

**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 UNOPPOSED MOTION
FOR FURTHER LIMITED 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 30, 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. AspenTech requested, and on March 15, 2004, Your Honor granted an extension of the close of discovery for the limited purpose of obtaining discovery from HTRI until April 9, 2004. On March 30, 2004, HTRI produced nine boxes of documents in response to AspenTech’s subpoenas.

Due to scheduling conflicts, AspenTech will be unable to take the deposition of Mr. Aguirre on April 7, as previously scheduled. HTRI’s counsel has informed AspenTech that Mr. Aguirre will be out of the country until April 20, 2004, and otherwise unavailable until April 29, 2004. After conferring with Complaint Counsel and further consultation with HTRI’s counsel yesterday, all have agreed that the deposition of Mr. Aguirre may be rescheduled to April 29, 2004. Accordingly, AspenTech respectfully requests that the close of

discovery for the limited purpose of obtaining discovery from HTRI on heat transfer software be extended until April 30, 2004.

This extension will not affect any other deadline on the Second Revised Scheduling Order. Complaint Counsel has indicated that they do not oppose the extension of discovery for the limited purpose of obtaining discovery from HTRI to April 30, 2004.

Date: April 6, 2004

Respectfully submitted by:



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

CLEARY, GOTTLIEB, STEEN & HAMILTON
2000 Pennsylvania Avenue, NW
Washington, D.C. 20006
Tel: 202-974-1500

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.,)	Docket No. 9310
)	
Respondent.)	

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

On April 6, 2004, Respondent filed a motion requesting that the close of discovery for the limited purpose of obtaining discovery from HTRI be extended until April 30, 2004. Complaint Counsel did not oppose this extension of time for the limited purpose. This extension will not affect any other deadline on the Second Revised Scheduling Order. Respondent's motion for extension is GRANTED.

ORDERED:

Stephen J. McGuire
Chief Administrative Law Judge

Date:

CERTIFICATE OF SERVICE

I, Tanya N. Dunne, hereby certify that on April 6, 2004, I caused a true and correct copy of the attached *Respondent Aspen Technology, Inc.'s Unopposed Motion for Further Limited Extension of Discovery Deadline* to be served upon the following persons:

By hand delivery:

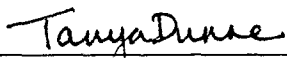
Hon. Stephen J. McGuire
Chief Administrative Law Judge
Federal Trade Commission
Room H-112
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

By hand delivery and e-mail:

Peter Richman
Lead Staff Attorney
Bureau of Competition
Federal Trade Commission
Room NJ-7172-A
601 New Jersey Avenue, N.W.
Washington, D.C. 20001

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

Phillip L. Broyles
Assistant Director
Bureau of Competition
Federal Trade Commission
Room NJ-7172-A
601 New Jersey Avenue, N.W.
Washington, D.C. 20001



Tanya N. Dunne