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Attorney Docket No.: 246415US-21

TTAB



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

Toyota Jidosha Kabushiki Kaisha, )  
t/a Toyota Motor Corporation )  
and )  
Toyota Motor Sales, U.S.A., Inc., )  
Opposers )  
v. )  
Syngenta Participations AG, )  
Applicant )

Opposition No.: 157,206  
U. S. Appln. Serial No.: 78/145,546  
Mark: v. LEXUS



01-07-2004  
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Opposition No.:  
U. S. Appln. Serial No.: 78/185,538  
Mark: v. LEXXUS

**OPPOSERS' REPLY TO APPLICANT'S OPPOSITION TO THE MOTION**  
**TO CONSOLIDATE OPPOSITIONS**

Applicant's opposition to Opposers' Motion to Consolidate the Opposition against the LEXUS Application Serial No. 78/145,546 (Opposition No. 91157,206) with the Opposition against the LEXXUS Application Serial No. 78/185,538 (Opposition No. not yet assigned) misses the mark by a wide margin.

Opposers' mark and registrations are the same in both oppositions. All the facts concerning Opposers' LEXUS mark are the same in both oppositions.

The only difference between Applicant's marks is the presence of a second X in the middle of the mark of Serial No. 78/185,538 Both of Applicant's applications were filed under 15 U.S.C. § 1051(b). The grounds of the opposition are the same in both Notices of Opposition.

Opposers can perceive no difference between the facts or the law in the oppositions and consolidation is therefore appropriate.

Applicant has not demonstrated by facts any harm that it will suffer by the consolidation of the two oppositions, and in fact it would appear advantageous for the Applicant to have to contest only one proceeding rather than two proceedings.

All the other arguments in Applicant's Opposition to Opposers' Motion to Consolidate are irrelevant to the Motion. There is no legal difference between LEXUS and LEXXUS.

Respectfully submitted,

Toyota Jidosha Kabushiki Kaisha,  
t/a Toyota Motor Corporation

-and-

Toyota Motor Sales, U.S.A., Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **OPPOSERS' REPLY TO APPLICANT'S OPPOSITION TO THE MOTION TO CONSOLIDATE OPPOSITIONS** was served on counsel for Applicant, this 7<sup>th</sup> day of January, 2004, by sending same via First Class mail, postage prepaid, to:

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