ESTTA Tracking number: **ESTTA127318**
Filing date: **02/28/2007**

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

Proceeding	91173105
Party	Plaintiff Honda Motor Co., Ltd. Honda Motor Co., Ltd. ,
Correspondence Address	Mark G. Matuschak Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 UNITED STATES mark.matuschak@wilmerhale.com, cora.han@wilmerhale.com
Submission	Motion to Compel Discovery
Filer's Name	Cora Tung Han
Filer's e-mail	cora.han@wilmerhale.com
Signature	/Cora Tung Han/
Date	02/28/2007
Attachments	Opposer's Motion to Compel.pdf (4 pages)(30305 bytes) Exhibit 1 - Motion to Compel.pdf (19 pages)(700950 bytes) Exhibit 2 - Motion to Compel.pdf (2 pages)(46650 bytes)

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

In the Matter of Application Serial No. 78/339,571
Published in the Official Gazette of May 30, 2006 at TM 674
MARK: DEALERDASHBOARD
----------x
Honda Motor Co., Ltd.,

Opposition No. 91173105

Opposer,

v.

Michael Dalton,

Applicant.

----------x

OPPOSER'S MOTION TO COMPEL
DISCOVERY RESPONSES FROM APPLICANT

Pursuant to Fed. R. Civ. P. 37 and Rule 2.120(e) of the Trademark Rules of Practice, Opposer Honda Motor Co., Ltd. ("Opposer" or "Honda") hereby moves for an order compelling Applicant Michael Dalton ("Applicant") to answer Opposer's First Set of Interrogatories and to produce the documents requested in Opposer's First Set of Requests for Documents and Things (collectively, "Discovery Requests"). Since Applicant's failure to provide responses to Opposer's Discovery Requests is not the result of excusable neglect, Opposer further requests that the Board find that Applicant has forfeited his right to object to Opposer's Discovery Requests on their merits. *See* TBMP 403.03.

1. Fed. R. Civ. P. 33 and TBMP 405.01 allow a party to serve written interrogatories upon any other party during the discovery period in an inter partes proceeding before the Trademark Trial and Appeal Board (the "Board").

2. Fed. R. Civ. P. 34 and TBMP 406.01 allow a party to serve requests for the production of documents and things upon any other party during the discovery period in an inter partes proceeding before the Board.

3. In this matter, the discovery period opened on October 17, 2006 and closes on April 15, 2007.

4. On November 21, 2006, Honda served the following discovery requests on Applicant by first class mail: Opposer's First Set of Interrogatories to Applicant and Opposer's First Set of Requests for Documents and Things. A copy of Honda's Discovery Requests are attached hereto as Exhibit 1.

5. Pursuant to Rules 2.119(c) and 2.120(a) of the Trademark Rules of Practice, Applicant's responses to these requests were due on December 26, 2006.

6. Applicant has not responded to either Opposer's First of Set of Interrogatories to Applicant or Opposer's First Set of Requests for Documents and Things.

7. Pursuant to TBMP 523.02 and Rule 2.120 (e), Honda made a good faith effort to resolve with Applicant the issues presented in this motion to compel by correspondence. A copy of Honda's letter to Applicant dated January 11, 2007 is attached hereto as Exhibit 2.

8. A motion is compel is appropriate where, as here, a party fails to answer an interrogatory or to produce requested documents. *See* Fed. R. Civ. P. 37; Rule 2.120(e).

9. In addition, pursuant to TBMP 403.03, "[a] party which fails to respond to a request for discovery during the time allowed therefor, and which is unable to show that its failure was the result of excusable neglect, may be found . . . to have forfeited its right to object to the discovery request on its merits."

10. Here, Applicant did not respond to Honda's January 11, 2007 letter or at any other time provide a reason for its failure to provide responses to Opposer's Discovery Requests. Accordingly, Applicant is unable to show that his failure to respond was the result of excusable neglect.

11. For the aforementioned reasons, Opposer respectfully requests that the Board grant its Motion to Compel Discovery and order Applicant to respond to Opposer's Discovery Requests. Opposer also respectfully requests that the Board find that Applicant has forfeited his right to object to the Discovery Requests on their merits.

