

**TTAB**

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

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MARTHA STEWART LIVING :  
OMNIMEDIA, INC. :

Opposer, :

v. :

AMERICAN PUBLISHING, LLC :

Applicant. :  
-----X

Cancellation No. 91157919

<p><b>CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10</b></p> <p>"Express Mail" mailing label number: <b>EL803885819US</b></p> <p>DATE OF DEPOSIT: <u>June 11, 2004</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service Under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.</p> <p style="text-align: center;"><i>Brad M. Behar</i> Brad M. Behar</p>
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**MOTION ON CONSENT FOR  
EXTENSION OF DISCOVERY PERIOD**

Opposer, Martha Stewart Living Omnimedia, Inc., through its undersigned counsel, hereby requests on consent of counsel for Applicant American Publishing, LLC, that the Trademark Trial and Appeal Board extend the time for discovery and testimony by sixty (60) days in this proceeding as follows:

Discovery Period to Close:

August 17, 2004

30-day testimony period for party in position of plaintiff to close:

December 13, 2004

30-day testimony period for party in position of defendant to close:

February 14, 2005

15-day rebuttal testimony period for plaintiff to close:

March 29, 2005

The additional time is requested because the parties require additional time to finalize the terms of a protective order, produce confidential documents thereunder and take additional discovery



06-11-2004

including depositions. The parties conferred and consented to the above extension on June 10, 2004.


The additional time is requested for the reasons stated herein, and is not requested for the purpose of unduly delaying this proceeding. Since the parties respectfully state they have shown good cause for this request, we request that the extension be granted.

Respectfully submitted,

KENYON & KENYON

Dated: June 11, 2004

By:



Howard J. Shire

Brad M. Behar

KENYON & KENYON

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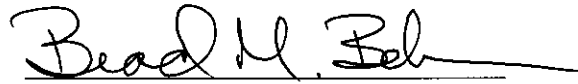
Attorneys for Opposer

Martha Stewart Living Omnimedia, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Motion on Consent for Extension of Discovery and Testimony Periods* has been sent on this 11<sup>th</sup> day of June, 2004, via first class mail, postage prepaid to:

Daniel J. Checkowsky  
Young & Basile, P.C.  
3001 W. Big Beaver Road  
Troy, MI 48084-3107  
(248) 649-3333

A handwritten signature in black ink, appearing to read "Brad M. Behar", written over a horizontal line.

Brad M. Behar