

13



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-)
))
Toyota Motor Sales, U.S.A., Inc.,)
))
Opposers)
))
v.)
))
Syngenta Participations AG,)
))
Applicant)
_____)

Opposition No.: 157,206
U.S. Appln. Serial No.: 78/145,546
Mark: v. LEXUS

TTAB

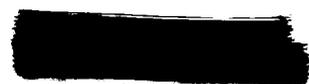
Opposition No. 159,578
U.S. Appln. Serial No.: 78/185,538
Mark:: v. LEXXUS

The Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

OPPOSERS' MOTION TO COMPEL

Opposers, Toyota Jidosha Kabushiki Kaisha, t/a Toyota Motor Corporation, and Toyota Motor Sales, U.S.A., Inc., hereby move to compel Applicant, Syngenta Participations AG to comply with Rule 34(b) which states, in the last paragraph of Section (b):

“A party who produces documents for inspection shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request.”



01-16-2007

Opposers attach as collective Exhibit 1 the letter of October 11, 2006 from Applicant's attorney and documents bearing the numbers 100 through 137. There is no statement in the letter to identify which of Opposers' production requests each of the produced documents responds to. It is apparent from a perusal of the documents that they were not kept in the usual course of business, and it is apparent from the response that the documents were not organized and labeled to correspond with categories in the requests.

In an effort to resolve the dispute over the lack of labeling and organization of the documents produced on October 11, 2006, Opposers' counsel wrote a letter to James A. Zellinger, Esquire, attorney for Applicant on November 30, 2006. A copy of this letter is attached as Exhibit 2.

Mr. Zellinger responded on December 8, 2006. A copy of this letter is attached as Exhibit 3.

Opposers' counsel attempted again to obtain the information required by Rule 34(b) in a letter dated December 15, 2006, a copy of which is attached as Exhibit 4.

Applicant's attorney, Mr. Zellinger, responded to the letter of December 15, 2006 on December 27, 2006, a copy of which is attached as Exhibit 5.

Opposers' counsel wrote to Applicant's attorney again on January 3, 2007. A copy of the letter is attached as Exhibit 6. Applicant's attorney has not responded to the letter of January 3, 2007.

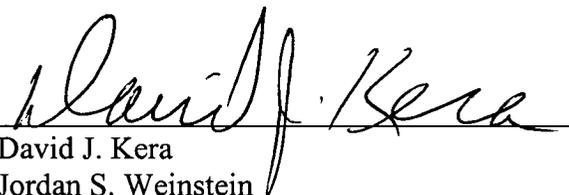
Since Applicant's attorney has not stated which requests for production are answered by the documents produced on October 11, 2006, it is not possible for the Opposers' counsel to provide the Board with a copy of the relevant requests for production, but it is believed that requests for production are not necessary for disposition of this motion. Opposers complain, not

about the contents of the production, but about the lack of organization and labeling of the production as required by Rule 34(b), F. R. Civ. P. It is apparent from a perusal of the numbered documents that they are not in proper order and that documents related to each other are separated by unrelated documents. For example, document 107 is not related to document 106 or to document 108. Documents 119 and 120 are not related to document 118 or to document 121.

Pursuant to 37 C.F.R. § 2.120(e), Opposers request that the Board issue an order to compel Applicant to identify each request for production to which each document is a response with respect to each of the documents numbered 100 through 137 as produced on October 11, 2006.

Respectfully submitted,

By:



David J. Kera
Jordan S. Weinstein
Oblon, Spivak, McClelland,
Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, Virginia 22314
(703) 413-3000
fax (703) 413-2220
e-mail: tmdocket@oblon.com

Date: January 16, 2007

DJK/ojb {I:\atty\DJK\213-238096US-mot.doc}

EXHIBIT 1



James A. Zellinger
Trademark Counsel

Syngenta Crop Protection, Inc.
410 Swing Road
Greensboro, NC 27409

Kem

Tel 336-632-7835
Fax 336-632-2012
e-mail:
jim.zellinger@syngenta.com

October 11, 2006

RECEIVED

OCT 13 2006

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

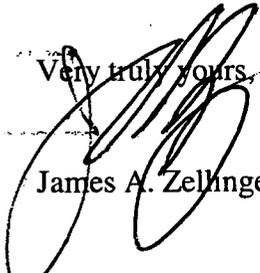
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

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 Mr. Kera:

Please find enclosed additional production of discovery materials pursuant to Opposers' requests for production. The documents have been Bates stamped 100-137.

Very truly yours,


James A. Zellinger

JAZ/sk

"Our goal is to have
Pleasant View Containers
mean more to you than a
place to grow a great product."

Our Commitment to Your Growth.

Nurturing

2004 CATALOG



Pleasant
View
INNOVATIONS IN FLORICULTURE

001

Diascia

Diascia hybrid

FLYING COLORS™

- Bred for heat tolerance with cool crop vigor
- This sterile series produces profuse blooms from spring through fall
- Sturdy, compact habit



'FLYING COLORS PRICOT' PPAF

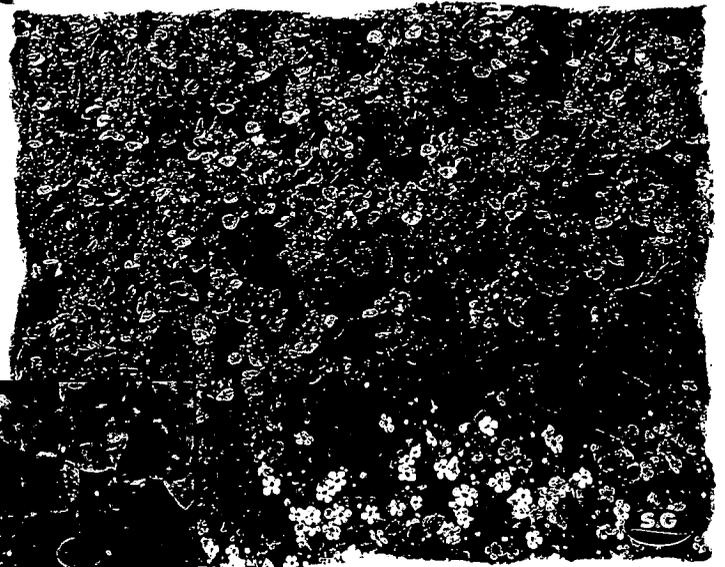


'FLYING COLORS CORAL' PPAF



'FLYING COLORS TRAILING ANTIQUE ROSE' PPAF

NEW



'FLYING COLORS TRAILING RED' PPAF

82 | ☀ | 🌻 .5" | 🌿 7"-14" | 🍷 | 🌱 | 🪴 | 🪴

🌿 6"-10" Trailing varieties

Gypsophila

Gypsophila paniculata

FESTIVAL STAR

- This introduction will be an instant winner!
- This perennial produces non-stop, pure white flowers
- Great cut flower with exceptional holding power
- A "must have" for grower and retailer

