

TTAB

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May 10, 2005

Commissioner for Trademarks
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Trademark: CETUXIMAB ERBITUX (design)
Serial No.: 76/536,109
Opp. No.: 91158375
Our Ref.: 13799-007
Parties: Exxon Mobil Corporation v. Imclone Systems, Incorporated

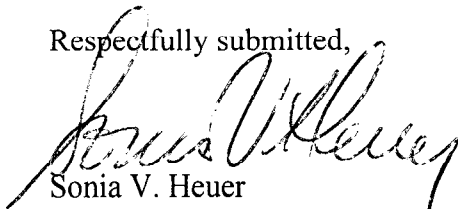
To Whom It May Concern:

Enclosed in connection with the above-referenced preceding are the following:

- Joint Motion for Extension of Time to File a Response; to Motion to Strike; to File an Answer to Counterclaims, and Respond to Outstanding Discovery Requests.
- Certificate of Service.


Please acknowledge receipt of the enclosed documents by stamping and returning the enclosed postage paid postcard.

Respectfully submitted,


Sonia V. Heuer
Legal Assistant - Trademarks

Enclosures

cc: Jenifer deWolf Paine


05-13-2005

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #77

**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	:	
and	:	Cancellation No. _____
	:	Marks:
IMCLONE SYSTEMS INCORPORATED	:	Reg. No. 1,384,919 -- XX (stylized)
Petitioner in Counterclaim	:	Reg. No. 1,412,809 -- XX (stylized)
v.	:	Reg. No. 1,415,453 -- XX (stylized)
	:	Reg. No. 2,149,419 -- XX (stylized)
EXXON MOBIL CORPORATION	:	Reg. No. 2,305,494 -- XX (stylized)
Registrant in Counterclaim	:	

**JOINT MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO MOTION
TO STRIKE, TO FILE AN ANSWER TO COUNTERCLAIMS, AND RESPOND TO
OUTSTANDING DISCOVERY REQUESTS**

Applicant and Counterclaim Petitioner ImClone Systems Incorporated (“ImClone Systems”), and Opposer Exxon Mobil Corporation (“Exxon Mobil”), hereby report on the status of their settlement efforts and jointly request to extend certain deadlines as detailed below.

The parties believe they are very close to a final settlement of this matter. They have exchanged numerous drafts of a settlement agreement, narrowing the issues remaining to be resolved to just a few. Since the Board’s Order of April 12, 2005 resuming these proceedings, the parties have exchanged an additional draft agreement and are attempting to finalize it.

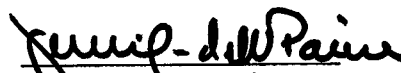
Accordingly, the parties respectfully request that:

- 1) ImClone Systems be granted an additional one month, until **June 12, 2005**, to file an Opposition to ExxonMobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses;
- 2) ExxonMobil be granted an additional one month, until **June 12, 2005**, to file an answer or responsive pleading to ImClone Systems' counterclaims; and
- 3) Each party be granted an additional one month, until **June 12, 2005**, to respond to outstanding discovery requests.

The parties are not requesting at this time any modification to the trial schedule as set forth in the Board's April 12, 2005 Order.

Respectfully Submitted,

Date: 5/10/05



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ATTORNEYS FOR EXXONMOBIL

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:

Buy 1451, ALEXANDRIA, VA 22312-1451

SONYA J. HEUER
(Typed or Printed Name of Person Signing Certificate)


(Signature)

5-10-2005
(Date)

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on May 10, 2005 I caused a true copy of the foregoing Joint Motion for Extension of Time on counsel for Opposer by first class mail as follows:

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