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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	01/11/2010
Attachments	Opposer's Opposition to Applicant's Motion to be Heard on Opposer's Request for Judicial Notice.pdf (3 pages)(108060 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)	

**OPPOSER’S OPPOSITION TO APPLICANT’S MOTION TO BE HEARD ON
OPPOSER’S REQUEST FOR JUDICIAL NOTICE OR
ALTERNATIVE MOTION TO EXPAND APPLICANT’S BRIEF**

Opposer Honda Motor Co. (“Opposer”) respectfully submits this memorandum of law in opposition to Applicant’s motion to be heard on Opposer’s Request for Judicial Notice or in Alternative Motion to Expand Applicant’s Brief (the “Motion”). The Board should deny Applicant’s Motion for the following reasons.

Applicant should not be surprised, as alleged in the Motion, that Opposer requested that the Board take judicial notice of certain facts submitted during Opposer’s testimony period. Further to Trademark Rule 2.122(c), a party may request that the Board take judicial notice during its testimony period by notice of reliance accompanied by the necessary information. That procedure was followed here. Contrary to Applicant’s assertion, this request was timely filed and not done so “at the last hour.” See *Litton Bus. Sys., Inc. v. L.G. Furniture Co., Inc.*, 190 USPQ 431 (TTAB 1976) (concluding “that the assurance of a fair and expeditious conduct of a proceeding leading to a just and equitable decision requires that a party must file a seasonable

notice of reliance to place in the record matter of which it desires the Board to take judicial notice”). Any procedural or substantive objections that Applicant may have to evidence submitted to the Record should be presented to the Board at trial. For these reasons, it is inappropriate for Applicant to be heard separate and apart from his trial brief.

Likewise, Applicant’s request for an extension of the page limit should also be denied. The Board has set specific page limitations for briefs “to prevent the filing of unduly long briefs and consequent unnecessary burdens on the Board.” *Cf. Cooper Tech. Co. v. Denier Elec. Co.*, Cancellation No. 92/048,042 (TTAB 2008) (denying motions for summary judgment on the grounds that the brief exceeded page limitation). Here, the Board should deny Applicant’s request because he has presented no justification for an extension of 10 pages other than the need to respond to one issue presented in Opposer’s notice of reliance. The issues presented in this case, and in the notice of reliance, “are not of such complexity that they cannot adequately be addressed within the page limits set forth” in the rules. *See Drowning Pool LLC v. Drowning Pool*, Opposition No. 91/154,398 (TTAB 2007). Accordingly, under the circumstances presented here, Applicant’s Motion should be denied.

Date: January 11, 2010

Respectfully submitted,

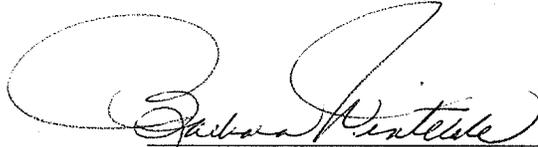
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Certificate of Service

I hereby certify that a true and complete copy of the foregoing Opposition to Applicant's Motion has been served on by e-mail and first class mail to:

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A handwritten signature in cursive script, appearing to read "Barbara Winterble", is written over a horizontal line.

Barbara Winterble