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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

COLLEGENET, INC.,
a Delaware corporation

Case No. 3:06 CV 00663 PK

Plaintiff,

v.

**ACN'S REPLY IN SUPPORT OF
MOTION FOR EXTENSION**

ACN, INC., d/b/a ANYCOLLEGE.NET,
a Minnesota corporation

Trademark Case

Defendant.

This is basically a trademark infringement case. As acknowledged in CollegeNET's brief, ACN, Inc. ("ACN") has already addressed one issue by adjusting its web presence and providing written assurances that the inadvertent situation would not reoccur.

ACN filed its motion for extension upon receipt of an email from CollegeNET's attorneys that there was no understanding or agreement about extensions. Only after ACN filed its motion did CollegeNET confirm its offer of a one-week extension.

CollegeNET's reason for opposing ACN's request for extension is that ACN's use of ANYCOLLEGE.NET is damaging CollegeNET on a daily basis. CollegeNET does not inform

the Court that it has known of ACN's use of ANYCOLLEGE.NET for almost six years without taking action.

The elements of laches are unreasonable delay by the senior user and prejudice to the junior user. Under prevailing law, a six-year delay is presumptively unreasonable and CollegeNET's claim of daily damage is either hyperbole or an indictment of its six-year delay.

CollegeNET's unreasonable delay undercuts its objection to the modest extension of time requested by ACN.

DATED June 7, 2006.

Respectfully submitted,

CHERNOFF, VILHAUER,
McCLUNG & STENZEL, L.L.P.

/s/ J. Peter Staples
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Of Attorneys for Defendants