

TTAB

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July 29, 2005

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

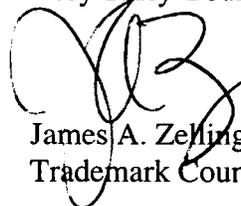
Re: *Toyota Jidosha Kabushiki Kaisha t/a Toyota Motor Corporation, and Toyota Motor Sales, U.S.A., Inc., v. Syngenta Participations AG.*  
*Consolidated Opposition Nos: 157,206 & 159,578 -78185546 & 78185538*

Dear Sir or Madam:

Please find enclosed Applicant's REPLY TO OPPOSER'S OPPOSITION TO APPLICANT'S MOTION TO DISMISS OPPOSITION 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.



08-05-2005

**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.	)	

**REPLY TO OPPOSERS' OPPOSITION TO APPLICANT'S  
MOTION TO DISMISS OPPOSITION**

Applicant, Syngenta Participations AG, would submit this reply to Opposers' response to applicant' motion to dismiss the above Oppositions for Opposers' failure to comply with the Board's Order of March 11, 2005.

1. Disputed Protective Order

Opposers have obviously recognized their flagrant violation and disregard of the Board's Order and have now executed the Board's standard protective order. However, the fact that Opposers have now complied with part of the Board's Order after four (4) months should not affect the basis of Applicant's motion. Opposers have continually disputed these proceedings. They should not be able to schedule this action or proceed as they see fit regardless of who represents them. Furthermore, Opposers' attempt to blame Applicant for this delay should be further noted as indication of Opposers' obstructionistic tactics.

Applicant has complied with the Board's Order and Opposers have submitted no explanation other than the demand to dictate to the Board that Applicant and the Board must accept Opposers' version of a confidentiality agreement. If the Board and its orders are to be taken seriously, despite their disregard by Opposers' counsel, it must not permit its orders or the time in which to comply with said orders to be dictated by Opposers.

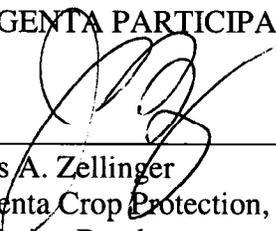
2. Prior Dilatory Acts By Opposer

The current request for resetting of the testimony period without explanation or basis and ongoing wilful disregard of outstanding discovery requests are a continuation of the dilatory and disruptive tactics undertaken by Opposers to obstruct these proceedings. The Board is well aware of the many (and now dozens) extension requests, prior motion to compel, and other disputes attributed solely to Opposers' actions.

3. Conclusion

Applicant would submit that the appropriate remedy for Opposers' refusal to respond to Applicant's discovery requests coupled with the most recent wilful failure to comply with this Board's Order (Ex.1) is dismissal of these opposition proceedings.

SYNGENTA PARTICIPATIONS AG

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 Reply to Opposers' Response to Applicant's Motion To Dismiss to the 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 29th day of July, 2005.



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James A. Zellinger  
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