

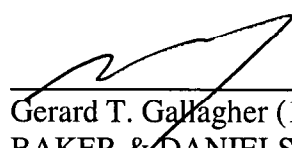
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

AM GENERAL, LLC:)	
)	
v. Opposer)	
)	Opposition No. 91161306
)	
OPTIMIZER, INC.)	
)	
Applicant)	

MOTION FOR ENTRY OF PROTECTIVE ORDER

Opposer, AM General, LLC, hereby moves for entry of the enclosed Protective Order in this matter. The Protective Order has been stipulated to by the parties as indicated by the signatures of counsel on Page 7. Entry of the Order is, therefore, respectfully requested.

Respectfully submitted,



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Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19th day of January, 2005, a true and correct copy of the foregoing was served upon the following counsel of record, via United States mail, postage prepaid.

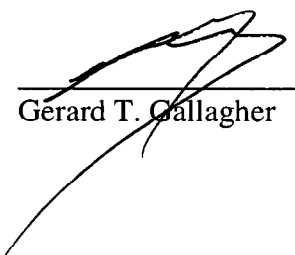
Gregg Reed
Kluger, Peretz, Kaplan & Berlin, P.L.
Miami Center, Suite 1700
201 South Biscayne Boulevard
Miami, FL 33131



Gerard T. Gallagher

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of January, 2005, this Motion for Entry of Protective Order, as well as an executed copy of the Protective Order, was served upon the United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, by depositing the same in the United States mail, postage prepaid.



Gerard T. Gallagher

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OPTIMIZER, INC.)	
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PROTECTIVE ORDER

IT IS HEREBY ORDERED THAT:

1. All Protected Information produced or exchanged in the course of this opposition proceeding shall be used solely for the purpose of this opposition proceeding or litigation between the parties relating thereto, and information thus disclosed shall not be used for any other purpose or for any other action.

2. Protected Information as used herein shall mean Confidential Information and/or Confidential Attorneys' Eyes Only Information and shall include:

Any material or information which is designated "Confidential Information" or "Confidential Attorneys' Eyes Only Information" by any party, whether it be a document, information contained in a document, information revealed during a deposition, information revealed in an interrogatory or other discovery response, or otherwise. By way of example and not limitation, Confidential Information or Confidential Attorneys' Eyes Only Information may include information relating to sales, costs, pricing, profits, research, business plans, finances, employment policies, customer identities, internal procedures, and the like. In designating Protected Information, the designating party will make such designation

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only as to that information that it in good faith believes to be confidential or sensitive.

Confidential Information shall be designated by marking the thing or page of a document containing such information as follows: "CONFIDENTIAL."

Confidential Attorneys' Eyes Only Information shall be designated by marking the thing or page of a document containing such information as follows: "CONFIDENTIAL – ATTORNEYS' EYES ONLY."

In lieu of marking and producing the original of a document, a marked copy thereof may be produced, provided that the unmarked original is kept available by the producing party for inspection.

3. Confidential Attorneys' Eyes Only Information shall only be made

available to:

attorneys who have appeared in this opposition proceeding and employees of the attorneys' law firms to whom it is necessary that the material be disclosed for purposes of this opposition proceeding;

judges, attorneys, employees and staff at the TTAB;

any independent accountants, statisticians, economists, or other experts, retained or employed by a party as an expert in connection with this opposition proceeding who have no relationship, other than as an expert witness, with any of the parties hereto or any of their competitors and who have signed a document in the form of Exhibit "A" attached hereto, PROVIDED, however, that the name(s) of such person(s) shall be disclosed to the party that provided the Protected Information to be disclosed at least five (5) business days prior to any disclosure of Protected Information to them. Such disclosure shall not be made if written notice of objection is served within said five (5) day period, and any such objection must be based on the objecting party's good faith claim based on a business conflict or competitive injury; but the party seeking disclosure shall have the right to bring the dispute before the Board for resolution if it cannot be resolved by the parties; and

any other person who is designated by stipulation of the parties or by order of the Board, after notice to all parties upon a showing of good cause why such person shall be so designated and opposing parties have had an opportunity to be heard in opposition thereto. All such persons designated by the Board or by stipulation shall sign an undertaking, in the form of Exhibit "A" attached hereto, to maintain the information confidential.

Confidential Information shall only be made available to those above-identified categories of persons to whom Confidential Attorneys' Eyes Only Information may be shared, as well as the parties to this opposition proceeding.

4. For purposes of discovery in this action, Protected Information may be disclosed by an adverse party to officers of the party which designated the information as Confidential Information or Confidential Attorneys' Eyes Only Information, or to the author or addressee or any person who, as a matter of record, actually received a document designated as Confidential, other than through discovery or through attorney client communications relating to this opposition proceeding without the prior written consent of the party who designated the information as Protected Information.

5. Information disclosed at a deposition in this action may be designated by a party as Protected Information by indicating on the record at the deposition that the specific part of the testimony and/or any documents or thing marked for identification is Protected Information and subject to the provisions of this Order. In the event a party designates information at a deposition as Confidential Information or Confidential Attorneys' Eyes Only Information, the reporter shall segregate those pages of the transcript from the remainder of the transcript and mark the segregated pages as designated. A party may also designate information disclosed at such deposition as Confidential Information or Confidential Attorneys' Eyes Only

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