

ESTTA Tracking number: **ESTTA237329**

Filing date: **09/17/2008**

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

Proceeding	91168033
Party	Plaintiff UBS AG
Correspondence Address	Patrick J. Jennings Pillsbury Winthrop Shaw Pittman LLP 1650 Tysons Blvd. McLean, VA 22102 UNITED STATES stephanie.goeller@pillsburylaw.com, kevin.kramer@pillsburylaw.com
Submission	Other Motions/Papers
Filer's Name	Stephanie F. Goeller
Filer's e-mail	stephanie.goeller@pillsburylaw.com
Signature	/Stephanie F. Goeller/
Date	09/17/2008
Attachments	Executed Stipulation re Admission of Evidence.pdf (12 pages)(316998 bytes)

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

UBS AG,)	
)	
Opposer,)	Opposition No. 91168033
)	
v.)	
)	Application Ser. No. 78/524,329
)	
United Bankers' Bank,)	
)	
Applicant.)	
)	

STIPULATION CONCERNING THE ADMISSION OF EVIDENCE

Pursuant to Section 705 of the Trademark Trial & Appeal Board Manual of Procedure, and subject to the approval of the Trademark Trial and Appeal Board, Opposer UBS AG (hereinafter "Opposer" or "UBS AG") and Applicant United Banker's Bank (hereinafter "Applicant") hereby stipulate that the following documents may be admitted into evidence in the above-captioned case:

DOCUMENTS

1. A document entitled "United Bankers' Bank Bond Delivery Instructions as of December 31, 1999." This document bears production numbers 5748-5751. A copy of this document was labeled deposition exhibit "Gaine 1." UBS AG asserts that this document is probative of Applicant's knowledge of Opposer. A true and correct copy of this document is attached as Exhibit 51.

2. A copy of a Bloomberg confirmation message to Eric Sundberg at United Bankers' Bank, bearing production number 5700. A copy of this document was labeled

deposition exhibit "Gaine 3." UBS AG asserts that this document is probative of Applicant's knowledge of Opposer. A true and correct copy of this document is attached as Exhibit 52.

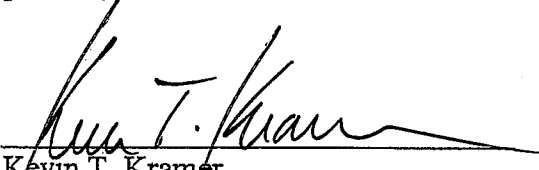
By reason of this stipulation, the parties agree that they may rely upon the foregoing documents in this case. Notwithstanding this stipulation, the parties expressly reserve their rights to object to the stipulated documents on the grounds of relevance and materiality.

Submitted herewith is a proposed form of order approving the stipulation concerning the submission of evidence set forth above.

Dated: September 17, 2008

Respectfully submitted,

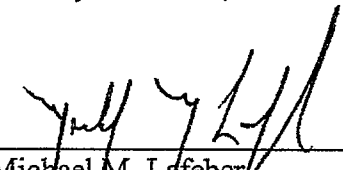
By:


Kevin T. Kramer
Patrick J. Jennings
Stephanie F. Goeller
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2300 N Street, NW
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*Attorneys for Opposer
UBS AG*

Respectfully submitted,

By:


Michael M. Lafeber
Briggs and Morgan, P.A.
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
Tel. (612) 977-8472

*Attorney for Applicant
United Bankers' Bank*

EXHIBIT 51

EXHIBIT *Gaine*
 ID. / C.M.D.
 10/2/07

07/02/03 WED 14:41 FAX
 JUL-02-2003 13:26

UBS WARBURG
 UNITED BANKERS BANK

952 886 9533 P. 02/02

G5M07318

**UNITED BANKERS' BANK
 BOND DELIVERY INSTRUCTIONS
 AS OF: DECEMBER 31, 1999**

SECURITY	BOOK ENTRY	PHYSICAL	NOTICE
Treasury & Agency Bond; BILL-NOTE-BOND FFCB-FNMA-FHLB-SLMA MTGBACK/REMIC/CMO	FRB Delivery: ABA 091001322 UNITED BLOOM/CUST Your Bank Name <i>UBB</i>	Please call Bond Operations to discuss settlement	UBB must have a minimum of ONE day written notice
Municipal Bond	DTC Delivery: DTC #903/Acct #090208/ Your Bank Name Agent #20903 INST ID#26540 NSCC #6732 <i>UBKR</i>	Bankers Trust Co. 16 Wall Street 4th Floor, Window 44 For Acct: 090208-UBB Your Bank Name New York, NY 10005	UBB must have a minimum of TWO days written notice
Certificate of Deposit	DTC Delivery: DTC #903/ACCT #090206- UBB/Your Bank Name	Bankers Trust Co. 16 Wall Street 4th Floor, Window 44 For Acct: 090206-UBB- Your Bank Name New York, NY 10005	UBB must have a minimum of TWO days written notice
GNMA	PTC Delivery: BTRST/CUST/UBB #090208/Your Bank Name	Please call Bond Operations to discuss settlement	UBB must have a minimum of TWO days written notice
Corporate Bond:	DTC DELIVERY: DTC #903/ACCT #090208- UBB/Your Bank Name	Bankers Trust Co. 16 Wall Street 4th Floor, Window 44 For Acct: 090208-UBB New York, NY 10005	UBB must have a minimum of TWO days written notice

