

**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	:	
	:	

**IMCLONE SYSTEMS INCORPORATED'S AND EXXON MOBIL CORPORATION'S JOINT  
MOTION FOR EXTENSION OF TIME TO FILE AN OPPOSITION TO MOTION TO  
STRIKE FIRST AND SIXTH AFFIRMATIVE DEFENSES, TO FILE AN ANSWER TO  
COUNTERCLAIMS, AND OF DISCOVERY AND TESTIMONY PERIODS.**

Applicant and Counterclaim Petitioner ImClone Systems Incorporated ("ImClone Systems"), and Opposer Exxon Mobil Corporation (Exxon Mobil), jointly hereby request a further one month extension of time a) for ImClone Systems to file an Opposition to Exxon Mobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses, b) for Exxon Mobil to file an answer or responsive pleading to ImClone Systems' Counterclaims; and c) for discovery and testimony periods.

The reason for this request is that counsel for the parties have agreed that a further one month extension for Exxon Mobil to respond to ImClone Systems' written discovery demands is appropriate, as is an extension of time for Exxon Mobil to respond to ImClone Systems' counterclaims. In exchange, Exxon Mobil 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 Exxon Mobil's pending discovery requests.

Therefore, the parties respectfully requests that:

1) ImClone Systems be granted an additional one month, up through and including **August 12, 2004**, to file an Opposition to Exxon Mobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses;

2) Exxon Mobil be granted an additional one month, up through and including **August 13, 2004**, to file an answer or responsive pleading to ImClone Systems' counterclaims;  
and

3) discovery and testimony periods be reset as follows:

Period for Discovery to Close: September 24, 2004

30-day testimony period for party  
in position of plaintiff in the  
opposition to close: December 22, 2004

30-day testimony period for party  
in position of defendant in the opposition  
and plaintiff in the counterclaim to close: February 21, 2005

30-day rebuttal testimony period for  
plaintiff in the opposition and defendant  
in the counterclaim to close: April 20, 2004

15-day rebuttal testimony period  
for plaintiff in the counterclaim to close: June 3, 2005

**Briefs shall be due as follows:  
[See Trademark Rule 2.128(a)(2)].**

Brief for plaintiff in the opposition  
shall be due:

August 4, 2005

Brief for defendant in the opposition  
and plaintiff in the counterclaim  
shall be due:

September 4, 2005

Brief for defendant in the  
counterclaim and reply brief, if any,  
for plaintiff in the opposition shall be due:

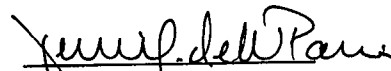
October 4, 2005

Reply brief, if any, for plaintiff  
in the counterclaim shall be due:

October 18, 2005

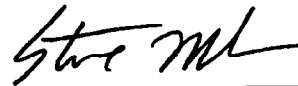
Respectfully Submitted,

Date: 7/12/04



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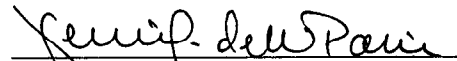
Attorneys for OPPOSER

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on July 12, 2004 a true and correct copy of the foregoing Request For Extension of Time was served by fax and first class mail on counsel for Opposer as follows:

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July 12, 2004

TTAB

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

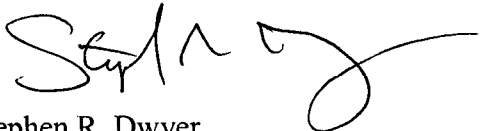
Re: Opposition No. 91158375  
U.S. Serial No. 76/463,019  
Exxon Mobil Corporation v. ImClone Systems Incorporated

To Whom It May Concern:

Enclosed for filing in connection with the above-identified opposition proceeding is ImClone Systems Incorporated's and Exxon Mobil Corporation's Joint Motion For Extension Of Time To File An Opposition To Motion To Strike First And Sixth Affirmative Defenses, To File An Answer To Counterclaims, And Of Discovery and Testimony Periods. 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.

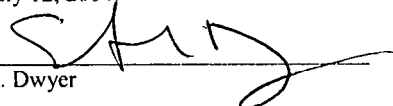
Respectfully submitted,



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 2202-3514 on July 12, 2004.

  
Stephen R. Dwyer

07-15-2004

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