

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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FOUR STAR INTERNATIONAL TRADING COMPANY, : 
Opposer, : 11-14-2002
: U.S. Patent & TMO/TM Mail Rpt. Dt. #40
v. :
SPICE MARKET, INC., : Opposition No. 124,553
Applicant. :
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STIPULATED PROTECTIVE ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto,
that:

1. Any party or non-party that produces information in connection with this case orally during testimony at depositions, in writing, or through the production of documents or otherwise during the discovery period herein which it reasonably believes in good faith to be confidential or highly confidential in nature may designate such information for protection under this order and the information so designated ("Protected Material") shall thereafter be subject to the provisions of this Stipulated Protective Order.

2. Protected Material shall be designated by the party producing it as "CONFIDENTIAL" or "CONFIDENTIAL/ATTORNEYS ONLY" at the time that a response to discovery is made by placing or affixing a "CONFIDENTIAL" or "CONFIDENTIAL/ATTORNEYS ONLY" notice in writing on documents containing such

Protected Material, except that in the case of depositions, the party's counsel wishing to designate portions of a deposition as containing Protected Material may do so by making an appropriate statement at the time of the giving of such testimony or by notifying opposing counsel in writing upon subsequent review of the transcript. In the event that such designation is made at the time of the giving of such testimony, the disclosing party shall have the right to exclude from attendance at said deposition, hearing or trial any person other than the deponent and those persons identified in paragraph 4 below (with respect to information designated as CONFIDENTIAL/ATTORNEYS ONLY) and/or paragraph 5 below (with respect to information designated as CONFIDENTIAL).

3. Any designation of Protected Material which is inadvertently omitted during document production may be corrected by written notification to opposing counsel, and such documents shall thereafter be treated as Protected Materials in accordance with the provisions of this Stipulated Protective Order. Where material is designated both "CONFIDENTIAL" and "CONFIDENTIAL/ ATTORNEYS ONLY," the material shall be treated as "CONFIDENTIAL/ATTORNEYS ONLY."

4. Protected Material classified as "CONFIDENTIAL/ATTORNEYS ONLY" under paragraph 2 may be disclosed only to the following persons, except upon the prior written consent of the designating party or upon order of the Court:

(a) counsel of record and in house counsel for the parties and the necessary clerical and legal support personnel employed by such counsel. For the purposes of this order, counsel of record for the Opposer is Salter & Michaelson, 321 South Main Street, Providence, RI 02903. Counsel of record for the Applicant is Cowan,

Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York
10036-6799.

(b) independent consultants and experts retained by counsel of record to assist in connection with this action; subject to the provisions contained in paragraph 6 of this Stipulated Protective Order;

(c) persons who are identified on the face of the writing containing such information as the authors or recipients of the information; and

(d) the Board and its employees, including stenographic reporters present at depositions or at trial.

5. Protected material classified as "CONFIDENTIAL" under paragraph 2 may not be disclosed by any person to anyone other than:

(a) the persons identified in paragraph 4 above to whom information designated as "CONFIDENTIAL/ATTORNEYS ONLY" may be disclosed;

(b) the parties or their employees; and

(c) witnesses during the course of their depositions, provided that the witness agrees in writing to be bound by this Stipulated Protective Order by executing a copy of the declaration attached hereto as Exhibit A. Such witness shall not be permitted to retain possession of any Protected Material following completion of his or her deposition.

6. In the event that counsel of record for a receiving party proposes to disclose Protected Material to any independent consultant or expert retained for the purposes of this litigation, said consultant or expert must first execute a copy of the declaration attached

hereto as Exhibit A. Counsel of record for the receiving party shall provide to counsel of record for the producing party copies of all declarations (Exhibit A) executed pursuant to this paragraph promptly after execution.

7. All Protected Material disclosed in this case shall be used by counsel, authorized retained outside experts or consultants, if any, and any other reviewing party only for the purposes of this litigation and not for any business or other purpose whatsoever, including for their own use or for the use of their clients. All transcripts or documents containing Protected Material shall be returned to the producing party or destroyed promptly upon the conclusion of this litigation.

8. Protected Material shall be stored under the direct control of outside and/or in house counsel for a party, who shall be responsible for preventing any disclosure thereof except in accordance with the terms of this Stipulation.

9. No Protected Material shall be filed in the public record of this matter. Any Protected Material that is filed with the Board, and any pleadings, motions or other papers filed with the Board disclosing any Protected Material, shall be filed under seal. Where possible, only the portions of filings with the Board containing the Protected Material shall be filed under seal.

10. A party which designates information as Protected Material shall have a reasonable basis for believing, in good faith, that the information requested is confidential, proprietary or commercial information upon which restrictions to access should be imposed before that party designates the information as Protected Material. In the event that a receiving party shall at any time disagree with the designation by the producing party of any information as Protected Material, then the parties will first try, in good faith, to resolve such

dispute on an informal basis before presenting the dispute to the Board by motion or otherwise. The Board may then determine whether the information should be considered Protected Material and, if so, may rule on what restrictions to access or disclosure should be imposed, if any. No party shall be obligated to challenge the propriety of the designation of Protected Material at the time of production, and a failure to do so shall not preclude a subsequent challenge as to the propriety of such designation.

