

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

In the Matter of Serial No. 76/463,019
Trademark: ERBITUX CETUXIMAB & Antibody Design

Exxon Mobil Corporation, Opposer, v. ImClone Systems Incorporated, Applicant.	Opposition No. 91-158,375 Attorney Docket No. 42-060-999
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TTAB

AMENDMENT

1. Applicant hereby requests that the Board ask the assigned Examining Attorney to amend this application by adding a description of the mark:

The mark comprises the words ERBITUX CETUXIMAB and an antibody design (shown in stippling).

2. Applicant further requests that the enclosed drawing replace the drawing presently on file.

CERTIFICATE OF FIRST CLASS MAILING

The undersigned hereby certifies that the foregoing correspondence addressed to Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P. O. Box 1451, Alexandria, VA 22313-1451, is being deposited in care and custody of the United States Postal Service by first class mail, postage prepaid on the 29th day of November, 2006.

Dated: New York, New York
November 29, 2006.

X


name: Jennifer A. McKeivitt

11-29-2006

U.S. Patent & TMO/c/TM Mail Rpt Dt. #22

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REMARKS


The parties, Applicant ImClone Systems Incorporated and Opposer Exxon Mobil Corporation, have reached a settlement in this opposition proceeding. The settlement is based on entry of this amendment, and Exxon Mobil Corporation has consented to the amendment.

The amendment adds a description of the mark, to make clear that the design depicted is a stylized drawing of an antibody. The amendment also substitutes a new drawing for the one presently on file. The difference in the new drawing is that the antibody design is depicted as stippled rather than solid black. Since this does not constitute a material alteration of the mark, Applicant requests that the new drawing be entered of record.

The parties request that the proceedings in this TTAB case remain suspended, pending review of the proposed amendment by the Examining Attorney.

Upon entry of the amendment as requested, Applicant requests that this application be passed to allowance, in view of Exxon Mobil Corporation's having consented thereto.

Respectfully Submitted,



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Date: 11/29/06

Consented to,

(see next page)

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(512) 322-5200
Attorneys for Exxon Mobil Corporation

Date: 11/28/06

ENC. (new drawing)

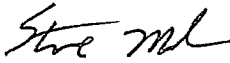
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Respectfully Submitted,

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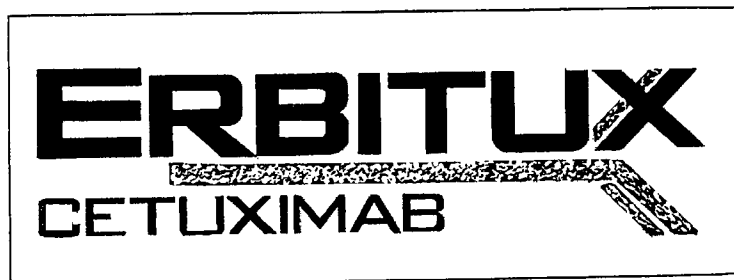
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APPLICANT: ImClone Systems Incorporated

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BASED ON A BONA FIDE INTENTION TO USE THE MARK IN COMMERCE

**GOODS: 5 PHARMACEUTICAL PREPARATION, NAMELY MONOCLONAL
ANTIBODY FOR THE TREATMENT OF CANCER**



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing AMENDMENT has been served upon:

Louis T. Pirkey, Esq.
William G. Barber, Esq.
Stephen P. Meleen, Esq.
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that being the address designated by said attorney for that purpose, by depositing a true copy of same in a postpaid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service on November 29, 2006.