82 | ☀ | 🌻 .25" | 🌿 7"-14" | 🍷 | 🌱 | 🪴 | 🪴

NEW



'FESTIVAL STAR' PPAF

Lobelia

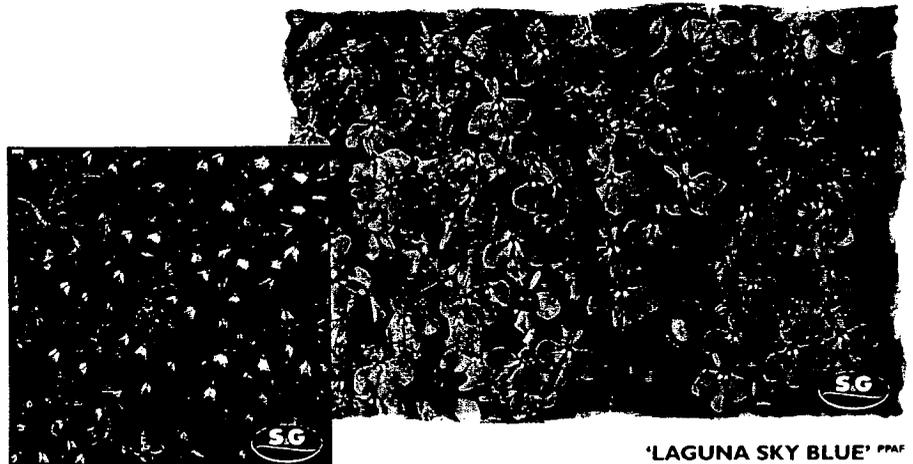
Lobelia hybrid

LAGUNA™

- A breakthrough in Lobelia breeding
- Free blooming and compact habit
- Amazing heat tolerance in full sun or partial shade

82 | ☀ | 🌻 .5" | 🌿 8"-12" | 🍷 | 🌱 | 🪴 | 🪴

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'LAGUNA COMPACT BLUE WITH EYE' PPAF

'LAGUNA SKY BLUE' PPAF

Call us at 1.800.343.4784 for full details on the Tag Exchange Program.

New Guinea Impatiens

NEW



'INFINITY LIGHT SALMON' PPAF

NEW



'INFINITY PINK' PPAF

NEW



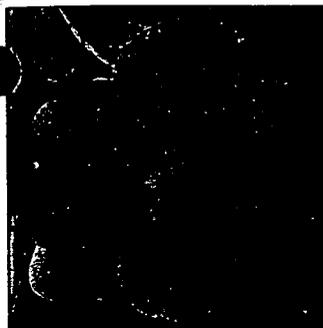
'INFINITY CHERRY RED' PPAF

NEW



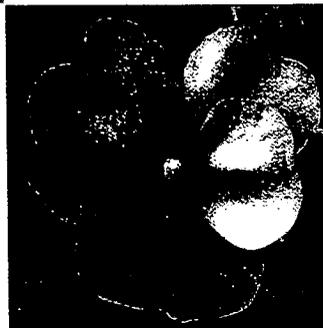
'INFINITY RED' PPAF

NEW



'INFINITY PINK KISS' PPAF

NEW



'INFINITY PINK FROST' PPAF

NEW



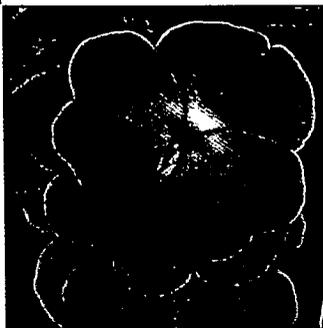
'INFINITY LILAC' PPAF

NEW



'INFINITY BLUSHING LILAC' PPAF

NEW



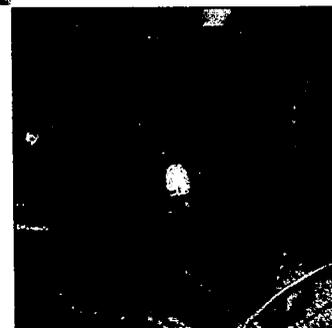
'INFINITY LAVENDER' PPAF

NEW



'INFINITY DARK PINK' PPAF

NEW



'INFINITY LIGHT PURPLE' PPAF

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AND ENTER
TO WIN!**

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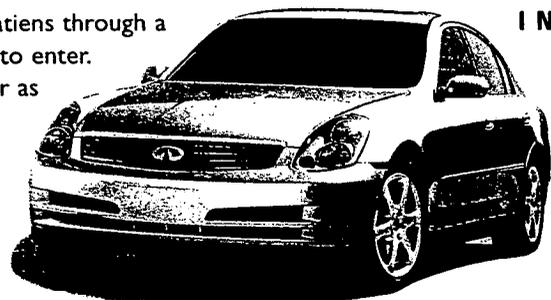


INFINITI.

Any grower ordering Infinity New Guinea Impatiens through a Proven Winners licensed propagator is eligible to enter. Each order equals one entry – so you can enter as often as you want!

See pg 69 for official giveaway rules.

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Call 1.800.343.4784 to learn more about winning a new Infiniti!



INFINITI®

Proven Winners 2003 New Guinea Impatiens 'Infinity' Great Grower Giveaway

1. Only United States and Canadian growers purchasing Infiniti New Guinea Impatiens through a Proven Winners licensed propagator are eligible to enter. You must be at least 18 years of age and a legal U.S. or Canadian resident to enter. All entries must be received between June 1, 2003 and March 31, 2004 to be eligible for the drawing. Entries are defined as an Infiniti New Guinea Impatiens order placed through a Proven Winners propagator. Each order equals one (1) entry. Individual orders can be written for Infiniti New Guinea Impatiens only, in any quantity, or combined with other varieties sold by the propagator. Odds of winning depend upon the number of entries received.
2. Prizes: One (1) grand prize: A two (2) year lease on an Infiniti G35 Sedan. (Approximate retail value \$13,200) All taxes, titling, registration fees, insurance and other expenses not specified are the responsibility of the prizewinner. Any and all fees incurred with the lease of the vehicle will be the responsibility of the prizewinner including, but not limited to, extra miles over and above the mileage limits set forth in the lease agreement as well as any damage to the leased vehicle as determined by Infiniti at the end of the lease and a security deposit. Car model and options are subject to availability. All arrangements for the lease must be completed by July 1, 2004. Prize not transferable and may not be substituted for cash or any other consideration.
3. Taxes are the sole responsibility of the prizewinner.
4. Employees, officers and directors of Proven Winners, its parent company, affiliates, subsidiaries, advertising, promotion and fulfillment agencies, their immediate family members and persons living in the same household are not eligible.
5. Winning: On or about April 30, 2004, a random drawing will be conducted and one (1) winner will be selected from among all qualified entries. Drawing will be conducted by an independent judging agency whose decisions are final. Winner will be notified by phone or mail within 30 days of drawing. Claiming Prizes: Grand prizewinner must complete, sign, notarize and return an Affidavit of Eligibility and Release within 15 days of notification of prize or prize may be forfeited and an alternate winner selected. Prizewinner must possess required driving documents (valid driver's license) prior to taking possession of the leased vehicle. By entering and accepting the prize, winner consents to use of name and/or likeness for promotional purposes without compensation. By participating in this promotion, entrants agree to be bound by the Official Rules and the decisions of the judges, which will be final and binding in all respects.
6. Proven Winners and its parent and respective affiliates, officers, directors, agents and employees (Sponsor) will have no liability for any claim arising in connection with participation in this sweepstakes or with the use or misuse of any prize awarded. By participating in the Sweepstakes, each participant agrees to release and hold Sponsor and employees, officers, directors, shareholders, agents, representatives of Sponsor, its parent company, affiliates, subsidiaries, advertising, promotion and fulfillment agencies, and legal advisors, harmless from any and all losses, damages, rights, claims and actions of any kind in connection with the Sweepstakes or resulting from acceptance, possession, or use of any prize, including without limitation, personal injury, death, property damage, and claims based on publicity rights, defamation, or invasion of privacy.
7. For a winner's list, send your request, along with a stamped, self-addressed, #10 envelope to: Proven Winners 2003 New Guinea Impatiens 'Infinity' Great Grower Giveaway, PO Box 15283, Lenexa, KS 66285
8. All federal, state, and local laws and regulations apply. Void where prohibited.





