

J. PETER STAPLES, OSB No. 79404

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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

COLLEGENET, INC.,
a Delaware corporation

Case No. 3:06 CV 00663 PK

Plaintiff,

v.

A.C.N., INC., d/b/a ANYCOLLEGE.NET,
a Minnesota corporation**DECLARATION OF J. PETER
STAPLES IN SUPPORT OF A.C.N.,
INC.'S MOTION FOR EXTENSION
OF TIME**

Defendant.

Trademark Case

I, J. Peter Staples, hereby declare as follows:

1. I am a partner in the law firm of Chernoff, Vilhauer, McClung & Stenzel, L.L.P.
2. I have been retained by defendant A.C.N., Inc. ("ACN") to represent it in the above-entitled lawsuit.
3. The statements below are made on the basis of my own personal knowledge.
4. This is an action for trademark infringement and unfair competition, including claims of false designation of origin.
5. I contacted Michael Zachary, one of the attorneys for plaintiff, to seek an

extension of time to answer or otherwise respond to the Complaint. In the course of that conversation, we discussed plaintiff's claims and jointly determined that there may be a way to resolve an aspect of CollegeNET's false designation claim. Mr. Zachary and I spoke over the telephone and corresponded by email. Mr. Zachary suggested certain assurances but cautioned that the proposal had not been approved by CollegeNET. I consulted with ACN and provided certain written assurances on behalf of ACN. These activities directed toward settlement diverted defendant's efforts away from preparing a response to the Complaint.

6. After providing the assurances, I again inquired about an extension. Plaintiff was unable to respond in a time frame which provided defendant with ample time to prepare a well-considered response to the Complaint. A copy of the most recent email exchange between me and plaintiff is attached as Exhibit 1 to my Declaration.

I declare under penalty of perjury that this Declaration is true and correct.

Dated May 25, 2006.

J. Peter Staples, OSB #79404
Of Attorneys for Defendants