

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

MARTHA STEWART LIVING
OMNIMEDIA, INC.

Opposer,

v.

AMERICAN PUBLISHING, LLC

Applicant.

Cancellation No. 91157919

CERTIFICATE OF EXPRESS MAIL.
UNDER 37 C.F.R. § 1.110

"Express Mail" mailing label number: EL803885974 US

DATE OF DEPOSIT: April 15, 2004 *(BWB)*

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. § 1.110 on the date indicated above and is addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3534

Brid M. Behar
Brid M. Behar

MOTION ON CONSENT FOR
EXTENSION OF DISCOVERY AND TESTIMONY PERIODS

Opposer, Martha Stewart Living Omnimedia, Inc. and Applicant American Publishing, LLC, through their respective undersigned counsel, hereby requests on consent that the Trademark Trial and Appeal Board extend the time for discovery by sixty (60) days and the time for testimony by ninety (90) days in this proceeding as follows:

- Discovery Period to Close: June 18, 2004
- 30-day testimony period for party in position of plaintiff to close: October 13, 2004
- 30-day testimony period for party in position of defendant to close: December 11, 2004
- 15-day rebuttal testimony period for plaintiff to close: January 26, 2005

The additional time is requested because the parties had suspended discovery during settlement negotiations which have now been terminated by Applicant. Thus, additional time is

required to complete outstanding discovery and to commence additional discovery relating to the action. Furthermore, the testimony periods have been extended because counsel for Applicant will be unavailable for a two week period in August. The parties conferred and consented to the above extension on April 9, 2004 and on April 13, 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.

Dated: April 15, 2004

Respectfully submitted,

KENYON & KENYON

By: Brad M. Behar

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and

YOUNG & BASILE, P.C.

Dated: April 13, 2004

By: Daniel J. Checkowky


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Attorneys for Applicant
American Publishing, LLC

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 15 day of April, 2004, via first class mail, postage prepaid to:

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