Save \$200 on every set with coupon
2-piece Queen Set \$699 Sale \$555

Sertapedic Carlyle

1-Year Warranty
Twin, Each Piece
Our Price \$109

Less 10%
Final Price 98.10



Full, Each Piece, Our Price \$144
Less 10% **Final Price 129.60**
2-Piece Queen Set, Our Price \$333
Less 10% **Final Price 299.70**
3-Piece King Set, Our Price \$549
Less 10% **Final Price 494.10**

Spring Air
Back Supporter
Never-Turn Amber
Pillow-Top or Firm
2-Piece Twin Set
Our Price \$665
Less 10% **Final Price 598.50**



Sertapedic Ashton

5-Year Warranty
Twin, Each Piece
Our Price \$133

Less 10%
Final Price 119.70



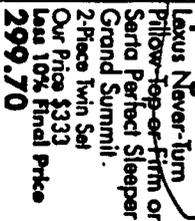
Full, Each Piece, Our Price \$179
Less 10% **Final Price 161.10**
2-Piece Queen Set, Our Price \$399
Less 10% **Final Price 359.10**
3-Piece King Set, Our Price \$599
Less 10% **Final Price 539.10**

Euro-Tex Latex Lafere 4500
2-Piece Twin Set
Our Price \$749
Less 10%
Final Price 674.10



Spring Air Lexus

Never-Turn
Pillow-Top or Firm or
Serta Perfect Sleeper
Grand Summit
2-Piece Twin Set
Our Price \$333
Less 10% **Final Price 299.70**



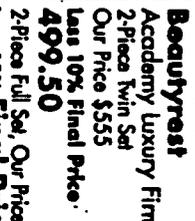
2-Piece Full Set, Our Price \$444
Less 10% **Final Price 399.60**
2-Piece Queen Set, Our Price \$444
Less 10% **Final Price 399.60**
3-Piece King Set, Our Price \$775
Less 10% **Final Price 697.50**

Simmons Beautyrest
Alexandra Pillow-Top
or Spring Air Book
Supporter Never-Turn
Alpine Pillow-Top
2-Piece Twin Set
Our Price \$775
Less 10% **Final Price 697.50**



Simmons Beautyrest

Academy Luxury Firm
2-Piece Twin Set
Our Price \$555
Less 10% **Final Price 499.50**



2-Piece Full Set, Our Price \$665
Less 10% **Final Price 598.50**
2-Piece Queen Set, Our Price \$665
Less 10% **Final Price 598.50**
2-Piece Olympic Queen Set, Our Price \$999
Less 10% **Final Price 899.10**
3-Piece King Set, Our Price \$1049
Less 10% **Final Price 944.10**

Simmons Beautyrest
Medalist Plush
2-Piece Twin Set
Our Price \$888
Less 10% **Final Price 799.20**



2-Piece Full Set, Our Price \$775
Less 10% **Final Price 697.50**
2-Piece Queen Set, Our Price \$775
Less 10% **Final Price 697.50**
3-Piece King Set, Our Price \$1099
Less 10% **Final Price 989.10**

2-Piece Full Set, Our Price \$899
Less 10% **Final Price 809.10**
2-Piece Queen Set, Our Price \$999
Less 10% **Final Price 899.10**
3-Piece King Set, Our Price \$1399
Less 10% **Final Price 1259.10**

2-Piece Full Set, Our Price \$888
Less 10% **Final Price 799.20**
2-Piece Queen Set, Our Price \$888
Less 10% **Final Price 799.20**
3-Piece King Set, Our Price \$1349
Less 10% **Final Price 1214.10**

2-Piece Full Set, Our Price \$999
Less 10% **Final Price 899.10**
2-Piece Queen Set, Our Price \$999
Less 10% **Final Price 899.10**
2-Piece Olympic Queen Set, Our Price \$1350
Less 10% **Final Price \$1215**
3-Piece King Set, Our Price \$1399
Less 10% **Final Price 1259.10**

BONUS 1
FREE DELIVERY
On all Mattress
Purchases \$599 & Above

BONUS 2
FREE REMOVAL
Of Old Bedding with Delivery

BONUS 3
6-MONTH FINANCING

BONUS 4
EXTRA 10% OFF
Lowest Price On BED FRAMES

BONUS 5
10% OFF
DUPONT TETLON
Innovative All-Over-Fold

Furniture items cannot be picked up at store locations. Furniture merchandise must be delivered! Delivery fees do apply. See salesperson for details. Sorry, not all styles on display or at store locations.



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Typed Drawing

Word Mark LEXUS MATTRESS

Goods and Services IC 020. US 002 013 022 025 032 050. G & S: Mattresses; box springs, pillows, bed frames

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76378718

Filing Date March 6, 2002

Filed ITU FILED AS ITU

Owner (APPLICANT) Statho, Robert J. INDIVIDUAL UNITED STATES 16 North Main Street Ipswich MASSACHUSETTS 01938

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MATTRESS" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Serial Number: 76378718

Registration Number: (NOT AVAILABLE)

Mark (words only): LEXUS MATTRESS

Current Status: Applicant's response to a non-FINAL office action has been entered in application.

