

**UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

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Mailed: February 25, 2009

Opposition No. 91175319

Intuitive Surgical, Inc.

v.

DaVinci Radiology Associates,  
P.L.

**Linda Skoro, Interlocutory Attorney**

On February 19, 2009 opposer filed a motion for entry of a modification of the Board's standard protective order to cover some information disclosed during a deposition. As noted by opposer, pursuant to rule change effective August 31, 2007, the board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. While parties are free to modify the standard agreement, it is not required. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>

Opposer's modification to paragraph 8 of the Board's standard order covers confidential information disclosed during a deposition, the need for which was unanticipated to be covered by a protective agreement. While applicant does not agreement with the amended protective agreement, the Board does not see how it will harm either party. Accordingly, opposer's

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motion for a modification of the Board's protective order is granted, and is of record, allowing a redacted portion of the deposition to be filed for the public record and the redacted portion may be filed under seal as provided by Trademark Rule 2.126(d).

Trial dates remain as reset by the Board on December 18, 2008.