

TTAB

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

Applied Precision, LLC, Petitioner

Cancellation No. 92040962

v.

Reg. No. 1374584

Softworks, Inc., Registrant

Ref No. 44182.290034

STIPULATED MOTION FOR ACCEPTANCE OF A LATE-FILED
TO PETITION TO CANCEL

11-29-2002
U.S. Patent & TM Office TM Mail Rcpt Dt. #77

BOX TTAB

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Sir or Madam:

On September 4, 2002, the Patent and Trademark Office Trial and Appeal Board set discovery and trial dates for the above identified cancellation proceeding.

Registrant, Softworks, Inc. respectfully requests acceptance of a late-filed answer to Petition to Cancel. Response date for the Answer to Petition to Cancel was due October 14, 2002. Extension of time to respond is requested due to ongoing discussions with Petitioner for settlement purposes.

Registrant answers the Petition to Cancel to Applied Precision as follows:

1. Software, Inc. admits the allegations of Paragraph 1.
2. Software, Inc. lacks sufficient information to admit or deny and on that basis denies the allegations of Paragraph 2.
3. Software, Inc. denies the allegations of Paragraph 3.
4. Software, Inc. denies the allegations of Paragraph 4.
5. Software, Inc. denies the allegations of Paragraph 5.

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6. Software, Inc. denies the allegations of Paragraph 6.
7. Software, Inc. denies the allegations of Paragraph 7.
8. Software, Inc. denies the allegations of Paragraph 8.
9. Software, Inc. denies the allegations of Paragraph 9.

Accordingly, to allow time for the settlement discussions to take place, Registrant requests that Discovery and testimony periods to be rescheduled as follows:

Stipulated Reset Discovery and Trial Dates

Discovery period to open:	January 24, 2003
Discovery period to close:	July 24, 2003
30-day testimony period for party in position of petitioner to close:	October 24, 2003
30-day testimony period for party in position of registrant to close:	January 24, 2004
15-day rebuttal testimony period for petitioner to close:	March 20, 2004

WHEREFORE, it is respectfully requested that the discovery and trial dates be extended as indicated above.

Respectfully submitted,



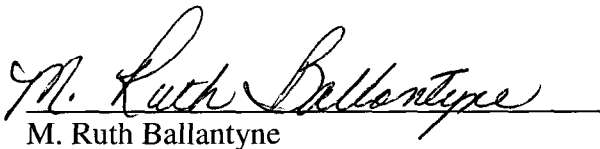
Paul T. Dacier
Director
Softworks, Inc.

Date: NOV 26, 2002

Cc: Gabrielle A. Holley
(Attorney for Petitioner)
Pillsbury Winthrop LLP
11682 El Camino Real, Suite 200
San Diego, CA 92130

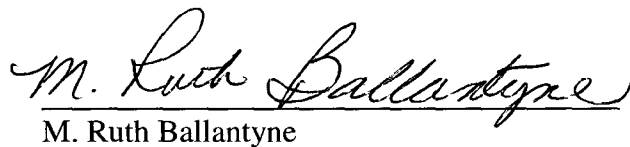
CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this Stipulated Motion for Acceptance of a Late-Filed Answer to Petition to Cancel and Stipulated Reset Discovery and Trial Dates Request, Registration No. 1,374,584, for the mark **SOFTWARES** (in triplicate), are being deposited with the United States Postal Service as Express Mail EK900603558US under CFR Section 1.10 on Nov 27, 2002 and is addressed to The Honorable Commissioner of Patents and Trademarks, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513.


M. Ruth Ballantyne

CERTIFICATE OF MAILING

I hereby certify that this Stipulated Motion for Acceptance of a Late-Filed Answer to Petition to Cancel and Stipulated Reset Discovery and Trial Dates Request, is being served upon Gabrielle A. Holley, Esq., Attorney for Applied Precision, LLC, by mailing a true copy thereof to her via First Class US Mail, postage prepaid, to Gabrielle A. Holley, Esq., Pillsbury Winthrop, LLP, 11682 El Camino Real, Suite 200, San Diego, CA 92130.


M. Ruth Ballantyne