Date of Status: 2002-08-16

Filing Date: 2002-03-06

Registration Date: (DATE NOT AVAILABLE)

Law Office Assigned: TMEG Law Office 109

CURRENT APPLICANT(S)/OWNER(S)

1. Statho, Robert J.

Address:

Statho, Robert J.
16 North Main Street
Ipswich, MA 01938
United States

Country of Citizenship: United States

Legal Entity Type: Individual

GOODS AND/OR SERVICES

Mattresses; box springs, pillows, bed frames

International Class: 020

First Use Date:

First Use in Commerce Date:

Basis: 1(b)

ADDITIONAL INFORMATION

Disclaimer: "MATTRESS"

PROSECUTION HISTORY

2002-07-25 - Communication received from applicant

2002-07-25 - PAPER RECEIVED

2000-03-20 - Combined Section 8 (10-year)/Section 9 filed
1996-07-23 - Section 8 (6-year) accepted & Section 15 acknowledged
1996-04-15 - Section 8 (6-year) and Section 15 Filed
1990-05-15 - Registered - Principal Register
1990-02-20 - Published for opposition
1990-01-22 - Notice of publication
1989-12-12 - Approved for Pub - Principal Register (Initial exam)
1989-11-30 - Examiner's amendment mailed
1989-11-24 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

GENE W. ARANT (Attorney of record)

GENE W. ARANT
ARANT, KLEINBERG, LERNER & RAM, LLP
674 COUNTY SQUARE DRIVE
SUITE 205
VENTURA, CA 93003-5452
United States

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Serial Number: 73250151

Registration Number: 1168565

Mark (words only): LEXUS

Current Status: Registration canceled under Section 8.

Date of Status: 1988-03-17

Filing Date: 1980-02-14

Registration Date: 1981-09-08

Law Office Assigned: Unknown

CURRENT APPLICANT(S)/OWNER(S)

1. Vieha; Mark E.

Address:

Vieha; Mark E.

938 5th St.

Santa Monica, CA 90403

United States

Country of Citizenship: United States

Legal Entity Type: Individual

GOODS AND/OR SERVICES

Equipment Sold as a Unit for Playing a Board-Type Parlor Game

International Class: 028

First Use Date: 19800103

First Use in Commerce Date: 19800103

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1988-03-17 - Canceled Section 8 (6-year)

1981-09-08 - Registered - Principal Register

1981-06-16 - Published for opposition

CONTACT INFORMATION

Correspondent (Owner)

Thomas W. Speckman (Attorney of record)

THOMAS W. SPECKMAN
33 N. LASALLE ST.
CHICAGO IL 60602
United States



United States Patent and Trademark Office

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Trademark Electronic Search System(Tess)

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Typed Drawing

Word Mark	LEXUS
Goods and Services	IC 041. US 107. G & S: LIGHTING PRODUCTION SERVICES. FIRST USE: 19800500. FIRST USE IN COMMERCE: 19800500
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73825472
Filing Date	September 15, 1989
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 20, 1990
Registration Number	1596874
Registration Date	May 15, 1990
Owner	(REGISTRANT) LEXUS LIGHTING, INC. CORPORATION CALIFORNIA 11225 DORA STREET SUN VALLEY CALIFORNIA 913523202
Attorney of Record	GENE W. ARANT
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20001117.
Renewal	1ST RENEWAL 20001117
Live/Dead Indicator	LIVE

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Record 1 out of 1

[Check Status](#) (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark LEXUS
Goods and Services IC 041. US 107. G & S: LIGHTING PRODUCTION SERVICES. FIRST USE: 19800500.
 FIRST USE IN COMMERCE: 19800500
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73825472
Filing Date September 15, 1989
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition February 20, 1990
Registration Number 1596874
Registration Date May 15, 1990
Owner (REGISTRANT) LEXUS LIGHTING, INC. CORPORATION CALIFORNIA 11225 DORA STREET SUN VALLEY CALIFORNIA 913523202
Attorney of Record GENE W. ARANT
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20001117.
Renewal 1ST RENEWAL 20001117
Live/Dead Indicator LIVE

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This page was generated by the TARR system on 2005-03-24 15:08:58 ET

Serial Number: 73825472

Registration Number: 1596874

Mark (words only): LEXUS

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2000-11-17

Filing Date: 1989-09-15

Transformed into a National Application: No

Registration Date: 1990-05-15

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-07-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LEXUS LIGHTING, INC.

Address:

LEXUS LIGHTING, INC.
11225 DORA STREET
SUN VALLEY, CA 913523202
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 041

LIGHTING PRODUCTION SERVICES

First Use Date: 1980-05-00

First Use in Commerce Date: 1980-05-00

Basis: 1(a)

113

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-08-28 - PAPER RECEIVED

2000-11-17 - First renewal 10 year

2000-11-17 - Section 8 (10-year) accepted/ Section 9 granted

2000-03-20 - Combined Section 8 (10-year)/Section 9 filed

1996-07-23 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-04-15 - Section 8 (6-year) and Section 15 Filed

1990-05-15 - Registered - Principal Register

1990-02-20 - Published for opposition

1990-01-22 - Notice of publication

1989-12-12 - Approved for Pub - Principal Register (Initial exam)

1989-11-30 - Examiner's amendment mailed

1989-11-24 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

GENE W. ARANT (Attorney of record)

GENE W. ARANT
ARANT, KLEINBERG, LERNER & RAM, LLP
674 COUNTY SQUARE DRIVE
SUITE 205
VENTURA, CA 93003-5452

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-03-24 15:08:58 ET

Serial Number: 73825472

Registration Number: 1596874

Mark (words only): LEXUS

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2000-11-17

Filing Date: 1989-09-15

Transformed into a National Application: No

Registration Date: 1990-05-15

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-07-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LEXUS LIGHTING, INC.

Address:

LEXUS LIGHTING, INC.
11225 DORA STREET
SUN VALLEY, CA 913523202
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 041

LIGHTING PRODUCTION SERVICES

First Use Date: 1980-05-00

First Use in Commerce Date: 1980-05-00

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-08-28 - PAPER RECEIVED

2000-11-17 - First renewal 10 year

2000-11-17 - Section 8 (10-year) accepted/ Section 9 granted

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1989-12-12 - Approved for Pub - Principal Register (Initial exam)

1989-11-30 - Examiner's amendment mailed

1989-11-24 - Case file assigned to examining attorney

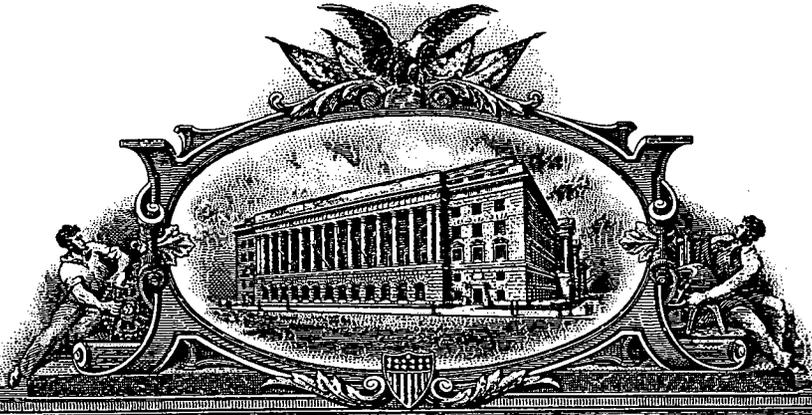
CORRESPONDENCE INFORMATION

Correspondent

GENE W. ARANT (Attorney of record)