11. This Stipulated Protective Order is without prejudice to the right of any party to seek relief from or modification of any provision contained in it after notice to the other party. This Stipulated Protective Order is without prejudice to the right of any party to move for a separate protective order relating to any particular document or information, including restrictions different from those specified herein, and/or to present other appropriate motions.

12. The restrictions set forth in any of the preceding paragraphs shall not apply to information or material that:

(a) was, is or becomes public knowledge, not in violation of this Stipulated Protective Order;

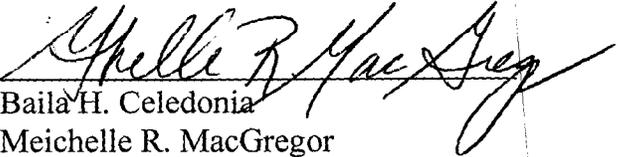
(b) is acquired by the non-designating party from a third party having the right to disclose such information or material; or

(c) was lawfully possessed by the non-designating party prior to the parties' execution of this Order.

13. The parties agree to submit this Stipulated Protective Order for entry by the Board and to be bound by its terms prior and subsequent to entry by the Court.

Dated: October 4, 2002

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Applicant

By: 
Baila H. Celedonia
Meichelle R. MacGregor

1133 Avenue of the Americas
New York, NY 10036-6799
(212) 790-9200

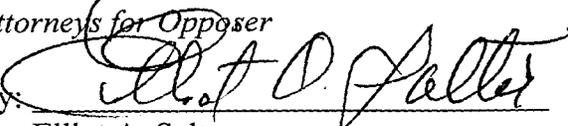
Dated: October 11, 2002

THE SPICE MARKET, INC.

By: 
Joel Bahr, President
66 Laidlaw Avenue
Jersey City, New Jersey 07306-1525
(201) 876-9111

Dated: 11/12/02, 2002

SALTER & MICHAELSON
Attorneys for Opposer

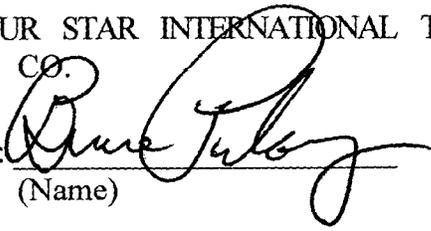
By: 
Elliot A. Salter

321 South Main Street
Providence, RI 02903
(401) 421-3141

Dated: 11/11, 2002

FOUR STAR INTERNATIONAL TRADING

CO.

By: 

(Name)

Ming Chi Building, 12th Floor 54 Sec. 4,
Min Sheng Road
Taipei, Taiwan
(Phone)

SO ORDERED this _____
day of _____, 2002

United States Patent and Trademark Office
Trademark Trial and Appeal Board

Cowan, Liebowitz & Latman, P.C.

LAW OFFICES

1133 Avenue of the Americas • New York, NY 10036-6799

Telephone (212) 790-9200 • Web www.cll.com • Fax (212) 575-0671



11-14-2002

U.S. Patent & TMOfo/TM Mail Ropt. Dt. #40

Joel Karni Schmidt
Direct (212) 790-9244
jks@cll.com

November 13, 2002

VIA EXPRESS MAIL

Commissioner for Trademarks
Box TTAB - NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Four Star International Trading Company v. Spice Market, Inc.
Opposition No. 124,553

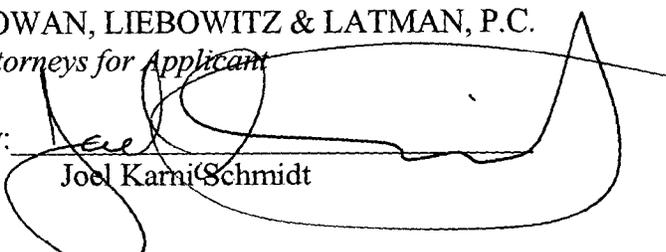
Dear Madam/Sir:

We enclose for filing and endorsement by the Trademark Trial & Appeal Board an original and one copy of the Stipulated Protective Order in the above-referenced proceeding. The Stipulated Protective Order has been signed by the parties.

A return receipt postcard is also enclosed. Kindly acknowledge receipt of the Stipulated Protective Order by returning the enclosed post card.

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Applicant

By: 
Joel Karni Schmidt

Enclosure

cc: Elliot A. Salter, Esq., Salter & Michaelson (w/o encl.)
Baila H. Celedonia, Esq. (w/o encl.)
Meichelle R. MacGregor, Esq. (w/o encl.)

TTAB
11/14/02