

Respectfully submitted,

THE MENTHOLATUM COMPANY

By:



Gary D. Krugman

Leigh Ann Lindquist

SUGHRUE MION, PLLC

2100 Pennsylvania Avenue, NW

Washington, D.C. 20037-3202

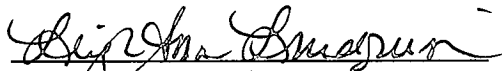
Telephone: (202) 293-7060

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing **MOTION TO
SUBSTITUTE OPPOSER** has been mailed this 20th day of September, 2006, by first-class mail,
postage prepaid to:

Philip M. Goldman
FREDRIKSON & BYRON, P.A.
200 Sixth Street South
Minneapolis, MN 55402-1425
Attorney for Applicant


Leigh Ann Lindquist

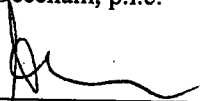
TRADEMARK ASSIGNMENT

WHEREAS, SmithKline Beecham, p.l.c., an English public limited company, whose business address is 980 Great West Road, Brentford, Middlesex, England TW8 9GS ("Assignor") has adopted and used the trademarks set forth on Schedule A attached hereto and is the owner of the marks and goodwill associated therewith.

WHEREAS, Signal Investment & Management Co., a Delaware corporation, whose business address is 1105 North Market Street, Suite 1300, Wilmington, Delaware U.S.A. 19801-1241 ("Assignee") is desirous of acquiring said trademarks and goodwill associated therewith.

NOW THEREOF, for the sum of ONE DOLLAR (\$1.00) in hand paid from Assignee to Assignor, the receipt of which is hereby acknowledged by Assignor, Assignor by these presents does hereby sell, transfer, convey and assign unto said Assignee all right, title and interest in and to the Trademarks set forth on Schedule A attached thereto, together with the goodwill of the business symbolized by the marks, and all federal and state registrations and applications therefor in the United States of America, and the right to recover for any past infringements of said trademarks.

SmithKline Beecham, p.l.c.


Name: Paul Williamson
For and on behalf of
Title: Edinburgh Pharmaceutical Industries Limited
Corporate Director

Sworn and subscribed before me this

17 day of June, 2006.


Notary Public

My commission expires: WITH LIFE

PHIS... Remark Assignment to signal for u.s.2

EXHIBIT

tabbies

A

M/

APOSTILLE
(Hague Convention of 5 October 1961 / Convention de La Haye du 5 octobre 1961)

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1. Country: United Kingdom of Great Britain and Northern Ireland
Pays: Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

This public document / Le présent acte public

2. Has been signed by **Jessica Margaret Reeve**
a été signé par

3. Acting in the capacity of **Notary Public**
agissant en qualité de

4. Bears the seal/stamp of **The Said Notary Public**
est revêtu du sceau/timbre de

5. at London/à Londres
6. the/le **07 June 2006**

7. by Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs /
par le Secrétaire d'Etat Principal de Sa Majesté aux Affaires Etrangères et du Commonwealth.

8. Number/sous No **H041568**

9. Stamp:
timbre:
10. Signature: **N. Donkor**



For the Secretary of State / Pour le Secrétaire d'Etat

If this document is to be used in a country which is not party to the Hague Convention of 5 October 1961, it should be presented to the consular section of the mission representing that country. An apostille or legalisation certificate only confirms that the signature, seal or stamp on the document is genuine. It does not mean that the contents of the document are correct or that the Foreign & Commonwealth Office approves of the contents.

SCHEDULE A

<u>MARK</u>	<u>SERIAL NO.</u>	<u>FILING DATE</u>	<u>REG. NO.</u>	<u>REG. DATE</u>
PH20	78/466,929	8/13/2004	pending	
PHISODERM	71/468,956	4/3/1944	408558	8/15/1944
PHISODERM	78/464,757	8/10/2004	pending	
PHISOHEX (Stylized)	71/596,250	4/24/1950	562,187	7/29/1952
PHISOHEX (Stylized)	71/596,249	4/24/1950	543,116	5/29/1951

TRADEMARK ASSIGNMENT

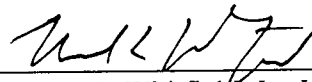
WHEREAS, Signal Investment & Management Co., a Delaware corporation, whose business address is 1105 North Market Street, Suite 1300, Wilmington, Delaware U.S.A. 19801-1241 ("Assignor") has adopted and used the trademarks set forth on Schedule A attached hereto and is the owner of the marks and goodwill associated therewith.

WHEREAS, The Mentholatum Company, a Delaware corporation, whose business address is 707 Sterling Drive, Orchard Park, New York 14127 U.S.A. ("Assignee") is desirous of acquiring said trademarks and goodwill associated therewith.

NOW THEREOF, for the sum of ONE DOLLAR (\$1.00) in hand paid from Assignee to Assignor, the receipt of which is hereby acknowledged by Assignor, Assignor by these presents does hereby sell, transfer, convey and assign unto said Assignee all right, title and interest in and to the Trademarks set forth on Schedule A attached thereto, together with the goodwill of the business symbolized by the marks, and all federal and state registrations and applications therefor in the United States of America, and the right to recover for any past infringements of said trademarks.

On this 14th day of August, 2006.

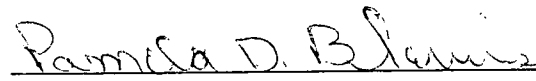
Signal Investment & Management Co.



Theodore K. Whitfield, Jr., Vice President

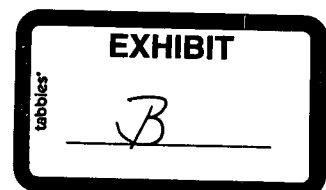
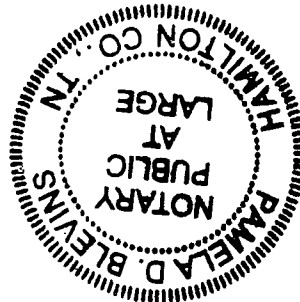
Sworn and subscribed before me this

14th day of August, 2006.



Notary Public

My commission expires: 10-06-07



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<u>MARK</u>	<u>SERIAL NO.</u>	<u>FILING DATE</u>	<u>REG. NO.</u>	<u>REG. DATE</u>
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