GENE W. ARANT
ARANT, KLEINBERG, LERNER & RAM, LLP
674 COUNTY SQUARE DRIVE
SUITE 205
VENTURA, CA 93003-5452

1305978



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

April 11, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,596,874 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *May 15, 1990*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *May 15, 2000*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

REGISTRANT

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

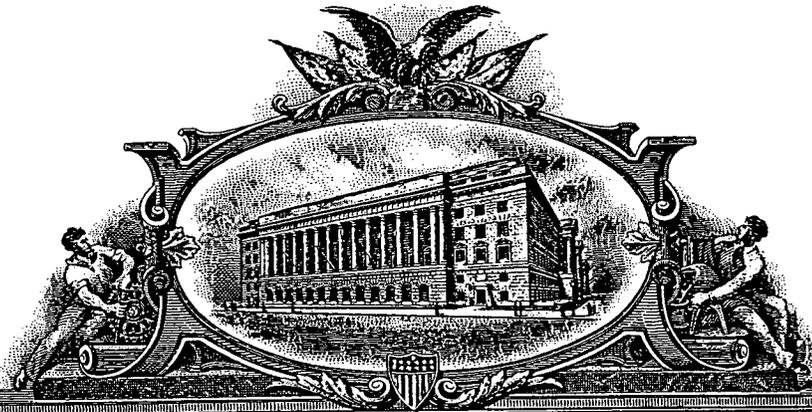


Trudie Wallace
TRUDIE WALLACE

Certifying Officer

116

1305978



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

April 11, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,596,874 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *May 15, 1990*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *May 15, 2000*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

REGISTRANT

By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



Trudie Wallace
TRUDIE WALLACE
Certifying Officer



Client Name: SYNGENTA CROP PROTECTION

Attention: JAMES ZELLINGER

Type of Service: Certified Copy

Mark: Reg. No.: 1,596,874 LEXUS

Date Mailed: April 12, 2005

Washington Document Services

If we may be of any further assistance, or if you have any further questions concerning this report, please do not hesitate to contact us at 1-800-356-8630.

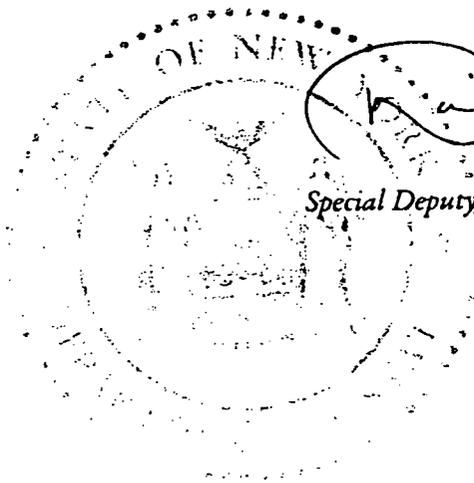
Acceptance and reliance upon this report by the client constitutes an acceptance of its terms, conditions and limitations. Any liability arising out of the preparation of this report is limited to a refund of the search fee paid.

We have taken all reasonable steps to ensure the completeness and accuracy of this report or document copy. Information herein comes from the records of US government agencies; we cannot control the accuracy of their recording and maintenance procedures. If the property, which was the subject of this search or document copy, is changed, even slightly, a new search should be conducted. Please note that this report in no way constitutes a legal opinion.

State of New York
Department of State } **ss:**

I hereby certify, that the Certificate of Incorporation of LEXUS MANAGEMENT CO., INC. was filed on 04/23/1982, with perpetual duration, and that a diligent examination has been made of the Corporate index for documents filed with this Department for a certificate, order, or record of a dissolution, and upon such examination, no such certificate, order or record has been found, and that so far as indicated by the records of this Department, such corporation is an existing corporation.

*WITNESS my hand and the official seal
of the Department of State at the City of
Albany, this 30th day of December two
thousand and five.*



[Handwritten signature]

Special Deputy Secretary of State

200601030092 65

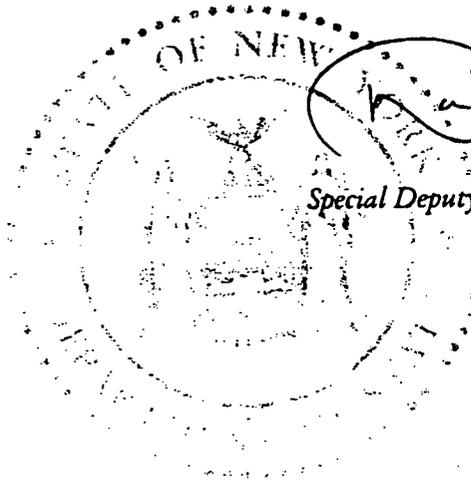
**DEFENDANT'S
EXHIBIT**
17

100

State of New York } ss:
Department of State

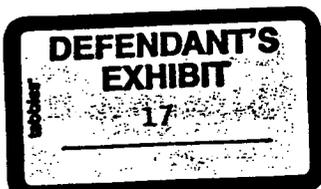
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WITNESS my hand and the official seal of the Department of State at the City of Albany, this 30th day of December two thousand and five.



Special Deputy Secretary of State

200601030092 65



- Overview
- Download trade mark details
- Trade Mark
- Graphic representation
- List of goods and services
- Description of the mark
- Owner
- Representative
- Priority
- Exhibition priority
- Seniority
- Publication
- Opposition

Trade Mark Consultation Service

Trade mark: **LEXUS**
 Application number: 000555730
 Result: 5 of 13

New search ■ List of Results ■ << Previous ■ Next >>

Trade mark

Filing date: 12/06/1997
 Registration date: 19/05/1999
 Expiration date: 12/06/2007
 Nice classification: 5
 Trade Mark: Individual
 Type of Mark: Word
 Acquired distinctiveness: No
 Date of last legal status: 01/07/1999
 Legal status of mark: Registration published
 First language: English
 Second language: Spanish

List of goods and services

Nice classification: 5
 List of goods and services: Herbicides, fungicides, insecticides; herbicides, fungicides and insecticides for agricultural use.

