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

-----X
MARTHA STEWART LIVING :
OMNIMEDIA, INC., :
 :
Opposer :
 :
v. :
 :
 :
AMERICAN PUBLISHING, LLC and :
MARS ADVERTISING COMPANY, INC., :
 :
Applicants. :
-----X

Opposition No. 91157919

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. § 1.10
"Express Mail" mailing label number: **EL 803885740 US**
DATE OF DEPOSIT: October 18, 2004
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.
Brad M. Behar
Brad M. Behar

MOTION ON CONSENT FOR FOURTH
EXTENSION OF DISCOVERY AND TESTIMONY PERIODS

Martha Stewart Living Omnimedia, Inc. ("MSLO"), through its undersigned counsel, hereby requests, with the consent of counsel for American Publishing, LLC and Mars Advertising Company, Inc., that the Trademark Trial and Appeal Board extend the time for discovery and testimony by thirty (30) days in this proceeding as follows:

DISCOVERY PERIOD TO CLOSE: November 15, 2004
30-day testimony period for party in the position of plaintiff to close: February 13, 2005
30-day testimony period for party in the position of defendant to close: April 14, 2005
15-day rebuttal testimony period for party in the position of the plaintiff to close: May 29, 2005

The additional time is requested because the parties have agreed upon the basic terms of a settlement and are in the process of finalizing a formal written settlement agreement. The parties



10-19-2004

have agreed to suspend all discovery in this proceeding because it appears that the case will settle.

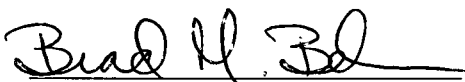
The parties intend to notify the Board as soon as the settlement document is fully executed.

The additional time is requested for the reasons stated herein, and is not requested for the purpose of unduly delaying this proceeding. We request that the extension be granted.

Respectfully submitted,

KENYON & KENYON

Dated: October 18, 2004

By: 

Howard J. Shire

Brad M. Behar

KENYON & KENYON

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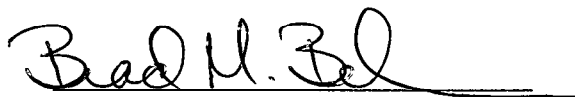
Attorneys for Opposer

Martha Stewart Living Omnimedia, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion on Consent for Fourth Extension of Discovery and Testimony Periods* has been sent on this 18th day of October, 2004, via first class mail, postage prepaid to:

Thomas E. Bejin, Esq.
Young & Basile, P.C.
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Troy, MI 48084-3107
(248) 649-3333


Brad M. Behar