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

Proceeding	91173105
Party	Plaintiff Honda Motor Co., Ltd.
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Date	10/27/2008
Attachments	Notice of reliance.pdf ( 5 pages )(209615 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: May 30, 2006 at TM 674

Mark: DEALERDASHBOARD

HONDA MOTOR CO., LTD.,	)	Opposition No. 91/173,105
	)	
Opposer,	)	
	)	
v.	)	
	)	
MICHAEL DALTON,	)	
	)	
Applicant	)	
	)	

**NOTICE OF RELIANCE**

Opposer Honda Motor Co., Ltd., pursuant to 37 C.F.R. §§ 2.120(j) and 2.122 hereby introduces into evidence the following:

A.     Discovery Deposition and Exhibits of Applicant.

Pursuant to 37 C.F.R. § 2.120(j)(3)(i), Opposer hereby introduces into evidence the deposition of Michael Dalton, taken on May 5, 2008, with exhibits.

B.     Applicant's Answers to Opposer's First Set of Interrogatories and Opposer's First Request for Admission.

Pursuant to 37 C.F.R. § 2.120(j)(3)(i), Opposer hereby introduces into evidence Applicant's Answers to Opposer's First Set of Interrogatories. In addition, Opposer hereby introduces into evidence its First Set of Requests for Admissions to Applicant, to which Applicant did not provide a response.

C. Printed Publications.

Pursuant to 37 C.F.R. § 2.122(e), Opposer hereby introduces into evidence the following printed publications available to the general public in libraries or of general circulation among members of the public or that segment of the public which is relevant under an issue in the proceeding:

1. Michael Alexander, Excel 2007 Dashboards & Reports for Dummies (2007), Bates No. H-000001 through H-003046 (attached as Exhibit 21 to the Mangham Deposition). This book is relevant to establish that Applicant's mark is generic and/or descriptive.
2. Wayne W. Eckerson, Performance Dashboards (2006), Bates No. H000585 through H-000907 (attached as Exhibit 22 to the Mangham Deposition). This book is relevant to establish that Applicant's mark is generic and/or descriptive.
3. Patrick LaPointe, Marketing by the Dashboard Light (2007), Bates No. H-000347 through H-000584 (attached as Exhibit 23 to the Mangham Deposition). This book is relevant to establish that Applicant's mark is generic and/or descriptive.
4. Stephen Few, Information Dashboard Design (2006), Bates No. H-000908 through H-001133 (attached as Exhibit 24 to the Mangham Deposition). This book is relevant to establish that Applicant's mark is generic and/or descriptive.
5. Calvin Kam & Martin Fischer, *Capitalizing on Early Project Decision-Making Opportunities to Improve Facility Design, Construction and Life-Cycle Performance*, 13 EACONS 1, 53-56 (2004), Bates No. 001481-001495, attached hereto as Exhibit C. This article is relevant to establish that Applicant's mark is generic and/or descriptive.
6. Thomas Erickson et. al, *Seeing is Believing: Designing Visualizations for Managing Risk and Compliance*, 46 IBM Systems Journal 205 (April 2007 – June 2007), Bates No. 0001496-001510, attached hereto as Exhibit C. This article is relevant to establish that Applicant's mark is generic and/or descriptive.
7. Judith Lamont, *Data-driven Decisions: The View from the Dashboard*, 16 KM World 14 (March 2007), Bates No. 001511-001513, attached hereto as Exhibit C. This article is relevant to establish that Applicant's mark is generic and/or descriptive.

8. John Goff, *See It Now*, CFO Magazine (December 2003), Bates No. 001514-001517, attached hereto as Exhibit C. This article is relevant to establish that Applicant's mark is generic and/or descriptive.
9. Scott Wallace, *Everybody's System*, Information Week at 21 (August 12, 1991), Bates No. 001518-001521, attached hereto as Exhibit C. This article is relevant to establish that Applicant's mark is generic and/or descriptive.
10. The American Heritage College Dictionary, 3d ed. (1997) at 356, Bates No. 001522-001524, attached hereto as Exhibit C. This dictionary entry is relevant to establish that Applicant's mark is generic and/or descriptive.
11. Webster's Third New International Dictionary (2001), Bates No. 001525-001527, attached hereto as Exhibit C. This dictionary entry is relevant to establish that Applicant's mark is generic and/or descriptive.

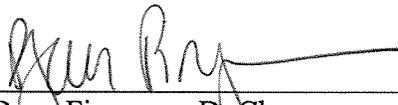
D. Testimonial Depositions And Exhibits.

Opposer hereby gives notice that, pursuant to 37 C.F.R. § 2.123, it intends to rely upon the testimonial deposition of Cynthia Mangham taken during the Opposer's Testimony Period, along with the exhibits introduced during that deposition. Ms. Mangham's certified transcript have been filed with the Board, along with exhibits identified and marked therein.

Dated: New York, New York  
October 27, 2008

Respectfully submitted,

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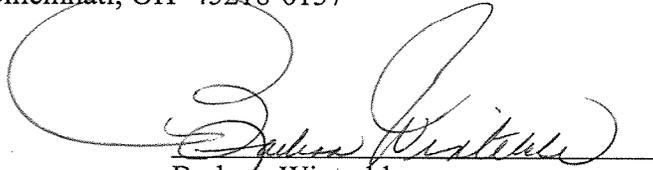
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Attorneys for Opposer  
Honda Motor Co., Ltd.

Certificate of Service

I hereby certify that a true and complete copy of the foregoing Opposer's Notice of Filing of Testimony has been served on October 27, 2008 by FedEx to:

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Cincinnati, OH 45218-0137



Barbara Winterble