Tax ID *41 1254571*


**IF YOU HAVE ANY QUESTIONS,
 PLEASE CALL MOHANIE BADHWA, BOND**

OPERATIONS

PHONE: 800-558-6876 FAX: 612-885-9632

TR. E SECRET
 COMMERCIALY
 SENSITIVE

UBS 91168033
 00000005748



UNITED BANKERS' BANK
 Eric R. Sandberg
 Investment Trader
 Suite 1500 Southpoint Center
 1650 West 82nd Street, Bloomington, MN 5543
 (952) 1-612-885-9487
 Email: eric.sandberg@ubb.com

EP

(0026866) United Bankers Bank - United Bankers Bank (1/1)
 Existing Non-Credit/Cash for Fixed Income (Stamford)
 created on 02-Jul-2003 19:22 by Edward Daly (Ext: NONE Fax: NONE)

Counterparty Details

Legal Name (*):	United Bankers Bank	
Client Type:		Country of Domicile (*): US - UNITED STATES
Counterparty Type (*):	Bank	Relationship Type (*): Principal
Counterparty Trader Name List:		Existing Counterparty Name/Reference:
Fam No:		Broker Code: DD
Registered Representative (*):	Connolly, William (Mortgage Sales - New York RR)	Authorised Trader (*): Eric Sundborg
Additional Information:	ADP #31036988 Attn: Mark O'Conner	

Booking Details

Account Booking Name (*)	Short Abbreviation Name	CRM Oasls Number	Alert Access Code	MTS No	Tax ID	Link Accounts
United Bankers Bank				GM07318	41 1254571	None Specified

Product Details

Product
 Mortgage Backed Bonds <T + 30 UBS Warburg LLC

Communications

Type	Contact	Telephone Id	Account Number	Copies Details
Legal Address	Eric Sundborg			1650 West 82nd Street Southpoint Center Suite 1500, Bloomington, MN, 55431, US - UNITED STATES, English,

Settlement Instructions

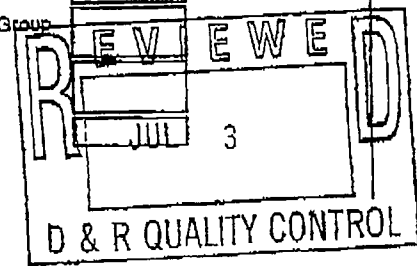
Type	Details
Settlement Instructions to follow	Details: Instructions faxed to 203-719-0663. Contact Person: Edward Daly, Telephone (Code):, Telephone Number: 212-713-2789

Credit Officer Summary

RXM/PCE Account Requirements

Create New RXM Client record:	<input type="checkbox"/> No	New RXM Name:	<input type="checkbox"/>	Euro Ind (CCNACE Code):	<input type="checkbox"/>	Booking Name:	United Bankers Bank
Link to Existing RXM Client:	<input type="checkbox"/> No	RXM Client Reference:	<input type="checkbox"/>	Euro Ind (CCNACE Code):	<input type="checkbox"/>	Booking Name:	United Bankers Bank
Create New RXM Sub-Group:	<input type="checkbox"/> No	New RXM Sub-Group Name:	<input type="checkbox"/>	Create New RXM Group:	<input type="checkbox"/> No		
New RXM Group Name:	<input type="checkbox"/>	Link to RXM Group (GB/GC)::	<input type="checkbox"/>	Link to RXM Sub-Group (SGB/SGC):	<input type="checkbox"/>		
Risk Domicile:	<input type="checkbox"/>	Home Country (Group/Sub-Group):	<input type="checkbox"/>	CPS Owner:	<input type="checkbox"/>		
CRA Owner:	<input type="checkbox"/>	CA Owner:	<input type="checkbox"/>	CO Owner:	<input type="checkbox"/>		
Flag as Collateralized:	<input type="checkbox"/> No						

UBS 91168033
 0000005749



TRADE SECRET
 COMMERCIALY SENSITIVE

Additional Information

Review Date:

Comments/Approval Conditions:

Credit Vetting Summary

Parent Reference

Parent Name:

Parent Code:

