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REDACTED

1 of Big O?

2 A Yes.

3 Q In connection with this case did you have a
4 summary of Big O sales generated?

5 A Yes.

6 MR. CUCCIAS: I would like to designate the
7 remainder of the deposition as confidential, attorneys'
8 eyes only, to include the exhibits.

9 (Exhibits 35A through 35F marked.)

10 (The following testimony has been
11 designated confidential and is bound in a
12 separate volume.)

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1 PROCEEDINGS

2 MICHAEL KINNEN,

3 being first duly sworn in the above cause, was examined
4 and testified as follows:

5 EXAMINATION

6 BY MR. CUCCIAS:

7 Q Please state your business address.

8 A 12650 East Briarwood Avenue, Suite 2D,
9 Centennial, Colorado 80112.

10 Q Do you hold any degrees?

11 A I have a bachelor's degree in economics.

12 Q From which institution?

13 A SUNY, State University of New York.

14 Q With whom are you presently employed?

15 A Big O Tires.

16 Q What is your present position?

17 A I am the vice president of operations.

18 Q As vice president of operations, do you have
19 a financial role?

20 A I do. I am the senior financial officer
21 for Big O Tires.

22 Q What was your prior position at Big O Tires?

23 A When I was hired here, it was as vice
24 president of franchise finance.

25 Q Do you have access to the financial records

AGREN BLANDO COURT REPORTING & VIDEO INC

1 Pursuant to Notice and Rule 2.123 of the
 2 Trademark Rules of Practice, the deposition of
 3 MICHAEL KINNEN, called by Opposer, was taken on
 4 Thursday, June 5, 2008, commencing at 3:14 p.m., at
 5 12650 East Briarwood Avenue, Suite 2D, Centennial,
 6 Colorado, before Michele Koss, Registered Professional
 7 Reporter and Notary Public within and for the State of
 8 Colorado.

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I N D E X

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DEPOSITION OF MICHAEL KINNEN

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EXAMINATION BY:

PAGE

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Mr. Cuccias

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EXHIBITS

INITIAL REFERENCE

16

Exhibit 35A Big O Tires income statement ending
12/31/01

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Exhibit 35B Big O Tires income statement ending
12/31/02

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Exhibit 35C Big O Tires income statement ending
12/31/03

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Exhibit 35D Big O Tires income statement ending
12/31/04

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Exhibit 35E Big O Tires income statement ending
12/31/05

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Exhibit 35F Big O Tires income statement ending
3/31/07

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AGREN BLANDO COURT REPORTING & VIDEO INC

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

Opposition No. 91163791

DEPOSITION OF MICHAEL KINNEN

June 5, 2008

BIG O TIRES, LLC,

Opposer,

vs.

WHEEL SPECIALTIES, LTD.,

Applicant.

ORIGINAL

APPEARANCES:

JACOBSON HOLMAN PLLC

By Matthew J. Cuccias, Esq.

400 Seventh Street, N.W.

Washington, D.C. 20004-2218

Appearing on behalf of Opposer.