Dated: February 28, 2007

WILMER CUTLER PICKERING
HALE and DORR LLP

By: /s/ Cora Tung Han
Cora Tung Han
1875 Pennsylvania Ave., NW
Washington, DC 20006
(202) 663-6000

Mark G. Matuschak
60 State Street
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(617) 526-6000

Dyan Finguerra-DuCharme
399 Park Avenue
New York, NY 10022
(212) 937-7203

Attorneys for Opposer
Honda Motor Co., Ltd.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposer's Motion to Compel Discovery was served on February 28, 2007 by First Class Mail to:

Michael Dalton
Box 18137
670 Northland Blvd.
Cincinnati, OH 45218-0137

By: /s/ Cora Tung Han
Cora Tung Han

EXHIBIT 1

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

In the Matter of Application Serial No. 78/339,571
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MARK: DEALERDASHBOARD

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Honda Motor Co., Ltd.,

Opposition No. 91173105

Opposer,

v.

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OPPOSER'S FIRST
SET OF INTERROGATORIES TO APPLICANT

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer Honda Motor Co., Ltd. ("Opposer") hereby requests that Applicant Michael Dalton ("Applicant") answer the following interrogatories fully and separately, in writing and under oath on the 30th day from service hereof. These requests are continuing and impose upon Applicant the obligations stated in Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, "Opposer" includes Honda Motor Co., Ltd. and its related entities and their officers, directors, employees, agents and representatives.

B. As used herein, "Applicant" includes Michael Dalton, and all related and affiliated legal or business entities and other persons acting or purporting to act on his behalf.

C. As used herein, "Applicant's Mark" means Applicant's DEALERDASHBOARD mark in any type face or design, alone or in combination with other words and/or designs, including but not limited to the mark that is the subject of U.S. Trademark Application Serial No. 78/339,571.

D. "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of the interrogatory all information that might otherwise be construed to be outside its scope.

E. The singular shall include the plural and the present tense shall include the past tense and vice versa in order to bring within the scope of the interrogatory all information that might otherwise be construed to be outside its scope.

F. (1) Whenever an interrogatory inquires about the identity of an individual, the information requested includes:

(a) The person's full name;

(b) The person's employer, or business affiliation and address;

(c) The person's position or title; and

(d) The person's last known address and telephone number.

(2) Whenever an interrogatory inquires about the identity of a corporation, division, agency, association or other entity, the information requested includes its full name and current address.

G. If any of the requested information is withheld under a claim of privilege or other protection, produce within 10 days of the date on which responses are required pursuant to these interrogatories, a log of the information withheld sufficient to evaluate the privilege claimed that, at a minimum, separately identifies: (a) all persons who know the information or participated in any conversation about or consideration of the

information, and each such person's job title, last known address and telephone number, and whether such person is an attorney; (b) the basis of any privilege claim; and (c) a description of the subject matter of the information.

H. If the information furnished in answer to all or any part of an interrogatory is not within Applicant's personal knowledge, state the name to whom all or any part of the information furnished is a matter of personal knowledge, and the name of the person(s) who communicated to you any part of the information furnished.

I. If any document, thing or source of information identified in answer to an interrogatory has been destroyed, with regard to such destruction state: (a) the date of such destruction; (b) the reason for such destruction; (c) the identity of the person or persons who destroyed the document, thing or source of information; and (d) the identity of the person or persons who authorized such destruction.

J. These interrogatories are continuing so as to require Applicant's further and supplemental responses in accordance with the Federal Rules of Civil Procedure.

K. "Communication(s)" means the exchange of information between any person or entity by or through any mode or medium including, but not limited to, the spoken word, written or electronic correspondence, face-to-face meetings and/or conveying information through third persons.

L. "Document(s)" shall be defined as synonymous in meaning and equal in scope to the use of that term in Fed. R. Civ. P. 34(a) and applicable case law, and shall include, without limitation, "things," electronic mail, drawings and information in computer-readable format, and "writings" and "recordings" as defined in Fed. R. Evid. 1001.

