

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



06-28-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

EXXON MOBIL CORPORATION

Opposer

v.

IMCLONE SYSTEMS INCORPORATED

Applicant

and

IMCLONE SYSTEMS INCORPORATED

Petitioner in Counterclaim

v.

EXXON MOBIL CORPORATION

Registrant in Counterclaim

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)

JOINT MOTION TO RE-OPEN DISCOVERY AND RESET TESTIMONY DATES

Applicant and Counterclaim Petitioner ImClone Systems Incorporated ("ImClone Systems"), and Opposer Exxon Mobil Corporation ("ExxonMobil"), hereby jointly request that discovery be re-opened and that testimony and trial dates be re-set as set forth below.

The reason for this request is that counsel for the parties have been engaged in discussions that have lead the parties to consent to several extensions of time (a) for responding to discovery; (b) for ExxonMobil to respond to ImClone Systems' counterclaim; and (c) for ImClone Systems to file an Opposition to Exxon Mobil's pending Motion. The parties have jointly moved for such extensions, with the most recent request filed on June 19, 2004.

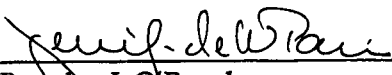
However, the parties inadvertently did not request corresponding extensions of the discovery deadlines. Both parties intended that such extensions be granted.

Therefore, the parties respectfully request the Board re-open discovery and re-set the trial and testimony periods as follows:

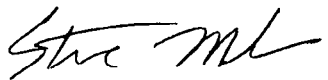
Period for Discovery to Close:	August 24, 2004
30-day testimony period for party in position of plaintiff in the opposition to close:	November 22, 2004
30-day testimony period for party in position of defendant in the opposition and plaintiff in the counterclaim to close:	January 21, 2005
30-day rebuttal testimony period for plaintiff in the opposition and defendant in the counterclaim to close:	March 20, 2004
15-day rebuttal testimony period for plaintiff in the counterclaim to close:	May 3, 2005
Briefs shall be due as follows: [See Trademark Rule 2.128(a)(2)].	
Brief for plaintiff in the opposition shall be due:	July 4, 2005
Brief for defendant in the opposition and plaintiff in the counterclaim shall be due:	August 4, 2005
Brief for defendant in the counterclaim and reply brief, if any, for plaintiff in the opposition shall be due:	September 3, 2005
Reply brief, if any, for plaintiff in the counterclaim shall be due:	September 18, 2005

Respectfully Submitted,

Date: 6/25/04


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

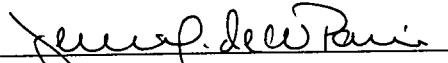
ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on June²⁵ 2004 a true and correct copy of the foregoing Joint Motion to Re-Open Discovery was served by first class mail on counsel for Applicant/Petitioner as follows:

Louis T. Pirkey, Esq.
William G. Barber, Esq.
Stephen P. Meleen, Esq.
Fulbright & Jaworski LLP
600 Congress Avenue, Suite 2400
Austin, Texas 78701

Fax: (512) 536-4598



Jenifer deWolf Paine

PROSKAUER ROSE LLP

1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900

LOS ANGELES
WASHINGTON
BOCA RATON
NEWARK
PARIS

Stephen R. Dwyer
Trademark Administrator

Direct Dial 212.969-4441
sdwyer@proskauer.com

June 25, 2004

TTAB

BOX TTAB – NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514



06-28-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #78

Re: Opposition No. 91158375
Exxon Mobil Corporation v. ImClone Systems Incorporated

To Whom It May Concern:

Enclosed for filing in connection with the above-identified opposition proceeding are the following documents:

1. Joint Motion To Re-open Discovery And Reset Testimony Dates; and
2. Certificate of Service reflecting service of the foregoing paper upon counsel for Opposer.

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

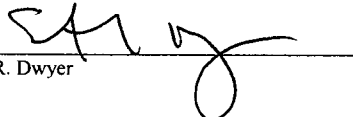
Respectfully submitted,

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 with sufficient postage addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on the date shown below.


Stephen R. Dwyer

Dated: June 25, 2004