

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

Ascent Pediatrics, Inc.,
Opposer,
v.
MacroMed, Incorporated,
Applicant.

Opposition No. 91158186
STIPULATED REQUEST TO EXTEND TIME
UNDER 37 C.F.R. § 2.121(d)

Ascent Pediatrics, Inc., through its counsel of record, requests that the discovery and testimony periods in this matter be extended by two- (2) months to allow the parties additional time to conduct discovery. Opposer's counsel has been on maternity leave since November 7, 2003, and, in her absence, there has been no substantive communication between the parties and virtually no discovery. The parties require the additional time to conduct discovery and, if appropriate based on that discovery, explore settlement.

Based thereupon, Ascent Pediatrics, Inc. requests that the discovery and testimony periods in this matter be reset as follows:

	<u>Current Deadline</u>	<u>New Deadline</u>
The period for discovery to close	May 10, 2004	July 10, 2004
Testimony period for party in position of plaintiff to close (opening thirty days prior thereto)	August 8, 2004	October 8, 2004
Testimony period for party in position of defendant to close (opening thirty days prior thereto)	October 7, 2004	December 7, 2004
Rebuttal testimony period to close (opening fifteen days prior thereto)	November 21, 2004	January 21, 2005

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
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Seattle, Washington 98101
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This request was agreed to by counsel for Applicant, MacroMed, Incorporated, via telephone on February 3, 2004, who indicated his consent may be noted herein.

This request is being submitted in triplicate so that the parties can be promptly advised of the action upon this request.

DATED this 4th day of February 2004.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



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Attorneys for Ascent Pediatrics, Inc.

CERTIFICATE OF MAILING

I hereby certify that this Stipulated Request to Extend Time Under 37 C.F.R. § 2.121(d) is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Trademarks, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513, on the below date.

Date: February 4, 2004 Stacey K. Kalata

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February 2004, a true copy of the foregoing Stipulated Request to Extend Time Under 37 C.F.R. § 2.121(d) was served on counsel for Applicant via first-class mail to:

Mr. Jason R. Jones, Esq.
Thorpe North & Western, LLP
P.O. Box 1219
Sandy, UT 84091

Executed on: February 4, 2004

Stacey K. Kalata

DKT:skk