M. "Identify" shall mean with respect to a document, the production number of the document (if applicable) and if there is no production number, the type of

document, general subject matter, date of the document, author(s), addressee(s) and recipient(s) and its current location.

N. "Person" means: (a) any natural person or individual or (b) any entity, whether business, legal, governmental, or other, regardless of purpose and regardless of whether or not for profit, including, but not limited to, any corporation, partnership, sole proprietorship, organization, club, committee, joint venture, foreign corporation or foreign entity, or any associate, general partner, limited partner, employee, subsidiary, parent, or other affiliate of any such entity.

O. "Concerning" shall mean relating to, referring to, describing, evidencing or constituting.

INTERROGATORIES

1. Describe the nature of the business conducted by Applicant.

2. State each name under which Applicant has done or is doing business, and state the address for, and dates during which, Applicant was or is doing business under such name.

3. Identify (by name and title) each of Applicant's employees responsible for the promotion, sale and distribution of the products or services Applicant has sold or intends to promote or sell in connection with Applicant's Mark.

4. Identify each and every product or service sold bearing Applicant's Mark

5. State the first date on which Applicant offered for sale any product or service bearing Applicant's Mark.

6. State the specific manner in which Applicant's Mark has been used by Applicant.

7. Identify every person who was responsible for or who participated in the selection and adoption of Applicant's Mark.

8. Describe in detail the reasons Applicant selected Applicant's Mark and identify all trademark search reports pertaining to that selection.

9. Identify all searches of any type conducted by or on behalf of Applicant in connection with the decision to adopt, use, or apply for federal registration of Applicant's Mark.

10. Describe in detail any discussions Applicant had with others concerning the adoption and selection of Applicant's Mark, and identify any other marks considered for adoption and/or selection.

11. Identify the commercial impression Applicant intends to create by use of Applicant's Mark in commerce.

12. Identify and describe in detail the channels of distribution and the geographical areas of trade within which Applicant has sold any product or service bearing Applicant's Mark.

13. Identify the class of purchasers to whom Applicant intended to promote, advertise and/or sell products or services bearing Applicant's Mark, including the demographics of the ultimate consumers of products or services bearing Applicant's Mark.

14. Identify (by title, publisher, page number, issue date, URL, air date(s), broadcast media outlet(s), and any other relevant designation), those printed and electronic publications, and media advertisements (such as internet advertisements, cable, television and/or radio adverstisements), in which Applicant has promoted products or services bearing Applicant's Mark.

15. Identify all wholesale outlets, retail outlets, distributors and websites that have promoted, advertised, sold and/or offered for sale products or services bearing Applicant's Mark.

16. Identify representative examples of each different promotional document and item used and being considered for use by Applicant in connection with the promotion and sale of products or services bearing Applicant's Mark.

17. Identify (by name, date and location) each marketing venue (such as a promotional event, trade show or fair) where Applicant has promoted any product or service bearing Applicant's Mark.

18. State in dollars and number of units each of Applicant's sales or projected sales of products or services bearing Applicant's Mark.

19. State in dollars Applicant's yearly advertising and promotional budget or projected yearly advertising and promotional budget for any product or service bearing Applicant's Mark.

20. Identify any market research (including surveys, studies, investigations and focus group inquiries) conducted by or on behalf of Applicant regarding Applicant's Mark, and state the results thereof.

21. Identify those persons having the most knowledge of any market research (including surveys, studies, investigations and focus group inquiries) conducted by or on behalf of Applicant regarding Applicant's Mark.

22. Describe any instance, whether by written correspondence, telephone call or other communications, in which any person or business entity:

(a) has by word or deed suggested a belief that any product or service bearing Applicant's Mark was licensed or sponsored by or otherwise associated or

connected with Opposer or with Opposer's use of the terms "Dashboard" or "Dealer Dashboard"

(b) has by word or deed suggested a belief that any product or service bearing Applicant's Mark was advertised, distributed or offered for sale by Applicant under the control of or in any manner in association with or related to Opposer; or

(c) has been in any way confused, mistaken or deceived as to the origin or sponsorship of any product or service bearing Applicant's Mark. Examples of such confusion, mistake or deception include, but are not limited to, instances of misdirected mail or e-mail, misdirected inquiries, misdirected invoices or misdirected deliveries.

