

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES

IN THE MATTER OF	)	
ASPEN TECHNOLOGY, INC.,	)	Docket No. 9310
Respondent.	)	

**RESPONDENT ASPEN TECHNOLOGY, INC.'S MOTION  
FOR FURTHER EXTENSION OF DISCOVERY DEADLINE**

Respondent Aspen Technology, Inc. ("AspenTech") respectfully requests that the close of discovery for the limited purpose of obtaining discovery from Heat Transfer Research, Inc. ("HTRI") on heat transfer software be extended until April 9, 2004.

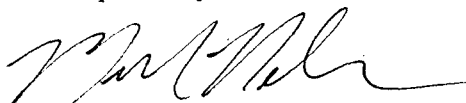
Pursuant to Your Honor's March 2, 2004 order, AspenTech promptly served a subpoena *Duces Tecum* on HTRI and a subpoena *Ad Testificandum* on Mr. Fernando Aguirre, whom Complaint Counsel has designated as a witness. HTRI has indicated that it will be unable to comply with these discovery requests by the current March 25, 2004 deadline and that Mr. Aguirre will not be available for deposition until the week ending April 9, 2004. Accordingly, AspenTech requests that the close of discovery for the limited purpose of obtaining discovery from HTRI on heat transfer software be extended until April 9, 2004. This extension is necessary to obtain discovery from HTRI so that AspenTech may prepare a defense to Complaint Counsel's new allegation related to thermal design software.

The Scheduling Order may be modified "upon a showing of good cause." Rule 3.21, 16 C.F.R. 3.21. AspenTech submits that the inability of HTRI to comply with the discovery requests in a timely manner constitutes good cause. These extensions will not affect any other deadline on the recently modified scheduling order. Complaint Counsel have

indicated, without approving any of the foregoing assertions in this motion, that they do not oppose the extension of discovery for the limited purpose of obtaining discovery from HTRI to April 9, 2004.

Date: March 12, 2004

Respectfully submitted by:



George S. Cary  
David I. Gelfand  
Mark W. Nelson  
Jeremy J. Calsyn  
Tanya N. Dunne

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COUNSEL FOR ASPEN TECHNOLOGY, INC.

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

\_\_\_\_\_  
IN THE MATTER OF )  
 )

ASPEN TECHNOLOGY, INC., )

Respondent. )  
\_\_\_\_\_ )

Docket No. 9310

**[PROPOSED] ORDER GRANTING RESPONDENT'S MOTION  
FOR FURTHER EXTENSION OF DISCOVERY DEADLINE**

On March 12, 2004, Respondent filed a motion requesting that the close of discovery for the limited purpose of obtaining discovery from HTRI be extended until April 9, 2004.

Complaint Counsel did not oppose this extension of time. Respondent's motion for extension is GRANTED.

ORDERED:

\_\_\_\_\_  
Stephen J. McGuire  
Chief Administrative Law Judge

Date:

**CERTIFICATE OF SERVICE**

I, Mark W. Nelson, hereby certify that on March 12, 2004, I caused a true and correct copy of the attached *Respondent Aspen Technology, Inc.'s Motion for Further Extension of Discovery Deadline* to be served upon the following persons:

By hand delivery:

Hon. Stephen J. McGuire  
Chief Administrative Law Judge  
Federal Trade Commission  
Room H-112  
600 Pennsylvania Ave., N.W.  
Washington, D.C. 20580

By hand delivery and e-mail:

Peter Richman  
Lead Staff Attorney  
Bureau of Competition  
Federal Trade Commission  
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Federal Trade Commission  
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Mark W. Nelson