

Attorney Docket No.: 238096US21

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

**CONSOLIDATED**

\_\_\_\_\_)  
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  
Mark: LEXUS  
U.S. Appln. Serial No.: 78/145,546  
  
Opposition No.: 159,578  
Mark: LEXXUS  
U.S. Appln. Serial No. 78/185,538

**OPPOSERS' RESPONSE TO APPLICANT'S MOTION**  
**FOR ENTRY OF PROTECTIVE ORDER**

Opposers Toyota Jidosha Kabushiki Kaisha t/a Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. respond to Applicant Syngenta Participations AG's Motion for Entry of Protective Order as follows.

Applicant's Motion is its Response to Opposers' Motion for Protective Order and is the first time that Applicant has specified whose deletion from confidential documents would affect a document's admissibility. This information represents Applicant's attempt to clarify Applicant's proposed amendment to the Stipulated Protected Order tendered by Opposers in May.

This attempt at clarification notwithstanding, Applicant unnecessarily confuses the issues of confidentiality and evidentiary admissibility. It is Opposers' position that if a party offers in evidence only part of a confidential document produced by an adverse party, the remedy is not to object to admissibility, but to offer the entire document. If a disclosing party has deleted



11-03-2004

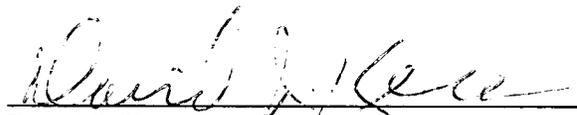
information from a document that is later offered into evidence by the receiving party, the deletion does not affect the ability of the receiving party to offer it into evidence.

Applicant further requests “that Opposers be ordered to cease their dilatory tactics” and “that Opposers be ordered to fully respond to Applicant’s discovery requests so as not to require Applicant [sic] file a motion seeking to compel long overdue materials.” These statements are irrelevant and unsupported.

According, Opposers request that Applicant’s Motion for Entry of Protective Order be denied.

Respectfully submitted,

TOYOTA JIDOSHA KABUSHIKI  
KAISHA t/a TOYOTA MOTOR  
CORPORATION, and TOYOTA MOTOR  
SALES, U.S.A., INC.

By: 

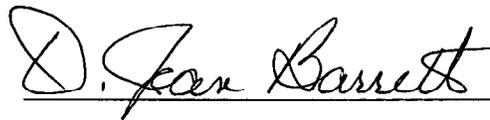
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Date: Mar. 3, 2004  
DJK/ASC/kae/ojb {I:\atty\DJK\213-238096US-res.doc}

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **OPPOSERS RESPONSE TO APPLICANT'S MOTION FOR ENTRY OF PROTECTIVE ORDER** was served on counsel for Applicant, this 3<sup>rd</sup> day of November, 2004, by sending same via First Class mail, postage prepaid, to:

James A. Zellinger, Esquire  
SYNGENTA CROP PROTECTION INC.  
410 Swing Road  
Greensboro, NC 27409

  
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