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Strategic alliance with MWE China Law Offices (Shanghai)

Richard Y. Kim
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+1 202 756 8295

May 12, 2009

ATTORNEY DOCKET NO.: 080394-0011

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

19/028,038

Re: Filing Response to TTAB Notice of May 7, 2009
ImClone LLC v. Louhann – Cancellation No.: 92049402

Dear Sir:

Counsel for Registrant is in receipt of the TTAB's Notice dated May 7, 2009, in connection with the above-referenced Cancellation.

The TTAB stated in the May 7 Notice that the amendment previously filed on May 1, 2009, is limiting in nature and petitioner has already consented; the only outstanding item is the applicable filing fee (Attachment A). Accordingly, Counsel for Registrant respectfully requests that Deposit Account No. 500417 be debited in the amount of \$100.00 to cover the amendment to the registration. If there are any additional fees associated with this filing they should be charged to Deposit Account No. 500417. A copy of this letter is attached for charging purposes.

Finally, Counsel for Registrant understands that consideration of the withdrawal of the petition to cancel is deferred pending receipt of payment.

Any questions may be directed to the undersigned.

Respectfully submitted,

Richard Y. Kim
Attorney for Registrant

RYK/SEC/cls
Enclosures
WDC99 1720547-1.080394.0011



05-12-2009

U.S. Patent & TMO/TM Mail Rept 01 #01

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ATTACHMENT A

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

vw/apb

Mailed: May 7, 2009

Cancellation No. 92049402

ImClone LLC ¹

v.

Louhann

Andrew P. Baxley, Interlocutory Attorney:

On May 1, 2009, the parties filed a stipulation to amend respondent's involved Registration No. 3402003 and to the withdrawal without prejudice of the petition to cancel upon entry of the amendment.

By the proposed stipulated amendment, respondent seeks to change the identification of goods by adding the following wording at the conclusion thereof: "; none of the foregoing in the field of cancer treatment or labeled, advertised or promoted for use by or on cancer patients."

The amendment is limiting in nature, and petitioner consents thereto. See Trademark Rules 2.133(a) and 2.173(e). However, until respondent submits the appropriate filing fee

¹In view of the recordation of petitioner's conversion document with the USPTO's Assignment Branch at Reel 3927, Frame 0929, the caption of this proceeding has been amended to the form set forth shown hereinabove.

Cancellation No. 92049402

for an amendment to a registration, the amendment cannot be approved or entered. See Trademark Rules 2.6(11) and 2.173(b)(1).

Respondent is allowed until twenty days from the mailing date set forth in this order to submit the appropriate filing fee. Consideration of the withdrawal of the petition to cancel is deferred. Proceedings herein are otherwise suspended.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
RESPONSE TO TTAB NOTICE OF MAY 7, 2009 was served this 12th day of May, 2009, on
counsel for Petitioner by mailing same via first class mail, postage prepaid, addressed as follows:

Robert M. Kunstadt, Esq.
R. Kunstadt, P.C.
875 Sixth Avenue, Suite 1800
New York, NY 10001



Attorney for Registrant