Description

No entry for application number: 000555730

Owner

Name: E.I. du Pont de Nemours and Company
 Number: 587
 Nature of Legal person: a Delaware corporation
 Address: Legal entity
 1007 Market Street
 Post code: 19898
 Town: Wilmington,
 Country: US
 Correspondence address: E.I. du Pont de Nemours and Company
 1007 Market Street
 Wilmington, Delaware 19898
 ESTADOS UNIDOS (EE UU)
 Telephone: 00 1-3027745905
 Fax: 00 1-3027730461

Representative

Association name: MARKS & CLERK
 Number: 10578
 Address: 57-60 Lincoln's Inn Fields
 Post code: WC2A 3LS
 Town: London
 Country: GB

Correspondence address:

MARKS & CLERK
57-60 Lincoln's Inn Fields
London WC2A 3LS
REINO UNIDO
00 44-2074003000
00 44-2074044910
☒ receipts@marks-clerk.com

Telephone:
Fax:
E-mail:

Priority

No entry for application number: 000555730

Exhibition priority

No entry for application number: 000555730

Seniority

Country: ☒ GB
Registration number: 2000742
Status: Accepted

Country: ☒ AT
Registration number: 161841
Status: Accepted

Country: ☒ BX
Registration number: 558959
Status: Accepted

Country: ☒ IE
Registration number: 167751
Status: Accepted

Country: ☒ FR
Registration number: 94542897
Status: Accepted

Country: ☒ DE
Registration number: 39400408
Status: Accepted

Publication

Bulletin n°: 055/1998
Date of publication: 27/07/1998
Part: A
Page: 555

Bulletin n°: 056/1999
Date of publication: 19/07/1999
Part: B
Page: 645

☒ Opposition

Opposition Number: 000095648
Reception date: 27/10/1998
Opponent name: HEXAL AKTIENGESELLSCHAFT
Opponent number: 9777



Trade Mark Consultation Service

Search result: **Found 13**

New search ■ Refine search ■ << Previous 20 ■ Next 20 >>

The Office
The Community Trade Mark
The Community Design
Databases
CTM-ONLINE
CTM-AGENT
CTM-DOWNLOAD
EURONICE-ONLINE
Proposed XML Standard
Enlargement

1 <input checked="" type="checkbox"/> LEXUS GS400	Application number: 000024349	Type of Mark: Word
Application number: 000024349	Filing date: 01/04/1996	Date of Registration: 02/12/1997
Filing date: 01/04/1996	Nice classification: 12	First language: EN
Nice classification: 12		
2 <input checked="" type="checkbox"/> LEXUS	Application number: 000024406	Type of Mark: Word
Application number: 000024406	Filing date: 01/04/1996	Date of Registration: 07/07/1998
Filing date: 01/04/1996	Nice classification: 12, 36, 37, 39	First language: EN
Nice classification: 12, 36, 37, 39		
3 <input checked="" type="checkbox"/> LEXUS	Application number: 000024919	Type of Mark: Figurative
Application number: 000024919	Filing date: 01/04/1996	Date of Registration: 21/04/1999
Filing date: 01/04/1996	Nice classification: 6, 9, 14, 16, 18, 22, 25, 28, 34	First language: EN
Nice classification: 6, 9, 14, 16, 18, 22, 25, 28, 34		
4 <input checked="" type="checkbox"/> LEXUS LX450	Application number: 000049718	Type of Mark: Word
Application number: 000049718	Filing date: 01/04/1996	Date of Registration: 20/11/1997
Filing date: 01/04/1996	Nice classification: 12	First language: EN
Nice classification: 12		
5 <input checked="" type="checkbox"/> LEXUS	Application number: 000555730	Type of Mark: Word
Application number: 000555730	Filing date: 12/06/1997	Date of Registration: 19/05/1999
Filing date: 12/06/1997	Nice classification: 5	First language: EN
Nice classification: 5		
6 <input checked="" type="checkbox"/> LEXUS IS200	Application number: 000676171	Type of Mark: Word
Application number: 000676171	Filing date: 14/11/1997	Date of Registration: 09/04/1999
Filing date: 14/11/1997	Nice classification: 12	First language: EN
Nice classification: 12		
7 <input checked="" type="checkbox"/> LEXUS RX300	Application number: 001056969	Type of Mark: Word
Application number: 001056969	Filing date: 28/01/1999	Date of Registration: 29/02/2000
Filing date: 28/01/1999	Nice classification: 12	First language: EN
Nice classification: 12		
8 <input checked="" type="checkbox"/> LEXUS GS300	Application number: 001057793	Type of Mark: Word
Application number: 001057793	Filing date: 28/01/1999	Date of Registration: 06/03/2000
Filing date: 28/01/1999	Nice classification: 12	First language: EN
Nice classification: 12		
9 <input checked="" type="checkbox"/> LEXUS LS430	Application number: 001555903	Type of Mark: Word
Application number: 001555903	Filing date: 14/03/2000	Date of Registration: 23/03/2001
Filing date: 14/03/2000	Nice classification: 12	First language: EN
Nice classification: 12		
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Application number: 001555911	Filing date: 14/03/2000	Date of Registration: 06/03/2001
Filing date: 14/03/2000	Nice classification: 12	First language: EN
Nice classification: 12		

11 LEXUS SC430

Application number: 001556091
Filing date: 14/03/2000
Nice classification: 12

Type of Mark: Word
Date of Registration: 06/03/2001
First language: EN

12 LEXUS IS300

Application number: 001556679
Filing date: 14/03/2000
Nice classification: 12

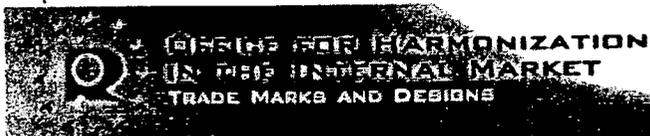
Type of Mark: Word
Date of Registration: 18/05/2001
First language: EN

13 LEXUS RX400h

Application number: 003266723
Filing date: 11/07/2003
Nice classification: 12

Type of Mark: Word
First language: EN

Disclaimer and Copyrig



- The Office
- The Community Trade Mark
- The Community Design
- Databases
- CTM-ONLINE
- CTM-AGENT
- CTM-DOWNLOAD
- EURONICE-ONLINE
- Proposed XML Standard
- Enlargement

Trade Mark Consultation Service

Search result: **Found 13**

New search ■ Refine search ■ << Previous 20 ■ Next 20 >>

1	<input checked="" type="checkbox"/> LEXUS GS400	Application number: 000024349	Type of Mark: Word
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11 LEXUS SC430

Application number: 001556091
Filing date: 14/03/2000
Nice classification: 12

Type of Mark: Word
Date of Registration: 06/03/2001
First language: EN

12 LEXUS IS300

Application number: 001556679
Filing date: 14/03/2000
Nice classification: 12

Type of Mark: Word
Date of Registration: 18/05/2001
First language: EN

13 LEXUS RX400h

Application number: 003266723
Filing date: 11/07/2003
Nice classification: 12

Type of Mark: Word
First language: EN

Disclaimer and Copyrig



Trade Marks Registry

Certified Copy

I certify that the attached is a true copy of the entry of a trade mark in the United Kingdom register of trade marks.

Ron Marchant
*Comptroller General of Patents,
Designs and Trade Marks
United Kingdom Patent Office*

Dated: 19 SEP 2004



Customer reference: JAS/230T50102A
Case status: Registered

Reason for this version:
Initial data take-on from OPTICS

Mark type: Word Only

Class: 05

Number in series: 1

Mark text:
LEXUS

Date filed: 02.11.1994
Next renewal date: 02.11.2004

Registration date: 29.09.1995

Journal section: Journal No.:
First advert: 6079
Registration: 6102

Page:
4089

Publication date:
14.06.1995
22.11.1995

Class: 05
Herbicides.