23. State the date and describe the circumstances in which Applicant first became aware of Opposer's use of the terms "Dashboard" and "Dealer Dashboard" and identify all individuals having relevant knowledge.

24. State whether Applicant considered the issue of, and/or received any opinions concerning, a likelihood of confusion between Applicant's Mark and Opposer's use of the terms "Dashboard" and "Dealer Dashboard."

25. Identify each person from whom Applicant has obtained a statement and/or whom Applicant plans to use as a witness in this proceeding.

26. Identify each person who supplied information used in the preparation of the answers to these interrogatories and, if more than one such person was involved, indicate the specific interrogatories to which each such person contributed all or part of the information comprising the answer.

27. For each expert Applicant has retained to give testimony in this proceeding, provide the information required in Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure.

Dated: November 21, 2006

WILMER CUTLER PICKERING
HALE and DORR LLP

By: _____

Dyan Finguerra-DuCharme
399 Park Avenue
New York, NY 10022
(212) 937-7203

Mark G. Matuschak
60 State Street
Boston, Massachusetts 02109
(617) 526-6000

Cora Tung Han
1875 Pennsylvania Ave., NW
Washington, DC 20006
(202) 663-6000

Attorneys for Opposer
Honda Motor Co., Ltd.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Opposer's First Set of Interrogatories has been served on November 21, 2006 by Facsimile and First Class Mail to:

Michael Dalton
Box 18137
670 Northland Blvd.
Cincinnati, OH 45218-0137

Doris L. McPherson

Doris L. McPherson

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

In the Matter of Application Serial No. 78/339,571
Published in the Official Gazette of May 30, 2006 at TM 674
MARK: DEALERDASHBOARD

----------x

Honda Motor Co., Ltd.,

Opposition No. 91173105

Opposer,

v.

Michael Dalton,

Applicant.

----------x

OPPOSER'S FIRST SET OF REQUESTS FOR DOCUMENTS AND THINGS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 2.120 of the TradeMark Rules of Practice, Opposer Honda Motor Co., Ltd. ("Opposer") hereby requests that Applicant Michael Dalton ("Applicant"), within thirty days, produce copies of the documents set forth below to counsel for Opposer. These requests are continuing in nature and impose upon Applicant the obligations stated in Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, "Opposer" includes Honda Motor Co., Ltd. and its related entities and their officers, directors, employees, agents and representatives.

B. As used herein, "Applicant" shall mean Michael Dalton, and all related and affiliated legal or business entities and other persons acting or purporting to act on his behalf.

C. As used herein, "Applicant's Mark" means Applicant's DEALERDASHBOARD mark in any type face or design, alone or in combination with other

words and/or designs, including but not limited to the Mark that is the subject of U.S. TradeMark Application Serial No. 78/339,571.

D. "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of the interrogatory all information that might otherwise be construed to be outside its scope.

E. The singular shall include the plural and the present tense shall include the past tense and vice versa in order to bring within the scope of the document request, documents that might otherwise be construed to be outside its scope.

F. If Applicant objects to the production of any document that falls within a request based on a claim of privilege or a claim that such document constitutes attorney work product, the following information is requested:

1. the date of the document;

2. the name of the document's originator, the name of the person to whom it is addressed and the names of all persons who were shown copies;

3. a general description of the type of document and the subject matter to which it pertains; and

4. the basis for withholding the document.

G. Each request should be constructed independently. No request should be construed by defense to any other requests for the purpose of limiting the scope of response to such request.

H. "Document(s)" shall be defined as synonymous in meaning and equal in scope to the use of that term in Fed. R. Civ. P. 34(a) and applicable case law, and shall include, without limitation, "things," electronic mail, drawings and information in computer-readable format, and "writings" and "recordings" as defined in Fed. R. Evid. 1001.

I. "Communication(s)" means the exchange of information between any person or entity by or through any mode or medium including, but not limited to, the spoken word, written or electronic correspondence, face-to-face meetings and/or conveying information through third persons.

