

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

dmd

Mailed: December 8, 2006

Opposition No. 91158375

Exxon Mobil Corporation

v.

ImClone Systems Incorporated

Cindy B. Greenbaum, Attorney:

On November 29, 2006, applicant filed a proposed amendment to its application Serial No. 76463019, with opposer's consent.

By the proposed amendment applicant seeks to amend the application by adding the following statement to the description of the mark: "The mark comprises the words ERBITUX CETUXIMAB and an antibody design (shown in stippling).

Inasmuch as the amendment complies with Trademark Rules of practice regarding descriptions of marks, and because opposer consents thereto, it is approved and entered.

If this resolves the dispute herein, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition and applicant is allowed the same thirty days to file a withdrawal of the counterclaims, failing which the opposition and the counterclaims will go forward on the application as amended. See Trademark Rule 2.106(c).