



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-)	Opposition No.: 157,206
)	U.S. Appln. Serial No.: 78/145,546
Toyota Motor Sales, U.S.A., Inc.,)	Mark: v. LEXUS
)	
Opposers)	
)	
v.)	Opposition No. 159,578
)	U.S. Appln. Serial No.: 78/185,538
Syngenta Participations AG,)	Mark:: v. LEXXUS
)	
Applicant)	

OPPOSERS' MOTION TO RESCHEDULE TESTIMONY PERIODS

The Order entered by the Trademark Trial and Appeal Board on June 27, 2006 provided that Opposers' thirty-day testimony period would open on August 2, 2006 and close on September 1, 2006.

Opposer plans to call two witnesses to give deposition testimony in support of the consolidated opposition. One witness will be Ms. Ann Bybee, who will testify about the promotion, marketing, sales, and reputation of Opposers' LEXUS vehicles. Ms. Bybee will also testify on other matters.

The second witness will be Martin L. Smith, Esquire, a managing counsel for Toyota Motor Sales, U.S.A., Inc., who will testify about Opposers' enforcement efforts to protect the LEXUS mark and name in the United States and possibly other matters.



Ms. Bybee will be unavailable after August 18, 2006 until the end of August. Mr. Smith will be away from the office for business reasons from August 14 to August 17.

Elizabeth B. Gibson, Esquire, a litigation managing counsel at Toyota Motor Sales, U.S.A., Inc, who is the principal client contact for this case, will be away from her office for a business trip from August 28, 2006 to September 1, 2006.

The undersigned attorney for Opposers has depositions scheduled in Miami, Florida in a different case on August 15 and August 16, 2006. These dates were the result of several reschedulings caused by the unavailability of a deposition witness.

In view of the schedule of counsel and witnesses, Opposers move to reset the close of their testimony period to September 30, 2006 and to reset the succeeding testimony periods as follows:

Testimony period for the party in position of plaintiff to open	September 1, 2006
Testimony period for the party in position of plaintiff to close	September 30, 2006
Testimony period for the party in position of defendant to open	October 30, 2006
Testimony period for the party in position of defendant to close	November 29, 2006
Rebuttal testimony period to open	December 29, 2006
Rebuttal testimony period to close	January 13, 2007

Opposer's attorney sent a facsimile letter to Applicant's attorney on August 1, 2006 to propose the rescheduling of the close of Opposer's testimony period to September 29, 2006. In that letter, Opposer's attorney stated that, if Applicant's attorney would not agree, Opposer would take testimony during the week of August 7, 2006.

Events in the last two days have shown that it would not be possible to schedule Opposers' testimony during the period of time between now and August 11, 2006, which is the last business day before Mr. Smith will be away from his office for business reasons.

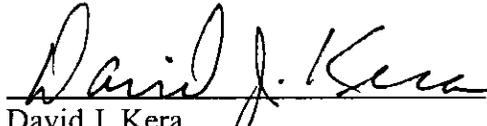
Applicant's attorney has not responded in any way to Opposer's facsimile letter of August 1, 2006.

Opposer believes that a one month delay will not prejudice Applicant, which has already caused several extensive delays in this proceeding by filing motions that were denied by the Board.

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: August 3, 2006

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **OPPOSERS' MOTION TO RESCHEDULE TESTIMONY PERIODS** was served on counsel for Applicant, this 3rd day of August, 2006, by sending same via U. S. mail and postage prepaid, to:

James A. Zellinger, Esquire
Trademark Counsel
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