J. "Concerning" shall mean relating to, referring to, describing, evidencing or constituting.

K. "Person" means: (a) any natural person or individual or (b) any entity, whether business, legal, governmental, or other, regardless of purpose and regardless of whether or not for profit, including, but not limited to, any corporation, partnership, sole proprietorship, organization, club, committee, joint venture, foreign corporation or foreign entity, or any associate, general partner, limited partner, employee, subsidiary, parent, or other affiliate of any such entity.

L. Produce documents as they are kept in the usual course of business or organized and labeled to correspond to the document requests by number.

M. To the extent that two or more requests may be construed as calling for the production of the same document, or to the extent that the request would otherwise be objectionable as repetitive, overlapping, duplicative, or the like, only one copy of any given document need be produced. Any document bearing marks that are not part of the original text, or any non-identical reproduction thereof, however, is to be considered a separate document and must be separately produced. Moreover, if the documents are produced as they are kept in the usual course of business, identical documents maintained in separate files must be produced.

N. If a requested document is in a language other than English, both the original and any existing English translation thereof should be produced.

O. If any document responsive to any of these requests has been destroyed, lost, discarded or otherwise disposed of, identify such document as completely as possible, including, but not limited to, the following information: (a) the date of disposal of the document; (b) the manner of disposal of the document; (c) the reason for disposal of the document; (d) the person authorizing the disposal of the document; and (e) the person actually disposing of the document.

P. These requests are continuing in nature, and pursuant to Fed. R. Civ. P. 26(e), Applicant is under a duty to timely amend each prior response to a request for production if Applicant learns that the response is in some material respect incomplete or incorrect, or if any information or documents are hereafter acquired.

REQUESTS

1. All documents and things identified in response to Opposer's First Set of Interrogatories.

2. Documents sufficient to demonstrate the nature of Applicant's business.

3. All documents and things concerning Applicant's creation, consideration, design, development, selection, adoption and first use of Applicant's Mark.

4. All documents and things concerning Applicant's decision to offer for sale each good and/or service bearing Applicant's Mark.

5. All documents and things concerning any investigation such as a service mark, trademark, or trade name search concerning the adoption, use, or application for federal registration of Applicant's Mark.

6. All documents and things concerning the appearance, pronunciation, meaning and/or commercial impression of Applicant's Mark.

7. Specimens of each product or service bearing Applicant's Mark.

8. All documents and things concerning the creation, design and development of each and every product or service bearing Applicant's Mark.

9. All documents and things concerning the earliest use in U.S. commerce of any product or service bearing Applicant's Mark.

10. All documents and things demonstrating the type(s) of products or services on which Applicant has used Applicant's Mark.

11. All documents and things identifying the channels of trade through which Applicant offers, or has offered for sale products or services bearing Applicant's Mark.

12. All documents and things disclosing the territories in which Applicant offers, or has offered for sale products or services bearing Applicant's Mark, the first date on which such products were sold in each identified territory, and the last date on which such products were sold in each identified territory in which they are no longer sold.

13. All documents and things concerning Applicant's yearly dollar and unit volume of sales to date and projected future dollar and unit volume of sales of each product or service bearing Applicant's Mark.

14. All documents and things concerning Applicant's past, present and future marketing plans for each product or service bearing Applicant's Mark.

15. Representative specimens of all past, present, and proposed advertising and promotional materials, including electronic media, for each product or service bearing Applicant's Mark whether distributed publicly or not.

16. All documents and things concerning Applicant's yearly expenditures to date and planned future expenditures for all advertising and promotion of products or services bearing Applicant's Mark.

17. All documents and things concerning former, current, and potential customers including, but not limited to, customer profiles and demographics, to whom Applicant is, has been or will be promoting, marketing, advertising or selling any product or service bearing Applicant's Mark.

18. All documents and things concerning or constituting formal or informal market studies, surveys, focus groups or other studies concerning Applicant's Mark.

19. All documents and things concerning each marketing venue (such as a promotional event, trade show or fair) where Applicant has promoted or plans to promote any product or service bearing Applicant's Mark.

20. All documents and things concerning or constituting any assignment, license, or other transfer to or from Applicant of any right in Applicant's Mark.

