

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



EXXON MOBIL CORPORATION

Opposer

v.

IMCLONE SYSTEMS INCORPORATED

Applicant

and

IMCLONE SYSTEMS INCORPORATED

Petitioner in Counterclaim

v.

EXXON MOBIL CORPORATION

Registrant in Counterclaim

04-01-2004

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

Opposition No.: 91158375

Mark: ERBITUX CETUXIMAB (Design)

Serial No. 76/463,019

Cancellation No. \_\_\_\_\_

Marks:

Reg. No. 1,384,919 -- XX (stylized)

Reg. No. 1,412,809 -- XX (stylized)

Reg. No. 1,415,453 -- XX (stylized)

Reg. No. 2,149,419 -- XX (stylized)

Reg. No. 2,305,494 -- XX (stylized)

**IMCLONE SYSTEMS INCORPORATED'S MOTION ON CONSENT FOR EXTENSION OF  
TIME TO FILE AN OPPOSITION TO EXXON MOBIL CORPORATION'S MOTION TO  
STRIKE FIRST AND SIXTH AFFIRMATIVE DEFENSES**

Applicant and Counterclaim Petitioner ImClone Systems Incorporated ("ImClone Systems"), by and through its counsel, hereby requests, with the consent of Opposer Exxon Mobil Corporation (Exxon Mobil), a further two-week extension of time to file an Opposition to Exxon Mobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses.

The reason for this request is that counsel for the parties have agreed that a further two-week extension for Exxon Mobil to respond to ImClone Systems' written discovery demands is appropriate. In exchange, Exxon Mobil has agreed to grant ImClone Systems a further two-

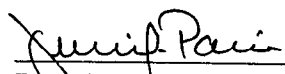
week extension to file an Opposition to Exxon Mobil's pending Motion, and also to respond to Exxon Mobil's pending discovery requests.

Therefore, ImClone Systems respectfully requests that it be granted an additional two weeks, up through and including **April 13, 2004**, to file an Opposition to Exxon Mobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses.

Counsel for Exxon, Steven Meleen, consented to this request by phone on March 30, 2004.

Respectfully Submitted,

Date: 3/30/04

  
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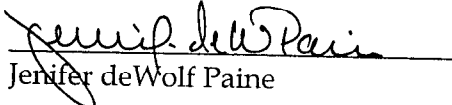
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on March 30, 2004 a true and correct copy of the foregoing Request For Extension of Time to File an Opposition to Exxon Mobil Corporation's Motion to Strike Applicant's First and Sixth Affirmative Defenses was served by fax and first class mail on counsel for Opposer as follows:

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04-01-2004

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

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March 30, 2004

BOX TTAB – NO FEE  
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Arlington, VA 22202-3514

Re: Opposition No. 91158375  
U.S. Serial No. 76/463,019  
Exxon Mobil Corporation v. ImClone Systems Incorporated

To Whom It May Concern:

Enclosed for filing in connection with the above-identified opposition proceeding is ImClone Systems Incorporated's Motion On Consent For Extension Of Time To File An Opposition To Exxon Mobil Corporation's Motion To Strike First And Sixth Affirmative Defenses. Also enclosed is a Certificate of Service reflecting service of the foregoing paper upon counsel for Opposer.

Please acknowledge receipt of the enclosed document by stamping the postage prepaid acknowledgement card and returning it to this office.

Respectfully submitted,

Stephen R. Dwyer

Enclosures

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on the date shown below:

STEPHEN R. DWYER  
(Typed or Printed Name of Person Signing Certificate)

(Signature)

MARCH 30, 2004  
(Date)