## 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.	)	
•	)	

#### JOINT MOTION TO AMEND THE SCHEDULING ORDER

Complaint Counsel and Respondent Aspen Technology, Inc. ("AspenTech") (collectively the "Parties") hereby respectfully request that the Scheduling Order, dated September 16, 2003, as amended, be further amended to provide for an extension of four weeks and three days for all remaining deadlines. The Parties are continuing to work diligently and cooperatively in this matter. The Parties agree that an extension of the remaining deadlines at this time, including the hearing date, would be in the best interests of the Parties and would conserve the resources of the Parties and the Court. A proposed Third Revised Scheduling Order is attached as Exhibit A.

Under the proposed Third Revised Scheduling Order, the administrative hearing in this case, currently scheduled for May 26, 2004, would commence on June 28, 2004.

For the reasons stated above, the Parties respectfully request the Court amend the Scheduling Order and approve the attached proposed Third Revised Scheduling Order.

Date: May 14, 2004

Respectfully submitted by:

Peter Richman Lesli C. Esposito Mary N. Lehner

Bureau of Competition Federal Trade Commission Washington, D.C.

COUNSEL SUPPORTING THE COMPLAINT

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

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Tel: 202-974-1500

COUNSEL FOR ASPEN TECHNOLOGY, INC.

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**EXHIBIT A** 

## 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.	) ) )	

### [PROPOSED] THIRD REVISED SCHEDULING ORDER

On May 14, 2004, the Parties filed a joint motion to amend the scheduling order. The Parties have demonstrated good cause for revising the scheduling order. The motion is **GRANTED.** 

The Scheduling Order is revised as follows:

June 16, 2004	Exchange proposed stipulations of law, facts, and authenticity.
June 22, 2004	Respondent's Counsel files pretrial brief, not to exceed 50 pages.
June 23, 2004	File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be filed as agreed by the parties.
June 23, 2004	Deadline for depositions of experts (including rebuttal experts).
June 25, 2004	Deadline for Complaint Counsel to file reply pretrial brief, not to exceed 15 pages.
June 25, 2004	Final prehearing conference to be held at 10:00 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, N.W., Washington, D.C. The parties are to meet and confer prior to the conference regarding trial logistics and proposed stipulations of law, facts, and authenticity and any designated deposition testimony. Counsel may present any objections to the final proposed witness lists and exhibits, including the designated testimony to be presented by deposition. Trial exhibits will be admitted or excluded to the extent practicable.
June 28, 2004	Commencement of Hearing, to begin at 10:00 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, N.W., Washington, D.C.

ORDERED:	
	Stephen J. McGuire
	Chief Administrative Law Judg

Date: May \_\_\_\_, 2004

### **CERTIFICATE OF SERVICE**

I, Evelyn Boynton, hereby certify that on May 14, 2004, I caused a true and correct copy of the attached *Joint Motion to Amend the Scheduling Order* 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

The following persons by e-mail and hand delivery:

Donald S. Clark, Secretary Federal Trade Commission Room H-159 600 Pennsylvania Ave., N.W. Washington, D.C. 20580

Evelyn I. Boynton Merger Analyst

Federal Trade Commission