21. All past and present license agreements of any kind, distribution or marketing agreements between Applicant and any other person relating to Applicant's Mark or any products or services sold by or on behalf of Applicant under Applicant's Mark.

22. All documents and things concerning any third party agreements into which Applicant has entered to manufacture, sell and/or distribute products or services bearing Applicant's Mark or otherwise make use of Applicant's Mark.

23. All documents and things concerning the circumstances under which Applicant first became aware of Opposer's use of the terms "Dashboard" and "Dealer Dashboard" and any subsequent meeting or communication regarding Opposer's use of the terms "Dashboard" and "Dealer Dashboard."

24. All documents and things related to Applicant's knowledge of Opposer's use of the terms "Dashboard" and "Dealer Dashboard."

25. All documents and things concerning any instances of actual or possible confusion, mistake, deception or association of any kind between Opposer and/or Opposer's use of the terms "Dashboard" and "Dealer Dashboard" and Applicant and/or Applicant's Mark.

26. All documents and things concerning any objection, litigation, proceeding or dispute relating to Applicant's registration and/or use of Applicant's Mark.

27. All exhibits that Applicant will introduce during any witness's deposition or testimony.

28. All exhibits that Applicant will rely on, refer to, or introduce during the testimony period in this proceeding.

29. For each expert Applicant intends to call to provide testimony in this proceeding, produce:

(a) any written report provided by said expert relating to the subject matter of this proceeding;

(b) a complete written statement of all opinions to be expressed by the expert in this proceeding, and the basis and reasons therefor;

(c) all documents reflecting the data or other information considered by the expert in forming his/her opinions;

(d) all exhibits to be used by the expert as a summary of or support for his/her opinions;

(e) those documents stating the qualifications of the expert, such as would be reflected in a resume, curriculum vitae, biography, summary or otherwise;

(f) a written list of all publications authored by the witness within the last ten years;

(g) documents reflecting the compensation to be paid for the expert's preparation time and time taken to provide testimony; and

(h) a written list of any other cases in which the witness has testified as an expert at trial, in an administrative proceeding or by deposition within the past four years.

Dated: November 21, 2006

WILMER CUTLER PICKERING
HALE and DORR LLP

By: _____

Dyan Finguerra-DuCharme
399 Park Avenue
New York, NY 10022
(212) 937-7203

Mark G. Matuschak
60 State Street
Boston, Massachusetts 02109
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Cora Tung Han
1875 Pennsylvania Ave., NW
Washington, DC 20006
(202) 663-6000

Attorneys for Opposer
Honda Motor Co., Ltd.

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Michael Dalton
Box 18137
670 Northland Blvd.
Cincinnati, OH 45218-0137

Doris L. McPherson

Doris L. McPherson

EXHIBIT 2

WILMERHALE

Cora T. Han

+1 202 663 6823 (t)
+1 202 663 6363 (f)
cora.han@wilmerhale.com

January 11, 2007

Via First Class Mail and Email

Mr. Michael Dalton
Box 18137
670 Northland Blvd.
Cincinnati, OH 45218-0137

Re: *Honda Motor Co., Ltd. v. Michael Dalton,* Opposition No. 91173105

Dear Mr. Dalton:

I write regarding your failure to respond to Honda's discovery requests in the above-captioned matter.

On November 21, 2006, Honda served the following discovery requests on you: Opposer's First Set of Interrogatories to Applicant, Opposer's First Set of Requests for Documents and Things, and Opposer's First Set of Requests for Admissions to Applicant. Pursuant to Federal Rules of Civil Procedure 33, 34, and 36, and Rule 2.120 of the Trademark Rules of Practice, your responses to these requests were due within 30 days of service. To date, we have not received any responses from you.

We hereby request that you immediately provide responses to Opposer's First Set of Interrogatories to Applicant, Opposer's First Set of Requests for Documents and Things, and Opposer's First Set of Requests for Admissions to Applicant. If we do not receive your responses by January 25, 2007, we will have no choice but to file a motion with the Board for an order to compel production.

Very truly yours,

Cora Tung Han

cc: Mark Matuschak, Esq.
Dyan Finguerra-Ducharme, Esq.
Laura Cuddy, Esq.