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Steve ML

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 TIME TO FILE RESPONSE TO MOTION TO STRIKE , TO FILE AN ANSWER TO COUNTERCLAIMS, RESPOND TO OUTSTANDING DISCOVERY REQUESTS, 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 a response to ExxonMobil's Motion to Strike Applicant's First and Sixth Affirmative Defenses, b) for ExxonMobil to file an answer or responsive pleading to ImClone Systems' Counterclaims, c) each party to respond to the others written discovery requests; and d) for discovery and testimony periods.



The parties have been negotiating a settlement agreement to resolve this matter. ImClone Systems believes that a final settlement in this matter has been reached. ExxonMobil believes that the parties are very close to final resolution, and will provide any additional comments regarding the agreement to ImClone Systems shortly.

Therefore, the parties respectfully request that:

1) ImClone Systems be granted an additional one month, up through and including **October 12, 2005**, 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 **October 12, 2005**, to file an answer or responsive pleading to ImClone Systems' counterclaims;

3) each party be granted an additional one month, until **October 12, 2005**, to respond to outstanding discovery requests; and

3) discovery and testimony periods be reset as follows:

Period for Discovery to Close:	Closed
30-day testimony period for party in position of plaintiff in the opposition to close:	November 13, 2005
30-day testimony period for party in position of defendant in the opposition and plaintiff in the counterclaim to close:	January 12, 2006
30-day rebuttal testimony period for plaintiff in the opposition and defendant in the counterclaim to close:	March 10, 2006
15-day rebuttal testimony period for plaintiff in the counterclaim to close:	April 27, 2006

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

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on September 12, 2005 a true and correct copy of the foregoing Request For Extension of Time was served by email and first class mail on counsel for Opposer as follows:

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Stephen P. Meleen