

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

In the matter of Registration No. 2,445,339

Filed On: December 28, 1999

For the Mark: MED LEGAL CONSULTING SOURCE and Design

Registered on: April 17, 2001

Med-Legal.Net, Inc.

Petitioner,

v.

Nancy Fraser,

Registrant.

Cancellation No. 92041577

TRANSMISSION TRIAL AND
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03 JUN 2001 PM 9:31

STIPULATED PROTECTIVE ORDER RE CONFIDENTIALITY

Box TTAB
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Petitioner, Med-Legal.Net, Inc., and Registrant, Nancy Fraser, recognize that this action may require a party to disclose information which the disclosing party may contend is confidential or a trade secret. In order to ensure the orderly conduct of this action, the parties recognize the necessity of providing means by which the disclosing party can preserve the status of such information, while otherwise conducting this action.

Opposer and Applicant therefore stipulate, through their respective counsel, subject to the approval of the Trademark Trial and Appeal Board (TTAB), that the following Protective Order may be entered, without prejudice to the right of any party to dispute that any information made subject to the Order is not confidential or a trade secret, and without creating any inference to that effect:

1. Each party to this action who produces or discloses any documents, things, interrogatory answers, deposition transcripts or information which the producing or disclosing party reasonably believes to comprise or contain trade secret or other confidential research, development or commercial information, and which the producing or disclosing party desires to be subject to this Protective Order, may designate the same as "CONFIDENTIAL" or as "CONFIDENTIAL: FOR ATTORNEYS' EYES ONLY" (both hereinafter sometimes referred to as "protected subject matter").
2. All protected subject matter must be visibly marked (on each page, in the case of documents) by the producing or disclosing party with the legend "CONFIDENTIAL" or "CONFIDENTIAL: FOR ATTORNEYS' EYES ONLY", to be subject to this Order. With respect to depositions of any party or any person employed by, previously employed by, or acting on behalf of a party to this action, such party shall have ten (10) days after receipt of the deposition transcript within which to inform the other party of the portions of the transcript to be designated as protected subject matter under this Order. The right to make such designation shall be waived unless made within the ten-day period. Such designation may also be made during the pendency of the deposition.
3. Protected subject matter shall not be disclosed by the receiving party to anyone other than those persons designated herein and shall be handled in the manner set forth below and, in any event, shall not be used for any purpose other than in direct connection with this litigation, unless and until the restrictions of this Protective Order are removed either by agreement of counsel for the parties or by order of the TTAB.
4. Protected subject matter designated "CONFIDENTIAL: FOR ATTORNEYS' EYES ONLY" shall be viewed, or received on behalf of the receiving party, only by outside counsel of record for such party, including their associates, clerks, paralegals, and stenographic personnel, and a reasonable number of independent experts retained specifically for the present action by such party, so long as each expert has read,

acknowledged and agreed in writing in advance of disclosure to be bound by this Protective Order Re Confidentiality and has provided each party with a copy of a written statement signed and dated and including the following sentence:

I have read and understand the provisions of the Stipulated Protective Order Re Confidentiality filed in this case, understand that I am bound by its terms, and agree to abide by those terms in every respect.

5. Protected subject matter designated "CONFIDENTIAL" shall be viewed or received on behalf of the receiving party only by those persons described in the preceding paragraph 4, and by the additional individuals listed below, provided each such additional individual has read this Protective Order Re Confidentiality in advance of disclosure and agreed in writing to be bound by its terms:

- a. Individual parties;
- b. Executives of the parties who are required to participate in policy decisions with reference to this action;
- c. Personnel of the parties who need to be consulted by outside counsel of record, at the discretion of such counsel, in preparation for trial of this action;
- d. Stenographic and clerical employees associated with the individuals enumerated in sub-paragraphs b and c above.

6. Additionally, any person indicated in any protected subject matter as its originator, author or recipient of a copy thereof, or who was referred to in such item, may be shown the same.

7. Protected subject matter which the receiving party compiles, summarizes, transfers to or expresses in another medium (for example, information on engineering drawings expressed orally) is protected to the same extent as the original material.

8. Upon final determination of this action, including appeals, all parties and persons to whom any protected subject matter has been disclosed or provided shall, upon request, return all such protected subject matter to the disclosing party; provided,

however, that this obligation shall not extend to any protected subject matter which may have been embodied by or on behalf of the receiving party in materials protected by the attorney/client privilege or the work product doctrine, and further provided that outside counsel of record for any receiving party may retain one copy of any and all items of protected subject matter of the disclosing party.

9. The restrictions set forth in this Protective Order shall not apply to any item which: (a) is, or becomes, publicly available other than through violation of this Protective Order; or (b) was or is acquired by a party other than from the disclosing party in this action.

