

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF

Application Nº: 78-209,649
Filed: January 31, 2003
By: NPS Pharmaceuticals, Inc.
Published: September 16, 2003
Trademark: OSTACT
Class: 5

CERTIFICATE OF MAILING UNDER 37 CFR 1.8
I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail pursuant to 37 CFR 1.8 on the date indicated below addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202.
September 8, 2004 (Date of deposit)
Marsha G. Ajhar (Print/type name of person signing Certificate)
[Signature]

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202

TTAB

MOTION ON CONSENT FOR EXTENSION OF TIME TO FILE A NOTICE OF OPPOSITION

Ligand Pharmaceuticals, Inc., a corporation organized and existing under the laws of the State of Delaware, with a place of business at 10275 Science Center Drive, San Diego, California 92121, hereby requests an additional thirty (30) day extension of the opposition period for the above-captioned application from September 9, 2004 to and including October 9, 2004.

This extension of time is not requested merely for purposes of delay. The parties have reached an agreement in principle to resolve the matter by the amendment of Applicant's identification of goods. Additional time is needed to circulate an agreement for review and signature and then for Applicant to file a post-publication Amendment.

Counsel for Applicant, Michael E. Mangelson, Esq., consented to the extension of time sought hereby in a telephone conversation with the undersigned on September 8, 2004. This request is submitted in triplicate pursuant to 37 C.F.R. 2.102(d).

Respectfully submitted,

ABELMAN FRAYNE & SCHWAB
Attorneys for Potential Opposer,
Ligand Pharmaceuticals, Inc.



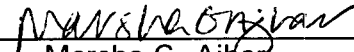
09-10-2004

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #64

By: [Signature]
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing MOTION ON CONSENT FOR EXTENSION OF TIME TO FILE A NOTICE OF OPPOSITION was served upon Michael E. Mangelson, Esq., Steel Rives LLP, 201 South Main Street, Salt Lake City, Utah 84111-4904, by first class mail, postage prepaid, this 8<sup>th</sup> day of September, 2004.

  
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Marsha G. Ajar