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Attorney Docket No.: 231349US-33

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

UGO NETWORKS, INC.)

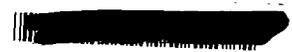
Opposer,)

v.)

KONAMI CORPORATION,)

Applicant.)

Consolidated Opposition No. 91/153,578
Appln. Serial Nos.: 76/074, 595 and 76/075,729



12-24-2003

U.S. Patent & TMOfc/TM Mail RcptDt. #78

**STIPULATION AND ORDER CONCERNING REMOVAL
AND DESTRUCTION OF CONFIDENTIAL DOCUMENTS
FILED UNSEALED WITH THE BOARD**

Pursuant to 37 CFR § 2.127 and Fed. R. Civ. P. 26, Opposer, UGO Networks ("Opposer"), and Applicant, Konami Corporation ("Applicant"), jointly move the Board for entry of this Stipulated Order requiring the removal and destruction of a confidential exhibit which was filed in error contrary to the terms of the Stipulated Protective Order previously entered in this proceeding. In support of this Stipulated Motion, the parties jointly state as follows:

On December 16, 2003, Opposer filed with the Board via Express Mail Opposer's Brief in Opposition to Applicant's Motions to Compel Discovery and Production of Witnesses, to Determine the Sufficiency of Admissions & To Suspend Proceedings ("Opposer's Brief"). Attached to Opposer's Brief as Exhibit 23 were four pages of documents produced by Applicant in this proceeding, numbered K01487 to K01490, designated as "Confidential" pursuant to a Stipulated Protective Order ("Protective Order") previously filed with the Board. Exhibit 23

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contains information labeled by Applicant as confidential concerning Applicant's marketing expenditures, sales budget, and annual and product life sales data in connection with Applicant's products.

The Protective Order provides that when materials marked as "Confidential" are made of record with the Board, they must be filed in a manner that would protect such information from disclosure. Specifically, paragraph 9 of the Order provides:

If Confidential Material is to be made of record in this proceeding, it shall be submitted to the Board in a separate sealed envelope or other sealed container bearing the caption of this proceeding, the opposition number, and an indication of the general nature of the contents of the envelope or container, and, in large letters, the designation "CONFIDENTIAL, SUBJECT TO PROTECTIVE ORDER."

Notwithstanding this requirement, Exhibit 23 was not filed under seal.

Therefore, to protect Applicant's claim to the confidentiality of Exhibit 23, the parties hereby STIPULATE as follows:

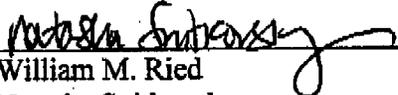
- 1) Opposer has requested that the Board remove Exhibit 23 from Opposer's Exhibits in United States Patent and Trademark Office files and not be displayed online via TTABVUE or otherwise;
- 2) Opposer shall by December 29, 2003, file a substitute copy of Exhibit 23 under seal in compliance with the Protective Order in this proceeding; and
- 3) The parties jointly request that the Board grant Opposer's request by removing Exhibit 23 from Opposer's Exhibits in the United States Patent and Trademark Office files and returning this Exhibit to Opposer or destroying it, and by ensuring that Exhibit 23 not be displayed online via TTABVUE or otherwise.

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IT IS HEREBY STIPULATED BETWEEN THE PARTIES

Respectfully submitted,

UGO NETWORKS, INC.


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Dated: December 23 2003

Attorneys for the Opposer
UGO Networks, Inc.

Dated: December 24 2003

Attorneys for the Applicant
Konami Corporation

IT IS HEREBY ORDERED this ____ day of December, 2003:

Trademark and Appeal Board