

ESTTA Tracking number: **ESTTA9903**

Filing date: **06/09/2004**

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

<b>Proceeding</b>	91158375
<b>Party</b>	Plaintiff EXXON MOBIL CORPORATION
<b>Correspondence Address</b>	STEPHEN P.ELEEN FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVENUE AVENUE, SUITE 2400 AUSTIN, TX 78701
<b>Submission</b>	Joint Motion for Extension of Inclone Systems Incorporated's Time to File an Opposition to Exxon Mobil Corporation's Motion to Strike First and Sixth Affirmative Defenses and for Exxon Mobil Corporation to File an Answer to Counterclaim
<b>Filer's Name</b>	Stephen P. Meleen
<b>Filer's e-mail</b>	smeleen@fulbright.com, eolson@fulbright.com, aotrademark@fulbright.com
<b>Signature</b>	/SPM/
<b>Date</b>	06/09/2004
<b>Attachments</b>	imclone_.pdf ( 3 pages )

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

---

EXXON MOBIL CORPORATION	:	
	:	
Opposer	:	Opposition No.: 91158375
	:	
v.	:	Mark: ERBITUX CETUXIMAB (Design)
	:	
IMCLONE SYSTEMS INCORPORATED	:	Serial No. 76/463,019
	:	
Applicant	:	Cancellation No. _____
	:	
and	:	
	:	Marks:
IMCLONE SYSTEMS INCORPORATED	:	Reg. No. 1,384,919 -- XX (stylized)
	:	Reg. No. 1,412,809 -- XX (stylized)
Petitioner in Counterclaim	:	Reg. No. 1,415,453 -- XX (stylized)
	:	Reg. No. 2,149,419 -- XX (stylized)
v.	:	Reg. No. 2,305,494 -- XX (stylized)
	:	
EXXON MOBIL CORPORATION	:	
	:	
Registrant in Counterclaim	:	

---

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

Applicant and Counterclaim Petitioner ImClone Systems Incorporated ("ImClone Systems"), and Opposer Exxon Mobil Corporation ("ExxonMobil"), hereby jointly request a further one month extension of time for ImClone Systems to file an Opposition to ExxonMobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses, and for ExxonMobil to file an answer to counterclaim.


The reason for this request is that counsel for the parties have agreed that a further one month extension for ExxonMobil to respond to ImClone Systems' written discovery demands,

and to respond to ImClone Systems' counterclaim, is appropriate. In exchange, ExxonMobil has agreed to grant ImClone Systems a further one month extension to file an Opposition to Exxon Mobil's pending Motion, and also to respond to ExxonMobil's pending discovery requests.

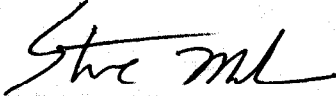
Therefore, the parties respectfully request that ImClone Systems be granted an additional one month, up through and including July 12, 2004, to file an Opposition to ExxonMobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses, and that ExxonMobil be granted an extension until July 13, 2004 to answer or otherwise respond to ImClone Systems' counterclaims.

Respectfully Submitted,

Date: 6/9/04

  
Brendan J. O'Rourke  
Jenifer deWolf Paine  
PROSKAUER ROSE LLP  
1585 Broadway  
New York NY 10036  
Tel.: 212.969.3000  
Fax: 212.969.2900

Attorneys for ImClone Systems  
Incorporated

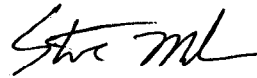
  
Louis T. Pirkey  
William G. Barber  
Stephen P. Meleen  
FULBRIGHT & JAWORSKI  
600 Congress Avenue, Suite 2400  
Austin, TX 78701-3248  
Telephone: (512) 474-5201

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on June 9, 2004 a true and correct copy of the foregoing Joint Motion For Extension of ImClone Systems, Incorporated's Time to File an Opposition to Exxon Mobil Corporation's Motion to Strike Applicant's First and Sixth Affirmative Defenses and For Exxon Mobil Corporation to File an Answer to Counterclaim was served by fax and first class mail on counsel for Applicant/Petitioner as follows:

Jenifer deWolf Paine  
PROSKAUER ROSE LLP  
1585 Broadway  
New York NY 10036  
Fax: 212.969.2900



---