

ESTTA Tracking number: **ESTTA35552**

Filing date: **06/13/2005**

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, Suite 2400 AUSTIN, TX 78701-3248
<b>Submission</b>	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
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<b>Signature</b>	/SPM/
<b>Date</b>	06/13/2005
<b>Attachments</b>	ttab.pdf ( 2 pages )

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

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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	:	

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**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 **July 12, 2005**, to file an Opposition to ExxonMobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses;

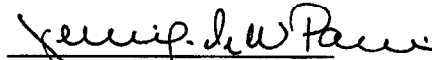
2) ExxonMobil be granted an additional one month, until **July 12, 2005**, to file an answer or responsive pleading to ImClone Systems' counterclaims; and

3) Each party be granted an additional one month, until **July 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.

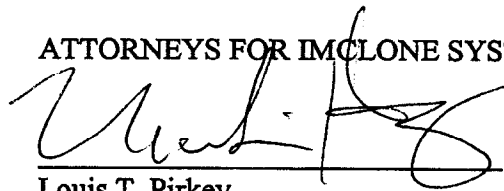
Respectfully Submitted,

Date: 6/12/05



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