

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)

03-18-2004  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #78

Ascent Pediatrics, Inc., through its counsel of record, requests that the discovery and testimony periods in this matter be extended by sixty (60) days to allow the parties additional time to attempt to settle this matter. If settlement cannot be reached, the additional time will also be needed to conduct discovery.

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	July 10, 2004	September 9, 2004
Testimony period for party in position of plaintiff to close (opening thirty days prior thereto)	October 8, 2004	December 7, 2004
Testimony period for party in position of defendant to close (opening thirty days prior thereto)	December 7, 2004	February 5, 2005
Rebuttal testimony period to close (opening fifteen days prior thereto)	January 21, 2005	March 22, 2005

This request was agreed to by counsel for Applicant, MacroMed, Incorporated, via e-mail

LAW OFFICES OF  
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on March 12, 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 15<sup>th</sup> day of March 2004.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



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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: March 15, 2004 \_\_\_\_\_ Stacey K. Kalata \_\_\_\_\_

#### CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of March 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: March 15, 2004

Stacey K. Kalata \_\_\_\_\_

DKT:skk