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June 15, 2005

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

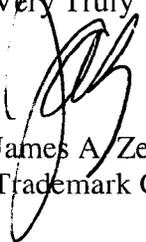
Re: *Toyota Jidosha Kabushiki Kaisha t/a Toyota Motor Corporation, and Toyota Motor Sales, U.S.A., Inc., v. Syngenta Participations AG.*
Consolidated Opposition Nos: 157,206 & 159,578

Dear Sir or Madam:

Please find enclosed APPLICANT'S RESPONSE TO OPPOSERS' MOTION FOR EXTENSION OF TIME TO SERVE DISCOVERY REQUESTS RESET OF SCHEDULING ORDER pertaining to the above-referenced consolidated opposition. Please file in conjunction with the same.

Thank you for your assistance with this matter.

Very Truly Yours,


James A. Zellinger
Trademark Counsel

JAZ/sk
encl.



06-17-2005

U.S. Patent & TMO/TM Mail RcptDt. #39

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)

v.)

SYNGENTA PARTICIPATIONS AG)

Applicant.)

Serial No.: 78/145,546

Filed: July 19, 2002

Mark: LEXUS

TOYOTA JIDOSHA KABUSHIKI KAISHA)
d/b/a TOYOTA MOTOR CORPORATION,)

and)

TOYOTA MOTOR SALES, U.S.A., INC.)

Opposers)

v.)

SYNGENTA PARTICIPATIONS AG)

Applicant.)

Serial No.: 78/185,538

Filed: Nov. 15, 2002

Mark: LEXXUS

APPLICANT'S RESPONSE TO OPPOSERS' MOTION FOR EXTENSION OF TIME
TO SERVE DISCOVERY REQUESTS/RESET OF SCHEDULING ORDER

Applicant would object to Opposers' request for additional time to respond to Applicant's discovery requests.

I Failure To Comply With 37 C.F.R. § 2.120(e)

Opposers have not made a good faith effort to comply with 37 C.F.R. § 2.120(e) and has

even failed to attempt a good faith effort to comply with 37 C.F.R. § 2.120(e)(1) by conference or correspondence (or any effort at all) to resolve the issues presented in Opposers' Motion For Protective Order. Opposers also failed to allege any attempt to comply with 37 C.F.R. § 2.120(e)(1). Opposer did not contact Applicant to discuss their request.

II. MANY PREVIOUS REQUESTS

The underlying request herein would be yet another attempt of over at least a dozen earlier actions to protract these proceedings. There has already been a second reset of the discovery schedule and certain to be another reset due to Opposers earlier motions and requests.

Furthermore, the reasons given by Opposers' counsel are irrelevant and misrepresentations. Unlike Applicant, Opposers are represented is by a large law firm. In fact, much of the recent contact and work has not been undertaken by Mr. Kera but by his associate. The materials sought are already in Opposers possession due to the prosecution of related claims in federal court actions and cannot be difficult to obtain or produce. Obviously, Opposers' request is a continuation of Opposers' dilatory and obstructionistic tactics.

III. PREJUDICE TO APPLICANT

Opposers' request as well as their persistent conduct of delay and obstruction has and will continue to harm Applicant by preventing the launch and use of its mark in commerce. The harm has risen from the inability of Applicant to market its goods under its mark due to the opposition and challenge to Applicant's rights.

IV. DILATORY TACTICS

It is obvious by examination of earlier filed request of Opposers that they have adopted a course of delay and obstruction. This is demonstrated by Opposers delay in seeking execution of a protective order and refusal to produce numerous relevant discovery documents.

V. CONCLUSION

Applicant would further move this Board that Opposers be ordered to cease their dilatory tactics.

Applicant would also move that Opposers' motion be denied.

Respectfully submitted,
Applicant

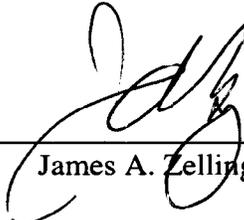
By 
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CERTIFICATE OF SERVICE

I, JAMES A. ZELLINGER, do hereby certify that I have mailed a copy of the above and foregoing Applicant's Response To Opposers' Request For An Extension of Time 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 15 day of June, 2005.



James A. Zellinger