10. Any documents containing protected subject matter that are filed with the TTAB for any purpose, shall be filed in a sealed envelope or container marked on the outside with the title of the action and identification of each document within and a statement substantially in the following form:

CONFIDENTIAL -- SUBJECT TO PROTECTIVE ORDER

This envelope (or container) contains the above-identified papers filed by (name of party), and is not to be opened nor the contents thereof displayed or revealed except by Court Order, Order by TTAB, or by agreement of the parties.

11. Neither the taking of any action in accordance with the provisions of this Protective Order, nor the failure to object thereto, shall in any way prejudice any claim or defense in this action. The entry of this Order shall not be construed as a waiver of any right to object to the furnishing of information in response to discovery and, except as expressly provided, shall not relieve any party of the obligation of producing information in the course of discovery. Moreover, this Order shall be without prejudice to any party to bring before the TTAB at any time the question of whether or not any particular item or information should come within the scope of this Order.

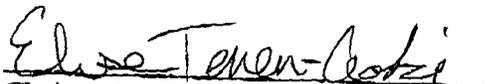
12. Any party receiving an item of protected subject matter which has been designated "CONFIDENTIAL" or "CONFIDENTIAL: FOR ATTORNEYS' EYES" by

the disclosing party may, at any time thereafter, move the TTAB for an order changing the designated status of such item or otherwise relieving the receiving party from restrictions contained in this Protective Order. In the event of such a motion, the disclosing party shall have the burden of establishing that the item of protected subject matter contains confidential information of such a nature as to justify its designated status or the restrictions from which the receiving party seeks relief. Pending resolution of the motion, the involved item shall be treated in accordance with its designated status.

13. The parties and any other person subject to the terms of this Order agree that this TTAB shall have, and shall retain after this action is terminated, jurisdiction over it and them for the purpose of enforcing this Order.

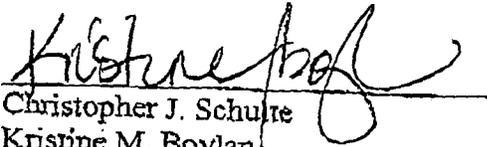
Respectfully submitted,

Date: 5/15/03


Christopher Darrow
Elise Tenen-Aoki
GREENBERG TRAUIG LLP
2450 Colorado Avenue, Suite 400 E
Santa Monica, CA 90404
Phone: (310) 586-7895
Fax: (310) 586-7800

Attorneys for Registrant,
Nancy Fraser

Date: 5/14/03


Christopher J. Schulte
Kristine M. Boylan
MEAGHER & GEER PLLP
33 S. Sixth Street, Suite 4200
Minneapolis, MN 55402
Phone: (612) 338-0661
Fax: (612) 338-8384

Attorneys for Petitioner,
Med-Legal.Net, Inc.

CERTIFICATE OF MAILING

I hereby certify that on May 15, 2003, the original executed copy of the foregoing **STIPULATED PROTECTIVE ORDER RE CONFIDENTIALITY** is being sent via facsimile to (703) 308-9333 and deposited with the United States Postal Service as first class mail in an envelope addressed to the following:

Box TTAB
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
Phone: (703) 308-9300 ext. 150
Fax: (703) 308-9333

Date: May 15, 2003


Miyabi Grace

CERTIFICATE OF MAILING

I hereby certify that on May 15, 2003, a true and correct copy of the foregoing **STIPULATED PROTECTIVE ORDER RE CONFIDENTIALITY** has been furnished via facsimile to (612) 338-8384 and deposited with the United States Postal Service as first class mail in an envelope addressed to the following:

Christopher J. Schulte
Kristine M. Boylan
Meagher & Geer PLLP
33 S. Sixth Street, Suite 4200
Minneapolis, MN 55402
Phone: (612) 338-0661
Fax: (612) 338-8384

Date: May 15, 2003


Miyabi Grace

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ATTORNEYS AT LAW
TRAVRIG

Transmittal Cover Sheet

TO

Name: Box TTAB
Company: Commissioner for Trademarks
Fax No.: (703) 308-9333
Phone No.: (703) 308-9300 ext. 150

Name: Christopher J. Schulte
Kristine M. Boylan
Company: Meagher & Geer PLLP
Fax No.: (612) 338-8384
Phone No.: (612) 338-0661

FROM Christopher Darrow
Elise Tenen-Aoki

File Number 59856-010100

Comments Please see the attached, executed Stipulated Protective Order Confidentiality.

Date May 15, 2003

Time

No. Pages Including this cover sheet 7

Please notify us immediately if not received properly at 310-586-7700.

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2450 Colorado Ave., Suite 400E, Santa Monica, California 90404 (310) 586-7700 Fax (310) 586-7800