ESTTA Tracking number: **ESTTA220325**

Filing date: **06/25/2008**

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

Proceeding	91174770
Party	Plaintiff ViaSat, Inc.
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Submission	Other Motions/Papers
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Signature	/Andrew M. Abrams/
Date	06/25/2008
Attachments	ViaSat v. ViewTech - Stipulations Concerning Admission of Evidence.pdf (4 pages)(110753 bytes)

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

VIASAT, INC.,

Opposer,

v.

VIEWTECH INCORPORATED,

Applicant.

In re App. Ser. No. 78/652,657 (parent)
Mark: VS VIEWSAT
Filing Date: June 16, 2005
Publication Date: August 1, 2006

In re App. Ser. No. 78/855,361
Mark: VIEWSAT
Filing Date: April 6, 2006
Publication Date: November 28, 2006

In re App. Serial No. 78/855,580
Mark: VIEWSAT LITE
Filing Date: April 6, 2006
Publication Date: December 5, 2006

Consolidated Opposition No.: 91174770

STIPULATIONS CONCERNING THE ADMISSION OF EVIDENCE

Pursuant to TBMP Rule 705, Opposer ViaSat, Inc. ("Opposer") and Applicant ViewTech Incorporated ("Applicant") agree to the following stipulations concerning the admission of specified matter into evidence. Notwithstanding such stipulations, each party reserves the right to object to stipulated evidence on the grounds of competency, relevance, and materiality.

1. Each party stipulates to the authenticity of the documents that it produced in this case pursuant to FRCP 34 and that the documents are indeed what they appear to be. Each party also stipulates that all documents that it produced in this case pursuant to FRCP 34 that reasonably appear to have been prepared by or on behalf of it were in fact so prepared and were kept in the ordinary course of the producing party's business, and are therefore business records of the producing party for the purposes of the applicable rules of evidence.

Accordingly, all documents produced in this case pursuant to FRCP 34 may be made of record by notice of reliance, subject to each party's right to object to the evidence on the grounds of competency, relevance, and materiality.

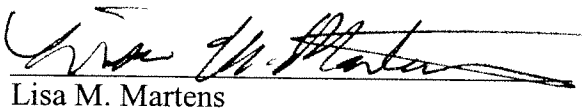
2. Opposer further stipulates that Applicant may use the letter from Opposer's counsel dated May 22, 2008 and the accompanying production as the sworn 30(b)(6) testimony of WildBlue Communications, Inc. ("WildBlue"), and that Opposer will not object to Applicant's use of the statements and materials in that letter as being the undisputed and binding non-hearsay testimony and business records of WildBlue. (WildBlue updates its website on a continual basis, so the pages Opposer produced only constitute an accurate representation of the website content as of the date of the letter.)

3. Each party stipulates that the discovery depositions taken in this proceeding may be used as testimony, subject to each party's right to object to any portion of the testimony under the applicable rules of evidence.

4. Each party stipulates that the parties may rely on the parties' written responses to requests for discovery in these proceedings. Accordingly, all written discovery responses in this proceeding may be made of record by notice of reliance, subject to each party's right to object to the evidence on the grounds of competency, relevance, and materiality.

Dated: June 25, 2008

FISH & RICHARDSON P.C.

By: 

Lisa M. Martens
Andrew M. Abrams

Attorneys for Opposer
VIASAT, INC.

Dated: June 25, 2008

LAW OFFICE OF MANUAL DE LA CERRA

By: _____

John L. Roberts
Attorneys for Applicant
VIEWTECH INCORPORATED

IT IS SO ORDERED this _____ day of _____, 2008:

_____

Administrative Law Judge
Trademark Trial and Appeal Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the following document:

STIPULATIONS CONCERNING THE ADMISSION OF EVIDENCE

has been served upon the following parties on the 25th day of June, 2008, directed to said parties at the following addresses and in the below manner:

VIA EMAIL & FIRST CLASS MAIL

John Roberts
The Law Offices of Manuel de la Cerra
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Columbus, IN 47201-9658
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Respectfully submitted,

Nicole C. Pino

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