Proprietor ADP number: 0514077001

Proprietor:

E.I. du Pont de Nemours and Company, 1007 Market Street, Wilmington, Delaware 19898, United States of America

Proprietor residence country: United States of America

Proprietor incorporation country: United States of America

Proprietor incorporation state: Delaware

Agent ADP number: 0000018001

Agent:

Marks & Clerk, 57-60 Lincoln's Inn Fields, London, WC2A 3LS

Service ADP number: 0000018001

Service:

Marks & Clerk, 57-60 Lincoln's Inn Fields, London, WC2A 3LS

END OF REPORT

Pat Steiner
Brand Manager

Syngenta Crop Protection, Inc.
7755 Office Plaza Drive North, Ste 105
West Des Moines, IA 50266
www.syngenta.com

Tel 515-222-1400



Memo

To	Syngenta Crop Protection Employees	Date:	August 16, 2004
Concerning	Lexar™ Herbicide Receives U.S. EPA Registration		

Syngenta Crop Protection is proud to announce that Lexar™ herbicide has received U.S. Environmental Protection Agency (EPA) registration for use on field corn, field production seed corn, silage corn, and yellow popcorn. Lexar will be sold for use in the 2005 season. Attached is the news release that has been issued to the U.S. ag media.

Many people have contributed to this important new addition to the Syngenta corn herbicide portfolio. I'd like to say thank you to everyone for their hard work and commitment, and I'd like to recognize the regulatory group who did a phenomenal job of getting the registration pushed ahead of schedule and did indeed receive registration several months early.

Joining Callisto®, LUMAX®, and Camix™ herbicides, Lexar is the newest member of the Callisto Plant Technology™ family and will prove to be a significant addition by providing improved pre-emergence weed control and the best one-pass weed control program in geographies where this presents unique challenges. Lexar is a customized blend of mesotrione, S-metolachlor, and atrazine designed specifically for the soils and weed spectrum of the central and southern corn-growing regions of the United States, with improved control of giant ragweed, sunflower, and cocklebur.

We think you will agree that this new product represents our commitment to the growers by providing the best products to fit their needs, as well as our commitment to continue to strive for excellence.

Regards,

Pat Steiner
Brand Manager



For Immediate Release

Syngenta Introduces New Corn Herbicide for 2005 *Lexar Designed for Central and Southern Corn Belts*

Greensboro, N.C., August 16, 2004 - Syngenta Crop Protection today announced EPA registration for Lexar™, a new, one-pass pre-emergence corn herbicide designed specifically for use across the central and southern corn-growing regions of the U.S. Lexar, available for the 2005 season, is registered for use on field corn, seed corn, yellow popcorn and corn grown for silage.

A custom blend of mesotrione, S-metolachlor and atrazine, Lexar is the newest member of the Callisto® family of herbicides, joining Callisto, Camix® and LUMAX®. It owes its origins to the discovery of a natural herbicide secreted by the *Callistemon* plant. Lexar incorporates the same technology as the other herbicides in the Callisto family to deliver unprecedented broadleaf weed control and exceptional crop safety.

"With the introduction of Lexar, we continue to build upon the Callisto chemistry and strengthen our leading market position in U.S. corn," said Mike Mack, president of Syngenta Crop Protection NAFTA. "The Callisto family of herbicides has been well-received by growers in the U.S., and we believe Lexar will be no exception. Lexar will offer growers in the central and southern corn belts an excellent, one-pass herbicide with best-in-class crop safety."

Fitting the weed spectrum of the central and southern corn-growing regions, Lexar provides improved control of giant ragweed, sunflower, morningglories and cocklebur compared to other premixes. The control spectrum of Lexar encompasses the most problematic weed species in corn, such as waterhemp, common lambsquarters, common ragweed and velvetleaf including biotypes of these weed species that are resistant to triazines and ALS-inhibiting herbicides, and those increasingly tolerant to glyphosate herbicides.

"Lexar fortifies the already strong Callisto family, which offers a complete array of corn herbicides in one portfolio and provides a proven solution for the broad spectrum of weeds across the U.S.," said Pat Steiner, Lexar brand manager. "By developing herbicides to fit certain geographic segments, Syngenta helps growers find the right fit for their fields to achieve optimal yield from their corn hybrid."

Lexar is included in herbicide trials throughout the corn belt in 2004, offering growers and dealers an opportunity to compare this next generation pre-emerge product with other popular weed control programs.

More information about Lexar is available from your local retailer, your local Syngenta sales representative, or at www.syngentacropprotection.com.

Syngenta is a world-leading agribusiness committed to sustainable agriculture through innovative research and technology. The company is a leader in crop protection, and ranks third in the high-value commercial seeds market. Sales in 2003 were approximately \$6.6 billion. Syngenta employs some 19,000 people in over 90 countries. Syngenta is listed on the Swiss stock exchange (SYNN) and in New York (SYT). Further information is available at www.syngenta.com.

#

Contact:

Caryn Caratelli, Gibbs & Soell
919-870-5718 or ccaratelli@gibbs-soell.com

Margaret Mattoon, Syngenta
336-632-6000 or margaret.mattoon@syngenta.com

Cautionary Statement Regarding Forward-Looking Statements

This press release contains forward-looking statements, which can be identified by terminology such as "expect," "would," "will," "potential," "plans," "prospects," "estimated," "aiming," "on track" and similar expressions. Such statements may be subject to risks and uncertainties that could cause the actual results to differ materially from these statements. We refer you to Syngenta's publicly available filings with the U.S. Securities and Exchange Commission for information about these and other risks and uncertainties. Syngenta assumes no obligation to update forward-looking statements to reflect actual results, changed assumptions or other factors. This release does not constitute, or form part of, any offer or invitation to sell or issue, or any solicitation of any offer, to purchase or subscribe for any ordinary shares in Syngenta AG, or Syngenta ADSs, nor shall it form the basis of, or be relied on in connection with, any contract therefore.

Important: Lexar™ and LUMAX® are Restricted Use Pesticides. Always read and follow label instructions before buying or using these products. Lexar™, Camix®, Callisto®, LUMAX® and the Syngenta logo are trademarks of a Syngenta Group Company.

SYNGENTA CROP PROTECTION
410 SWING ROAD
ATT: JAMES A ZELLINGER
GREENSBORO NC 27409

Enclosed is the information you requested. Your payment of \$10.00 is hereby acknowledged.

If the name on the enclosed document(s) does not match exactly with the name of the entity you requested, this office does not have a record of the exact name you requested. The document(s) provided appear(s) to be of sufficient similarity to be the entity requested.

200608210329 49

133

State of New York }
Department of State } ss:

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.

Witness my hand and seal of the Department of State on

September 8, 2006



A handwritten signature in black ink, appearing to be "D. J. ...", is written over the seal.

Special Deputy Secretary of State

DOS-1266 (Rev. 11/05)

CERTIFICATE OF INCORPORATION

OF

LEXUS MANAGEMENT CO., INC.

