ASPEN TECHNOLOGY, INC.,	1	Docket No. 9310
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Respondent.)	
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COMPLAINT COUNSEL'S RESPONSE TO RESPONDENT'S MOTION FOR EXTENSION OF DISCOVERY DEADLINE TO ALLOW FOR DISCOVERY OF A NEW THEORY OF COMPETITIVE HARM

Complaint Counsel oppose Respondent's Motion for Extension of Discovery Deadline to Allow for Discovery of a New Theory of Competitive Harm ("Motion for Extension"), but do not oppose an extension1of discovery for the limited purpose of obtaining documents from Heat Transfer Research, Inc. ("HTRI") and deposition testimony from Fernando Aguirre, HTR17sVice President for Business Development. Complaint Counsel's addition of HTRI and Mr. Aguirre addresses theories already pleaded in the Complaint and, contrary to Respondent's assertion, does not introduce a new theory of competitive harm. Therefore, as contemplated by the Scheduling Order, Respondent is not prejudiced by the addition of Mr. Aguirre if granted "a reasonable amount of time to subpoena documents for and depose any witness added to the witness list pursuant to this paragraph, even if the discovery takes place during the hearing."2

In a telephone conversation, Respondent's Counsel requested 30 days for additional discovery and although Complaint Counsel do not object to this amount, Respondent has asked for more than 30 days in Respondent's motion.

September 16,2003, Scheduling Order, as modified on January 28,2004 ("Scheduling Order"), additional provisions 7/9.

Letter to Mark Nelson, Esq. Page 2

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

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In the Matter of)	
)	
ASPEN TECHNOLOGY, INC.,)	Docket No. 9310