

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

In The Matter of Application Serial No. 78,312,414  
Published in the Official Gazette on May 25, 2004  
Trademark: CELLEGION

**TTAB**

CELLEGY PHARMACEUTICALS, INC.,	)	
	)	
Opposer,	)	
	)	OPPOSITION NO. 91162203
v.	)	
	)	
APEX ENERGETICS, INC.,	)	
	)	
Applicant.	)	
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03-14-2005  
U.S. Patent & TMOfo/TM Mail Rcpt Dt. #74

**THIRD STIPULATION TO EXTEND TIME TO RESPOND TO OPPOSER'S WRITTEN  
DISCOVERY**

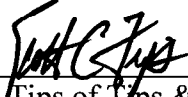
Applicant Apex Energetics, Inc. ("Applicant") and Opposer Cellegy Pharmaceuticals, Inc. ("Opposer"), by and through their respective counsel, have agreed to stipulate to a further thirty (30) day extension of time for Applicant to respond to all written discovery heretofore propounded upon Applicant by first-class mail on December 20, 2004, by Opposer in the above-captioned Opposition Proceeding on the trademark application Serial No. 78/312,414 of Applicant. Accordingly, both parties move that the above-mentioned discovery due-date, with the Board's approval and consent, be extended to, and include, April 9, 2005.

Applicant's counsel has been in contact with Mr. Harold Milstein, Jr., Attorney at Law of the firm Heller Ehrman, counsel for Opposer, by e-mail on March 4, 2005, and both parties, through counsel, have agreed to this extension and motion because the settlement discussions with respect to this matter still need to be reduced to a written agreement so that this matter may be finally and fully resolved.

Respectfully submitted,

Dated: March 09, 2005.

By

  
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CERTIFICATE OF SERVICE AND MAILING

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE POSTAL SERVICE OF THE PRINCIPALITY OF MONACO ON MARCH 9, 2005, WITH SUFFICIENT AIR-MAIL POSTAGE IN ENVELOPES ADDRESSED TO THE TRADEMARK TRIAL AND APPEAL BOARD, U.S. PATENT AND TRADEMARK OFFICE, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451 USA, AND ON THE SAME DATE HAS BEEN SERVED UPON AND TO COUNSEL FOR CELLEGY PHARMACEUTICALS, INC., ATTENTION LISA GREENWALD-SWIRE, ESQ., HELLER EHRMAN WHITE & MCAULIFFE LLP, 275 MIDDLEFIELD ROAD, MENLO PARK, CALIFORNIA 94025-3506 USA.

  
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Scott C. Tips