UNDER SECTION 402 OF THE
BUSINESS CORPORATION LAW

* * * * *

WE, THE UNDERSIGNED, all of the age of eighteen years or over, for the purpose of forming a corporation pursuant to Section 402 of the Business Corporation Law of New York, do hereby certify:

FIRST: The name of the corporation is

LEXUS MANAGEMENT CO., INC.

SECOND: The purposes for which it is formed are:

To lease space and provide secretarial service, to own and maintain office equipment, to own and maintain a law library; to hold, own and lease real estate, and to provide ancillary supporting services for law offices.

THIRD: The office of the corporation is to be

located in the City of White Plains, County of Westchester, State of New York.

A862301

A862301

FOURTH: The aggregate number of shares which the corporation shall have authority to issue is two hundred (200) without par value.

FIFTH: The Secretary of State is designated as the agent of the corporation upon whom process against the corporation may be served. The post-office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is: 199 Main Street, White Plains, New York 10601.

IN WITNESS WHEREOF, we have made and signed this Certificate this 22nd day of April, A.D. 1982, and we affirm the statements contained therein as true under penalties of perjury.

Pierre D. Rein
Pierre D. Rein
1633 Broadway
New York, New York 10019

Barbara A. Dawson
Barbara A. Dawson
1633 Broadway
New York, New York 10019

Ab62301

CERTIFICATE OF INCORPORATION
OF

LEXUS MANAGEMENT CO., INC.

UNDER SECTION 402 OF THE
BUSINESS CORPORATION LAW

FILED

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3

Richard Scanlan, Atty.
199 Main Street
White Plains, New York 10601

FILED

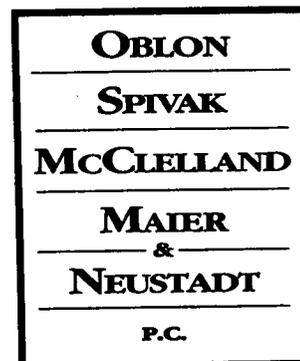
APR 29 12 46 PM '82

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED APR 23 1982
AMT. OF CHECK \$ 123.50
FILING FEE \$ 1.00
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COUNTY FEE \$ 3.50
COPY \$.00
CERT \$.00
REFUND \$.00
SPEC HANDLE \$.00

[Handwritten signature]

EXHIBIT 2

November 30, 2006



James A. Zellinger, Esquire
Trademark Counsel
Syngenta Crop Protection, Inc.
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 v. Syngenta Participations AG
Opposition No.: 91/157,206
Mark: LEXUS V. LEXUS and LEXXUS
Our Ref: 238096US-213-21

Dear Mr. Zellinger:

I have received your letter of October 11, 2006 with the documents numbered 100 through 137.

Please identify the specific request for production to which each document is a response.

Sincerely yours,

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

A handwritten signature in black ink, appearing to read "David J. Kera".

David J. Kera

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

EXHIBIT 3



James A. Zellinger
Trademark Counsel

Kera
Syngenta Crop Protection, Inc.
410 Swing Road
Greensboro, NC 27409

Tel 336-632-7835
Fax 336-632-2012
e-mail:
jim.zellinger@syngenta.com

December 8, 2006

RECEIVED

DEC 12 2006

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

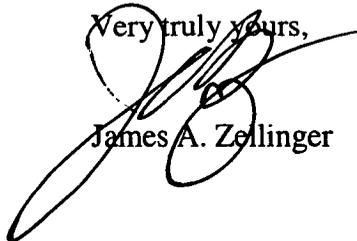
David J. Kera
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

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 Mr. Kera:

In response to your letter of November 30, 2006, which was not received by my office until December 7, 2006, the production of documents was made *in globo*.

Very truly yours,

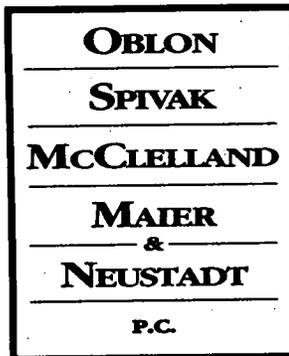

James A. Zellinger

JAZ/sk

EXHIBIT 4

November 30, 2006

James A. Zellinger, Esquire
Trademark Counsel
Syngenta Crop Protection, Inc.
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 v. Syngenta Participations AG
Opposition No.: 91/157,206
Mark: LEXUS V. LEXUS and LEXXUS
Our Ref: 238096US-213-21

Dear Mr. Zellinger:

I have received your letter of October 11, 2006 with the documents numbered 100 through 137.

Please identify the specific request for production to which each document is a response.

Sincerely yours,

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

A handwritten signature in black ink, appearing to read 'David J. Kera', written over the typed name below.

David J. Kera

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

EXHIBIT 5



James A. Zellinger
Trademark Counsel

Kera
Syngenta Crop Protection, Inc.
410 Swing Road
Greensboro, NC 27409

Tel 336-632-7835
Fax 336-632-2012
e-mail:
jim.zellinger@syngenta.com

December 27, 2006

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

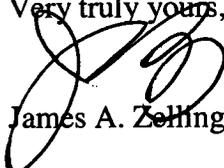
Re: *Toyota Jidosha Kabushiki Kaisha t/a Toyota Motor Corporation, and Toyota Motor Sales, U.S.A., Inc., v. Syngenta Participations AG.
Consolidated Opposition Nos: 157,206 & 159,578*

Dear Mr. Kera:

In am in receipt of your letter of December 15, 2006.

"In globo" means that the materials produced correspond to all of the requests made by Opposers. Since there are only thirty-eight documents, it should not be an onerous task to avoid confusing them.

Very truly yours,


James A. Zellinger

RECEIVED

JAZ/sk

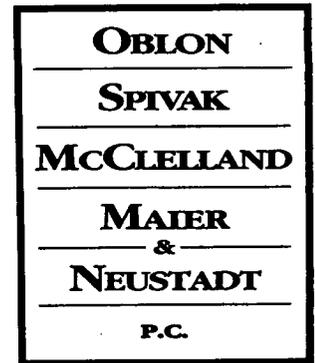
DEC 29 2006

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

EXHIBIT 6

January 3, 2007

James A. Zellinger, Esquire
Trademark Counsel
Syngenta Crop Protection, Inc.
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 v. Syngenta Participations AG
Opposition No.: 91/157,206
Mark: LEXUS V. LEXUS and LEXXUS
Our Ref: 238096US-213-21

Dear Mr. Zellinger:

Rule 34(b), F.R.C.P. clearly places upon the producer of the documents the duty to "organize and label them to correspond with the categories in the request."

I request that you promptly inform me, for each of the thirty-eight documents, the number or numbers of the request or requests to which each document responds.

If you choose not to do so, I shall move the Trademark Trial and Appeal Board for an order to compel compliance with the rule.

Sincerely yours,

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

A handwritten signature in black ink, appearing to read "David J. Kera".

David J. Kera

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

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **OPPOSERS' MOTION TO COMPEL** was served on attorney for Applicant, this 16th day of January, 2007, by sending same via First Class mail, postage prepaid, to:

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