

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

TOYOTA JIDOSHA KABUSHIKI KAISHA)
d/b/a TOYOTA MOTOR CORPORATION,)
)
Opposer) Serial No.: 78/145,546
)
v.) Filed: July 19, 2002
)
SYNGENTA PARTICIPATIONS AG) Mark: LEXUS
)
Applicant.)

TOYOTA JIDOSHA KABUSHIKI KAISHA)
d/b/a TOYOTA MOTOR CORPORATION,)
)
and TOYOTA MOTOR SALES, U.S.A., INC.)
)
Opposers) Serial No.: 78/185,538
)
v.) Filed: Nov. 15, 2002
)
SYNGENTA PARTICIPATIONS AG) Mark: LEXXUS
)
Applicant.)

**MOTION TO ADD EXHIBIT TO APPLICANT'S SURREPLY TO
OPPOSERS' MOTION TO RESET CLOSE OF DISCOVERY PERIOD AND TO
RESCHEDULE TESTIMONY PERIODS**

Applicant would request permission to add the attached Exhibit (letter of
Opposers' counsel, dated Dec.08, 2004) to Applicant's Surreply

The addition of this Exhibit is necessary to demonstrate the
misrepresentation in Opposers' Reply that certain documents were produced when they,



12-17-2004

in fact, were not. It also supports Applicant's claim that Opposers have failed to produce as a "large amount of non-confidential materials".

APPLICANT
SYNGENTA PARTICIPATIONS AG

By: _____



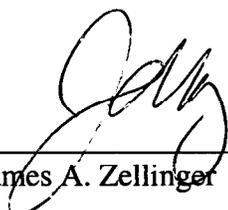
James A. Zellinger
Syngenta Crop Protection, Inc.
410 Swing Road
Greensboro, NC 27409
Tel. 336-632-7835
Fax 336-632-2012

CERTIFICATE OF SERVICE

I, JAMES A. ZELLINGER, do hereby certify that I have mailed a copy of the above and foregoing MOTION TO ADD AN EXHIBIT TO APPLICANT'S SURREPLY TO OPPOSERS' MOTION TO RESET CLOSE OF DISCOVERY PERIOD AND TO RESCHEDULE TESTIMONY PERIODS attorney of record as listed below by placing a copy of same in the U. S. Mail, properly addressed and postage prepaid, to:

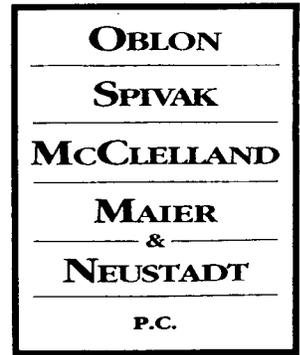
David J. Kera
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

on this the 14 day of December, 2004.



James A. Zellinger

EXHIBIT 1



December 9, 2004

James A. Zellinger, Esquire
Syngenta Participation AG
410 Swing Road
Greensboro, NC 27409

ATTORNEYS AT LAW

DAVID J. KERA
(703) 412-6456
DKERA@OBLON.COM

Re: *Toyota Jidosha Kabushiki Kaisha, t/a Toyota
Motor Corporation and Toyota Motor Sales,
U.S.A., Inc. v. Syngenta Participations AG*
Consolidated Oppositions No.: 91/157,206 and 91/159,578
Mark: LEXUS V. LEXUS
Our Ref: 238096US-213-21

Dear Mr. Zellinger:

I received your letter dated December 3, 2004.

We produced the following pleadings from the *Aliments Lexus, Inc.* case on May 28,
2004:

Notice of Rule 30(b)(6) Deposition to Plaintiffs (T-012303-T-012309)
Plaintiff's Rule 26(a)(1) Initial Disclosures (T-012319-T-012322)
Defendant's Rule 26(a) Initial Disclosures (T-012323-T-012325)
Answer of Defendants (T-012352-T-012360)
Reply Memorandum in Support of Plaintiff's Motion to Strike Jury Demand
(T-012857-T-012861)

We recently have received and will produce before the end of the year additional
pleadings from *Aliments Lexus, Inc.*

Sincerely yours,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

David J. Kera

DJK/ACS/ojb {I:\atty\Djk\213-238096US-ltr.doc}



James A. Zellinger
Trademark Counsel

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e-mail: jim.zellinger@syngenta.com

TTAB

December 14, 2004

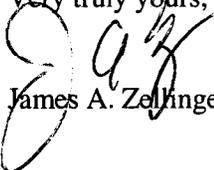
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Re: *Toyota Jidosha Kabushiki Kaisha t/a Toyota Motor Corporation, and Toyota Motor Sales, U.S.A., Inc., v. Syngenta Participations AG.*
Consolidated Opposition Nos: 157,206 & 159,578

Dear Sirs:

Please find enclosed Applicant's MOTION TO ADD EXHIBIT TO APPLICANT'S SURREPLY TO OPPOSERS' MOTION TO RESET CLOSE OF DISCOVERY PERIOD AND TO RESCHEDULE TESTIMONY PERIODS pertaining to the above-referenced opposition. Please file in conjunction with same.

Thank you for your assistance with this matter.

Very truly yours,

James A. Zellinger

JAZ/sk
Encl.



12-17-2004