Masterfiles Reference

Masterfiles Hierarchy CE Name:

Masterfiles CE Ref:

Masterfiles Global Client Codes

Counterparty Class:

Country of Incorporation:

Country of Nationality:

Capital Adequacy Risk Weighting:

New or Enhance Existing MF Location:

MF Global Client Reference:

Booking Name:

Global Reporting Codes

UBS AG Business Code (CBUSI):

Company Relationship (CCORL):

FCRS Reverse Entity (CCORL B, S & I only):

FCRS Associated Company (CCORL A Only):

BoE Inst Ext (CBEINC):

Counterparty Referred:

Referral Office:

London Specific Codes

Detail Centre (CDETC):

Dept Code (CDEPT):

Local Officer (CCORR):

Organisation Type (CORG):

Additional Information

Comments/Approval Conditions:

CRC Account Approval

If this account is exempt from KYC documentation, explain why by marking one of the following:

1. New Principal of an existing FATF Regulated Agent:

2. Additional account of an existing Principal:

3. New product enhancement for an existing Principal:

4. Other Reason:

Fulfilment Summary (Incl. D & R Codes)

Booking Details

Account Booking Name (*)

United Bankers Bank

Fulfilment Codes

Audit Summary

When	Action	User	Department	Extension	Comment
2 Jul 2003 14:51	Submit	Daly, Edward (Requestor)	Mortgage Sales - New York - Stamford	NONE	
3 Jul 2003 7:50	Approve	Pickholz, Sheldon (Series 8)	Mortgage Sales - New York - Stamford	NONE	
3 Jul 2003 9:22	SaveDraft	O'Connor, Mark (Credit Officer)	Stamford	NONE	
3 Jul 2003 9:23	Approve	O'Connor, Mark (Credit Officer)	Stamford	NONE	

Current Request Location

UBS 91168033
00000005750

TRADE SECRET COMMERCIALY SENSITIVE

DMAC Fulfiller for All Business Groups (Stamford)

Back

TRADE SECRET COMMERCIALY SENSITIVE

UBS 91168033
00000005751

EXHIBIT 52

Corp MSG

1<GO>DEL 2<GO>RESEND 4<GO>RETRACT 11<GO>NEXT 12<GO>PREV 99<GO>OPTIONS

8/15 12:16:50 TO: ERIC SUNDBERG

UNITED BANKERS'

<<http://www.leadertelegram.com/story.asp?id=62470>> Eric 952-885-9487 Steph 9483

ISIN: US3133XLUM34 * TRADE TICKET * As of: 8/15/07
 TRDR: BILL GAINES UBS SECURITIES LLC (DATED: 8/1/07)
 SELLS: 1500 (M) of FHLB 5 1/8 08/05/09 CUSIP: 3133XLUM3
 PRICE 100.3510000 or YIELD 4.934466 (to 8/5/09 @ 100.0000)
 SETTLEMENT on 8/15/07 ISSUER: FEDERAL HOME LOAN BANK
 NOTES:

		{3133XLUM Corp DES<GO>}
** PRINCIPAL:	\$	1,505,265.00 **
** ACCRUED (14 days):		2,989.58 **
** TOTAL:	\$	1,508,254.58 **

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 H005-980-3 15-Aug-2007 12:17:09

Gaine 3
 EXHIBIT
 10/18/2007 CMD

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

UBS AG,)	
)	
Opposer,)	Opposition No. 91168033
)	
v.)	
)	Application Ser. No. 78/524,329
United Bankers' Bank,)	
)	
Applicant.)	
)	

ORDER REGARDING STIPULATION OF EVIDENCE

WHEREAS the parties have stipulated to the admission of the following documents:

1. "United Bankers' Bank Bond Delivery Instructions as of December 31, 1999"
(production numbers 5748-5751); and
2. A copy of a Bloomberg confirmation message to Eric Sundberg at United Bankers' Bank, bearing production number 5700.

WHEREAS the Trademark Trial and Appeal Board has reviewed the stipulation and finds good cause therefore;

IT IS HEREBY ORDERED that the above-referenced documents are admitted as evidence in this matter.

Date: _____, 2008 _____

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that the foregoing **STIPULATION CONCERNING THE
ADMISSION OF EVIDENCE** is being transmitted to the TTAB via the electronic system for
Trademark Trial and Appeals on September 17, 2008.



Kevin T. Keenan

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2008, one copy of the foregoing **STIPULATION CONCERNING THE ADMISSION OF EVIDENCE** and accompanying exhibits was served on counsel for applicant via e-mail addressed as follows:

Mr. Michael M. Lafeber,
Briggs and Morgan, P.A.,
2200 IDS Center,
80 South Eighth Street,
Minneapolis, Minnesota 55402
mlafeber@briggs.com