

[illegible]

STERLING SOFTWARE, INC.

www.elsevier.com/locate/jmb

vs.

Mark: COOL INFO

Application No. 75/722,166

Applicant.



09-10-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #78

Good cause exists for Opposer's request, this request is not brought for purposes of delay, and there will be no prejudice to the non-moving party if this motion is granted by the Board. Opposer is currently evaluating its future use of its COOL:___ family of marks, including Opposer's registration number 2,243,584 for COOL:BIZ that is the basis for this opposition. Additional time would help Opposer evaluate its options regarding this opposition. Moreover, Opposer's attorney has had difficulty in obtaining responses and instructions from Opposer regarding draft settlement agreements and upcoming deadlines for filing substantive documents. After Opposer's attorney made contact with Opposer regarding responding to the Board's notice of default, the contact person was unable to reach those persons with authority to supply instructions as to how to proceed in light of the Board's notice. As a result of these communication difficulties, Opposer's attorney was unable to respond to the Board's notice of default before the expiration of today's deadline.

Since this motion is being filed without the consent of the nonmoving party, it is being submitted in single form.

Respectfully submitted on this 10 day of September, 2003,

By: David A. Bell
David A. Bell
BAKER BOTTS, L.L.P.
2001 Ross Ave.
Dallas, Texas 75201
(214) 953-6479

Attorneys for OPPOSER
STERLING SOFTWARE, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2003, a true and correct copy of the foregoing *Unconsented Motion to Extend Time to Respond to Notice of Default* was sent via first-class mail, postage prepaid, for service upon:

Aaron Luke Richey
3221 East 43rd Ave.
Spokane, WA 99223

Cecily Porterfield
Cecily Porterfield

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 in an envelope addressed to:
BOX TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on September 10, 2003.

Cecily Porterfield
Name: Cecily Porterfield

EV 073005922 US
Express Mail Cert. No.

09/10/2003 TTAB

BAKER BOTTS L.L.P.

2001 ROSS AVENUE
DALLAS, TEXAS
75201-2980
214.953.6500
FAX 214.953.6503

AUSTIN
BAKU
DALLAS
HOUSTON
LONDON
NEW YORK
RIYADH
WASHINGTON

September 10, 2003

David A. Bell
214.953.6479
FAX 214.661.4899
david.bell@bakerbotts.com

VIA EXPRESS MAIL EV 073005922 US

Commissioner for Trademarks
BOX TTAB NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Re: *Sterling Software, Inc. v. Aaron Luke Richey*
Mark: **COOL INFO**
Opposition No: 120,691
Our File: 063170.2336



09-10-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #78

Honorable Commissioner:

Enclosed please find an *Uncontested Motion to Extend Time to Respond to Notice of Default* in the above-referenced trademark opposition. While we do not expect there to be a fee for the filing of this Motion, please charge any related fees to Baker Botts L.L.P.'s Deposit Account 50-2147.

Please acknowledge receipt of this document by stamping and returning the enclosed postage paid, self-addressed postcard. Your attention to this matter is greatly appreciated. If you have any questions concerning the enclosed, please do not hesitate to contact me.

Very truly yours,

David A. Bell

David A. Bell

DAB:ckp

Enclosures

cc: Aaron Luke Richey
Sterling Software, Inc.

09/10/2003 PM 5:02